



Examining the youth justice system:

**What drove the falls in first time
entrants and custody, and what
should we do as a result?**

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About Crest Advisory

We are crime and justice specialists – equal parts research, strategy and communication. From police forces to public inquiries, from tech companies to devolved authorities, we believe all these organisations (and more) have their own part to play in building a safer, more secure society. As the UK's only consultancy with this focus, we are as much of a blend as the crime and justice sector itself.

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Foreword by the Children's Commissioner for England, Anne Longfield OBE

Many of the children who become involved in criminal activity have already fallen through the gaps in the system.

We know that there are millions of vulnerable children in England. One million children – the equivalent of four children in every school class – need help for mental health problems. Almost 400,000 children are growing up in 'troubled families' and receiving support from the state. Over 50,000 children aren't getting any kind of education. Nearly 30,000 children are in violent gangs.



Unsurprisingly, most of the children who end up in custody have had the kind of childhoods that none of us would wish for our own kids to have. They were not adequately protected or kept safe from harm. Often they were not given the support needed to either help them negotiate the difficult situations that they found themselves in or to make positive choices for themselves.

There has been a fall in the number of children in custody over recent years, and that is very welcome. A 73 per cent reduction in the number of children in prison is a good thing. However, these numbers would still be seen as unacceptably high in many countries which have well-developed preventative and welfare-based support. And whilst there are fewer children in custody today than there were 10 years ago, those who are in prison now have the most complex needs. These children deserve the opportunity of a second chance or, better yet, to be diverted away from crime in the first place.

However, the fact is that outcomes for children in custody are now worse than they were a decade ago – despite the far smaller number being held in secure units. This is inexcusable. It cannot be put down purely to the high needs and more serious offences of the cohort that remain behind bars. Far too much of the focus in custody is directed towards restrictive practices to manage symptoms of unmet need, and far too little is directed towards rehabilitation and addressing the root causes of offending behaviour. I also have serious concerns about the number and treatment of children on custodial remand, 63 per cent of whom were not subsequently given a custodial sentence last year.

This report from Crest shines an important light on the youth justice system, revealing both the good and the bad.

Other than in the most exceptional circumstances, children should not be locked up. We know from this report, and others, that there are so many more effective, community-based interventions

that we could be putting in place. If sentences in secure accommodation are used at all, they should offer therapeutic interventions to address the root causes of offending and harmful behaviours, for the benefit of children and society as a whole.

To achieve this we need to see more early and expert interventions. There are many examples of very good work by youth offending teams, but these teams need to be part of a wider collaboration of highly skilled and focused interventions from health, focused intervention and support from education, and outcome-based intensive support from social services and family support teams. We need to be more ambitious for change.

So I welcome further calls such as those in this report for a root and branch review of the youth justice system and particularly on the use of secure accommodation. I also welcome the call for a moratorium on the closure of smaller good quality secure children's homes and a commitment to close the large young offenders' institutes. Secure schools are a positive development but the pace of change is very slow with no commitment or timescale for more to be established. Despite good intentions from many staff, the failure of the current system is well documented. It does not help the public they seek to protect and certainly not those young people whose lives they are failing to turn around.

Both the public and those young people deserve better, and this report provides important recommendations on the path to providing that. I want to see real change in the way we divert and support the vulnerable children who are at risk of offending. I also want to see a transformation in the outcomes of those that are detained. Otherwise we risk letting down many more generations of young people who come into contact with the criminal justice system.

Executive summary

Over the last decade, the youth justice system has achieved dramatic falls in the number of children being sentenced to custody. In 2018 there were 4,208 fewer custodial sentences given than was the case a decade ago – a fall of 73 per cent.¹ These trends, which are historically unprecedented, have been widely hailed as a success story, particularly during a period in which pressure on the adult justice system has continued to grow. Up to now, there has been little systematic analysis of what has driven these declines, making it difficult to assess the implications for potential reform of the adult criminal justice system. This report attempts to address that gap.

New research carried out for this report reveals that the key determinants of falling first time entrants numbers were:

- The diversionary and preventative activities of Youth Offending Teams (YOTs), which proactively keep children out of the criminal justice system; and
- Broader contraction in police activity, for example, as a result of the revision of the ‘offences brought to justice’ target in 2008, and its subsequent removal in 2010.

The big falls in youth custody were primarily driven by a reduction in the number of children entering the criminal justice system for the first time, rather than by a general liberalising of sentencing and/ or reduction in reoffending. Our research has also highlighted a significant amount of regional variability in the declines in first time entrant (FTE) rates, and declines (or increases) in custody and proven offence rates.

While there is a surprising lack of evidence regarding the impact of diversion, we judge fewer children being unnecessarily drawn into the criminal justice system (and thus criminalised) today than was the case a decade ago as a positive outcome. However, we also accept that the contraction in police activity may have inadvertently had some negative consequences, for example, by reducing the opportunity for providing early intervention to first time offenders at risk of further offending.

It is at the ‘front end’ of the system that the adult system could learn most, specifically with regards to the role of YOTs in managing children who commit crime and in advising the courts. At the ‘back end’, the youth justice system has arguably done little (if any) better than the adult system. Indeed it is a damning indictment of public policy that despite a falling youth custodial population, the safety and overall quality of youth custodial institutions has declined dramatically over the last decade and reoffending rates have risen.

¹ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 5 - Sentencing of children, Table 5.3

Key findings

- The majority of the decline in children in custody can be attributed to the fall in first time entrants, which was itself mainly down to changes at the pre-court phase, including the diversionary activity of YOTs and the police.
- The continuation of these declines has been sustained by a shift towards a more child-centred approach, including a much closer relationship between YOTs and magistrates than exists within the adult system.
- The trends in first time entrants and custody have left behind a smaller cohort that is more complex in terms of vulnerability/ needs and more serious in its offending.
- The 'YOT model', consisting of a multi-agency approach, the existence of a key worker and greater personalisation, has been an important driver of the successes achieved by the youth justice system, and we believe the specialism of YOT practitioners should be protected.
- The government has failed to 'cash the gains' of a falling custodial population: in particular, the contraction of the youth custodial estate presents a missed opportunity to ensure a greater number of children are incarcerated in smaller, more localised institutions, rather than failing Young Offender Institutions (YOIs).
- As a result, outcomes for children held in custody today are worse than was the case a decade ago.
- Despite an increase in emphasis on resettlement, structural changes have negatively impacted resettlement and rehabilitation, particularly for children leaving custody.
- There is significant local variability in the performance of YOTs, particularly with respect to rates of FTEs and youth custody – a strengthening in the evidence base of 'what works' is needed to understand the key determinants of success and failure.

Key recommendations

Areas of the youth justice system that are ripe for extending into the adult system

- Extend the YOT model up to age 25: multi-agency teams should be responsible for preventing first time entry through effective triage and rehabilitating young adult offenders by providing holistic support both in the community and in prison
- The early termination of Community Rehabilitation Company (CRC) contracts is an opportunity to reset the relationship between the probation service and the judiciary, learning from the approach taken within the youth system, where YOTs and magistrates show a high level of concordance and mutual trust
- Police and crime commissioners (PCCs) and probation to co-fund a bespoke community sentence specifically tailored to 18 – 25 year olds committing high volume, low harm offences, which would provide a more effective alternative to short prison sentences

Areas of the youth justice system requiring reform

- Make prevention one of YOTs' statutory functions and monitor the impact
- Central government should dedicate greater priority and resources to strengthening the evidence base regarding diversion and children at risk of contact with the youth justice system, including the drivers of racial disproportionality, with a view to establishing new national principles for effective diversionary practice
- Remove the ability of youth magistrates to issue custodial sentences of less than six months to children
- Devolve custody budgets for the youth custodial estate to Metro-Mayors, where appropriate
- Government to review the suitability of provision for all children held in secure accommodation – with a view to reconfiguring the youth custodial estate. As a first step, we recommend an immediate moratorium on the closure of secure children's homes and an explicit commitment to the closure of all Young Offender Institutions by 2025
- This should be funded by ensuring that at least ten per cent of the £2.5 bn capital budget allocated to expanding adult prison places, is spent on upgrading the youth custodial estate
- Central government to clarify that the YOT model should be retained by local authorities
- A stronger role for the courts in rehabilitating children
- Tightening up existing Youth Justice Board (YJB) targets around resettlement, so that every child is guaranteed a personalised resettlement and transition plan, signed off no later than a month before release (and subsequently checked within a week of leaving custody). Government departments should pool budgets in order to ensure suitable accommodation is fully funded for children released from custody
- The YJB should dedicate more of its budget to researching and disseminating best practice about the comparative effectiveness, and cost, of interventions to reduce reoffending

1. The youth justice system: an overview

Overview

The criminal justice system did not distinguish between adult and juvenile offenders until 1908, when the Children Act established the principle of dealing with juvenile offenders separately from adult offenders and the Crime Prevention Act set up the first borstal. The Children and Young Persons Act 1933 introduced a statutory principle that the courts must have regard to the welfare of the child or young person tried before them, which continues to this day. The age of criminal responsibility was raised from eight to ten in 1963. In 1991, youth courts were established as part of the Criminal Justice Act, to try the majority of under-18s accused of criminal offences.

During the 1990s, the numbers of children entering the criminal justice system, and particularly the number sentenced to custody, rose substantially. In 1996 the Audit Commission published *Misspent Youth: Young People and Crime*, which found that there was no integrated youth justice system and the system was inefficient and ineffective. This prompted fundamental change to the structures and framework for responding to offending by under-18s.

The Crime and Disorder Act 1998 established a separate criminal justice system for youth offenders, with the principal aim of “preventing offending and reoffending among children and young people.” It placed a duty on every local authority to establish and fund a multi-agency youth offending team (YOT) for their area, to coordinate youth justice provision. See Annex A for a series of timelines for key policy and legislative changes to the youth justice system.

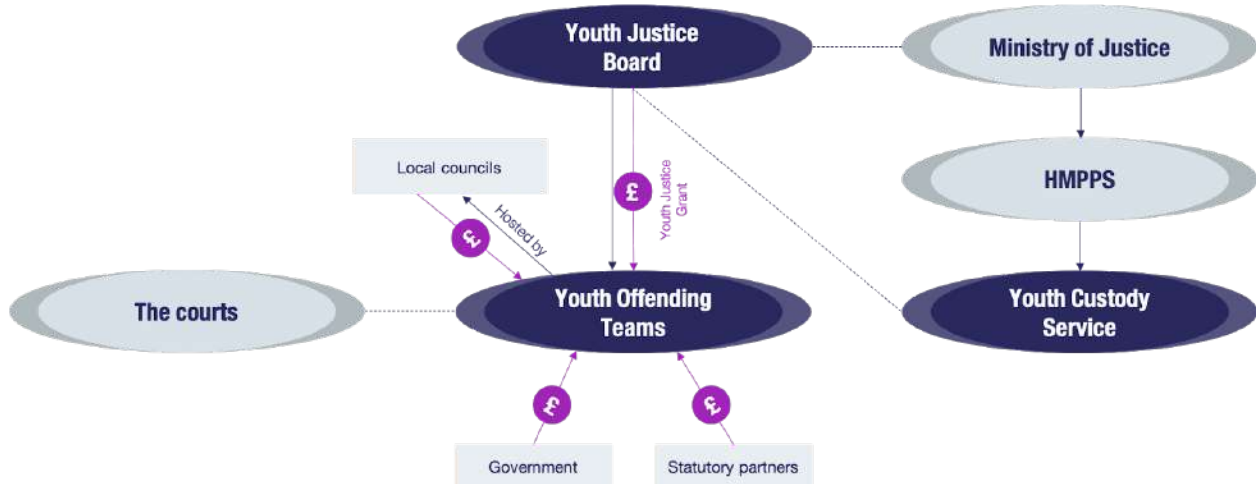
Young offenders are defined as those between 10 years old (the age of criminal responsibility in England and Wales) up to the age of 18 years. This separate youth justice system is overseen centrally by the Youth Justice Board (YJB), a non-departmental public body which (along with the Ministry of Justice (MoJ)) sets standards for the provision of youth justice services. The YJB’s statutory functions include monitoring the youth justice system, identifying and sharing examples of good practice, and publishing information from relevant authorities to monitor how the system is performing against its aim of preventing child offending.

The local administration of the youth justice system is overseen by YOTs, which are composed of representatives from various agencies – with at least one representative from the local police, probation, social, educational, and health services. As of 2019, there are 152 YOTs across England and Wales. YOTs are mostly based within local councils, and are separate from the police and courts, but work closely with both. While the structure and work of youth offending teams often varies from one area to another, their ‘key tasks’ include:

- undertaking preventative work to reduce the number of first time entrants;
- assessing the risks and needs of young offenders;
- making recommendations to sentencers about the type and content of sentences;
- delivering community-based sentences and ensuring compliance through supervision; and

- supporting children who have been sentenced to custody during their sentence and resettlement.

Figure 1. The youth justice system in England and Wales: responsible bodies and funding



In 2015, the YJB reported that YOTs were becoming increasingly embedded within children’s services, though in practice, this continues to vary from YOT to YOT.²

“YOT managers often managed other youth or family services as well as youth offending. The key reasons for integration included the fall in the number of children and young people in the youth justice system, the need to deliver financial savings and a desire to redesign services around an early intervention, prevention and family-based model.”
- YJB (2015)

In Surrey, for example, the traditional YOT model was replaced in 2012 by a wider youth support service, which fully integrated the work of the YOT with broader children’s services (see pp. 76 – 77 for further information on the Surrey model, including recent inspection findings). In 2016, partly inspired by the Surrey model, Charlie Taylor’s review of youth justice recommended that, where possible, the statutory duties of YOTs should be transferred to local authorities, in order that YOTs could be further integrated within other agencies such as children’s services. However, in other areas of the country, the YOT model remains in place, working closely with children’s services, without being fully integrated.³

² YJB (2015). *Youth offending teams: making the difference for children and young people, victims and communities*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/445271/Board_Visits_Final_Report.pdf

³ This was reflected in Crest’s YOT manager survey responses, which described a range of different arrangements between YOTs and children’s services – for example, some YOTs sat within the children’s services department; others did not but were based in the same building, and others sat within particular divisions such as the prevention and support team, or the early help and prevention service.

The YOT model is one of a number of distinctive features that characterise the youth justice system in England and Wales, which are shown in the figure below and detailed in the following sections.

Figure 2. Distinctive features that characterise the youth justice system in England and Wales

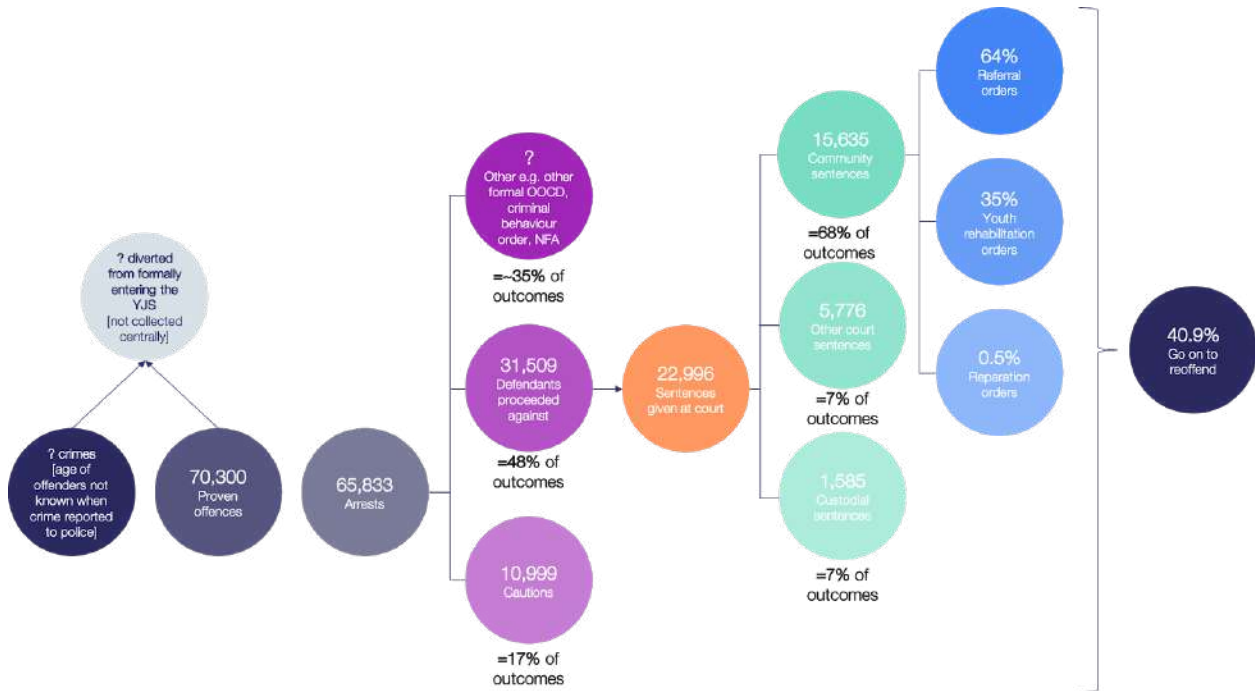


Flow through the system

Diversion schemes set up around the country mean that where possible, youth offences are addressed outside of the court system, either informally or formally – these cases largely consist of first-time and less serious offences. However, the numbers diverted from the youth justice system are not collected centrally.⁴

⁴ The YJB collects and publishes each YOT's first time entrant, custody and reoffending figures.

Figure 3. Flow of youth offenders through the criminal justice system (year ending March 2018)⁵



A child offender’s contact with police will result in the first instance either in arrest, diversion (formal or informal), or no intervention. If some form of intervention or further action is decided, the child will be referred to their local YOT. The majority of work completed by YOTs thus falls at the pre-court parts of children’s criminal justice journey (including prevention, working with children at arrest, and assessing the needs of children who have received more than one youth conditional caution).

Youth diversion schemes and gaps in the data

Youth diversion schemes aim to keep children who commit low-level crimes from being formally processed by the criminal justice system, for example, through arrest or out of court disposals such as cautions. Evidence has shown that diversion is more effective in terms of reoffending rates and cost when dealing with children who commit low-level offences.⁶

The table below demonstrates the different ways through which children can be diverted from the youth justice system by different agencies, highlighting where this potentially creates gaps locally in the recording of children who have committed low-level offences.

⁵ Youth Justice Statistics, 2017/18, England and Wales

⁶ Centre for Justice Innovation (2017). *Why Youth Diversion Matters: A Briefing for Police and Crime Commissioners*. Available at: http://yvcommission.com/wp-content/uploads/2018/05/18.-CJI-WHY-Y-D_MATTERS_BREIFING_E.pdf

Table 1. Different types of diversion and which agencies diverted children are known to

	Group 1	Group 2	Group 3	Group 4	Group 5
Type of diversion	Formal diversion	Informal diversion	No further action	Non-recorded police interactions	Non-criminal justice system intervention
Description	Formal out of court disposals such as youth cautions or youth conditional cautions	E.g. community restorative intervention; Triage; 'youth justice panels'; 'disruption offer'; Outcome 22 ⁷	Police decide not to charge or refer to YOT, recorded as No Further Action (NFA)	Police discretion resulting in no recorded outcome	Police not involved after an offence (e.g. decision taken by Safer Schools Officer), child offered support by a non-criminal justice system agency
Recorded by	Recorded by police Referred to YOT	Recorded by police Referred to YOT & potentially other services	Police (recorded as NFA)	No record of interaction	Non-criminal justice system agency

There is no central record of diversionary practice – that is, we do not know how many children are diverted from the youth justice system each year in England and Wales. YOTs may collect data locally, however this varies from area to area. In addition, diversion completed by police officers may not be made known to YOTs, resulting in an additional missing link at a local level. The lack of data relating to diversion is therefore a key gap in our understanding of how the youth justice system operates, as we are unable to examine trends in its use. Fundamentally, we are unable to compare the outcomes of children who are diverted from the youth justice system with those who are processed formally for similar offences.

In early 2019, the Centre for Justice Innovation undertook a survey of 152 youth offending teams to map youth diversion in England and Wales.⁸ Of those who responded, 115 YOTs (86 per cent) operated a point-of-arrest youth diversion in their area though there is no information as to the quality/ nature of those diversion schemes. However, Crest's survey of YOT managers reveals that there is significant variety in the types of diversionary programmes being implemented locally (see

⁷ **Triage:** referral to appropriate services if deemed necessary following an assessment, resulting in a 'no further action' police outcome
Disruption offer: voluntary support programme which works with partners to offer support to young people at risk of criminal exploitation and child sexual exploitation. Interventions available include health and wellbeing screening, parenting support and mentoring programmes

Outcome 22: police outcome code introduced in April 2019 which allows the police to decide to defer prosecution until after a child has undertaken a diversionary, educational or intervention activity, at which point the crime can be recorded as no further action

⁸ Centre for Justice Innovation (2019). *Mapping youth diversion in England and Wales*. Available at: <https://justiceinnovation.org/sites/default/files/media/documents/2019-02/mapping-youth-diversion-in-england-and-wales-final.pdf>

table above), meaning that as well as it being unclear as to which and how many children are being diverted and with what result, it is also not clear what children are being diverted into.

The more serious and repeat offences are addressed through the court system. In most cases, children will be tried in a youth court, which differ from adult magistrates' courts in a number of ways. They aim to have a more informal approach, for example by addressing defendants by their first name, and generally there is more direct interaction between the sentencers and the defendants compared to an adult magistrates' court. In serious cases, or where a child is a co-defendant, they may be tried in the adult Crown court.

The majority of cases (68 per cent in 2018) result in various forms of community supervision, classified as referral orders, youth rehabilitation orders and reparation orders.⁹ After a court sentences a child to a youth referral order, the offender is then referred to a youth offender panel, which consists of two community volunteers, the child, the child's parents or carers, a YOT worker, and the victim as appropriate. Together the panel develops a contract for the child's behaviour, which should include reparative measures to address the harm done to the individual or community and interventions designed to address the risk of offending. Youth rehabilitation orders (YROs) are a more severe sentence, roughly analogous to community orders in the adult justice system. There are 18 different requirements which can be attached to a YRO, ranging from curfews to mental health treatment, and from intensive supervision and surveillance to unpaid work.¹⁰

Of those child offenders receiving court sentences, the percentage placed in custody has remained below seven per cent each year for the last decade.¹¹ Most custodial sentences are detention and training orders (DTOs), which involve spending half the length of the sentence in custody and the other half under community supervision. A small proportion of children receive longer-term sentences for very serious crimes or public protection, and other children enter custody on remand. Children sentenced to custody can be placed in one of three institution types, which since 2017 is decided by the Youth Custody Service (YCS, a distinct arm of Her Majesty's Prison and Probation Service (HMPPS)) rather than the courts (prior to 2017, it was decided by the YJB).

- Young Offender Institutions (YOIs – run by the prison service)
- Secure Training Centres (STCs – two are run by private companies and one is run by the prison service)
- Secure Children's Homes (SCHs – run by children's services)

While the MoJ and the YJB are responsible for youths in custody, the local youth offending teams are responsible for community sentences and community supervision after custody, and also maintain contact with youth offenders during their time in custody.

⁹ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 5 - Sentencing of children, Table 5.3

¹⁰ See the following Sentencing Council webpage for information sentences that can be given to children, including YROs: <https://www.sentencingcouncil.org.uk/about-sentencing/young-people-and-sentencing/types-of-sentences-for-young-people/>

¹¹ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 5 - Sentencing of children, Table 5.3

The evidence

Diversion

One of the things that makes the youth justice model qualitatively different to the adult system is the emphasis on diversion at pre-court stage. The high level of confidence in diversionary practice stems from an acceptance of the findings of the Edinburgh Study of Youth Transitions and Crime (see box below), whose findings indicate that children who are processed through the criminal justice system are 'labelled' in a criminogenic way, which results in worse outcomes than if they had not received any criminal justice contact at all, and were allowed to desist from crime naturally. Evidence exists that supports the positive impact of diverting children on reoffending rates compared to formal processing or court sanctions; however few evaluations exist of specific diversionary programmes, and how these compare to each other. A thematic inspection of out of court disposals (OOC) work in YOTs by Her Majesty's Inspectorate of Probation and Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services concluded:

"Out-of-court disposals are seen as an effective way of preventing the entry of children into the formal criminal justice system, but there is no clear evidence to show overall how effective they are in achieving this and diverting children from crime, and to confirm whether this is indeed the case."

- Criminal Justice Joint Inspection, 2018¹²

The Edinburgh Study of Youth Transitions and Crime

The Edinburgh Study of Youth Transitions and Crime (ESYTC) was a longitudinal study of 4,300 children who started secondary school in the City of Edinburgh in 1998. The programme was designed to explore the nature and impact of the cohort's contact with formal agencies of social control including the police, social work, the Scottish children's hearing system and the courts.¹³

Key findings of the study included the existence of a link between serious offending and vulnerability, with pathways to offending often influenced by experiences of formal and informal exclusion at school or during early teenage development. Crucially, results from the study support the argument that by formally drawing children into the youth justice system you heavily increase their chances of offending later in life.

¹² Criminal Justice Joint Inspection (2018). *Out-of-court disposal work in youth offending teams: An inspection by HM Inspectorate of Probation and HM Inspectorate of Constabulary and Fire & Rescue Services*. Available at: <https://www.justiceinspectors.gov.uk/cjii/wp-content/uploads/sites/2/2018/03/Out-of-court-disposal-work-in-youth-offending-teams-reportb.pdf>

¹³ McAra, L., & McVie, S. (2007). 'Youth justice? The impact of system contact on patterns of desistance from offending'. *European journal of criminology*, 4(3), 315-345.

"The deeper a child penetrates the formal system, the less likely he or she is to desist from offending."

- Lesley McAra and Susan McVie

The findings of the ESYTC can be used to support a minimal intervention approach to youth offending. Namely, that repeated contact with formal youth justice agencies is in fact more damaging to children in the longer term and that targeted diversionary strategies are better placed to encourage desistance.

"Contact with the youth justice system is inherently criminogenic."

- Lesley McAra and Susan McVie

A systematic review of 19 independent evaluations of police-led diversion demonstrated a modest impact, with 44 per cent of low-risk children under the age of 18 going on to reoffend compared to a reoffending rate of 50 per cent for those processed through the courts.¹⁴ However, no differences were found across different diversion schemes. Furthermore, only two of the studies included in the analysis were conducted in the UK, and both were quasi-experimental.

Given the wide variety of diversionary programmes for children in place across the country, as evidenced by the responses to our survey of YOT managers, and the significant amount of work completed at the pre-court stage by YOTs, the lack of credible evidence based on randomised evaluations of different diversionary programmes is a key gap. This was highlighted in a review commissioned by the National Police Chiefs' Council (NPCC) into the evidence on police-led OOAD (for both adults and children):¹⁵

"For a disposal [cautions] that accounted for up to 38% of the criminal justice outcomes in the UK (CJII, 2011), it is remarkable that there had been no randomised or quasi-experimental trials comparing OOADs against prosecution in England and Wales until Operation Turning Point in 2011. As a result, despite more than 180 years of practice, there was no credible evidence comparing the effectiveness of the two interventions, even though there were a substantial number of studies of key aspects of the process of diversion."

- Peter Neyroud

It is currently not possible to determine what specific aspects of different diversionary programmes are most effective for reducing reoffending. Nor are we able to evaluate what types of diversionary practices are likely to be most effective for different levels of offending/ need. As a result, those

¹⁴ Wilson, D. B., Brennan, I., & Olaghere, A. (2018). 'Police-initiated diversion for youth to prevent future delinquent behavior'. *Campbell Systematic Reviews*, 14.

¹⁵ Neyroud, P. (2018). *Out of Court Disposals managed by the Police: a review of the evidence*. NPCC. Available at: <https://www.npcc.police.uk/Publication/NPCC%20Out%20of%20Court%20Disposals%20Evidence%20assessment%20FINAL%20June%202018.pdf>

involved in making decisions on whether children who commit low-level offences should be diverted from the system (such as police and YOTs), and if so, what kind of support they require, are doing so in the dark – without any empirical evidence to draw upon.

The evidence on reoffending and resettlement

The YJB have conducted a number of impact studies focusing on reducing reoffending and improving resettlement in the youth justice system. However the evidence base bears a similar limitation to the research on diversion, tending to focus on process and principles as opposed to the comparative impact of particular programmes or interventions. For example, in 2016 the YJB evaluated their reducing reoffending programme, summarising learnings from 66 YOTs who used the YJB’s reducing reoffending toolkit for the four years of the programme.¹⁶ The evaluation specified implications for practice, however these largely consisted of top-level principles. Implications for practice included:

- differentiating between binary and frequency rates of reoffending as indicators of where to target resources;
- being familiar with the demographic make-up of the local area to provide tailored interventions;
- matching the intensity of the intervention to the need; and
- engaging children quickly.

The YJB also published a process evaluation of their Resettlement Consortia in 2018, which focused on examining what factors improve the processes involved in resettling children, and the barriers to this (see box below).

Resettlement Consortia¹⁷

Resettlement Consortia were established by the Youth Justice Board as a pilot in 2009 in three sites, and subsequently as part of the government’s 2014 Transforming Youth Custody Programme. In 2014 the YJB established four new regionally-led consortia pilots in areas where there were high levels of youth reoffending following release from custody. The aim behind this was to reduce reoffending through strong multi-agency partnerships between secure estates, YOTs and local authorities.

In order to meet this aim, a dedicated project manager was put in place in each consortium, who acted as an intermediary between strategic and operational level groups. This created the framework for an ‘enhanced offer’, a package of holistic, wraparound services appropriate for

¹⁶ YJB (2016). *Understanding and Improving Reoffending Performance: A summary of learning from the YJBs Reoffending Programme with implications for practice*. Available at:

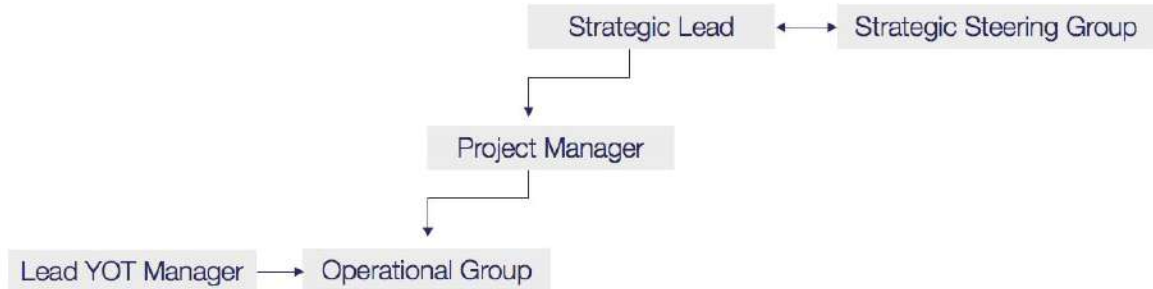
https://yresourcehub.uk/yjb-effective-practice/youth-justice-kits/item/download/563_c323b3ab846cf1babaf74c698a02ed12.html

¹⁷ YJB (2018). *Youth Justice Resettlement Consortia: A process evaluation*. Available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/676570/YJB_Resettlement_ConsortiaEvaluation_Jan_18.pdf

children in each consortium area who had high levels of reoffending. This also allowed YOTs and youth services to identify what provisions were missing at a local level.

Figure 4. An example of the Resettlement Consortia structure



An evaluation of the Resettlement Consortia, undertaken between 2015 and 2016, found that the whole system approach of the 'enhanced offer' was a key success of consortia, and attributed this to the intermediary-like role of the project manager. However, barriers to success included local authority cuts which reduced staff capacity and limited the services that could be provided by the 'enhanced offer'. Underpinning this was a lack of available data on the impact of the consortia on children and their resettlement. Consequently the evaluation could only go so far and a key recommendation was for all members to be made aware of their data sharing commitments. Currently, only one consortium remains due to the lack of long-term funding.

Similarly to diversion, the evidence base on resettlement and reoffending could be bolstered by longitudinal or randomised controlled trials to provide impact evaluations of different programmes that aim to reduce reoffending rates and improve resettlement.

2. What outcomes has the youth justice system achieved?

Overview

The youth justice system has been held to account for delivery against four key objectives.

- Diverting children out of the criminal justice system
- Reducing the numbers of children in custody
- Improving outcomes for children within custody
- Reducing reoffending by children

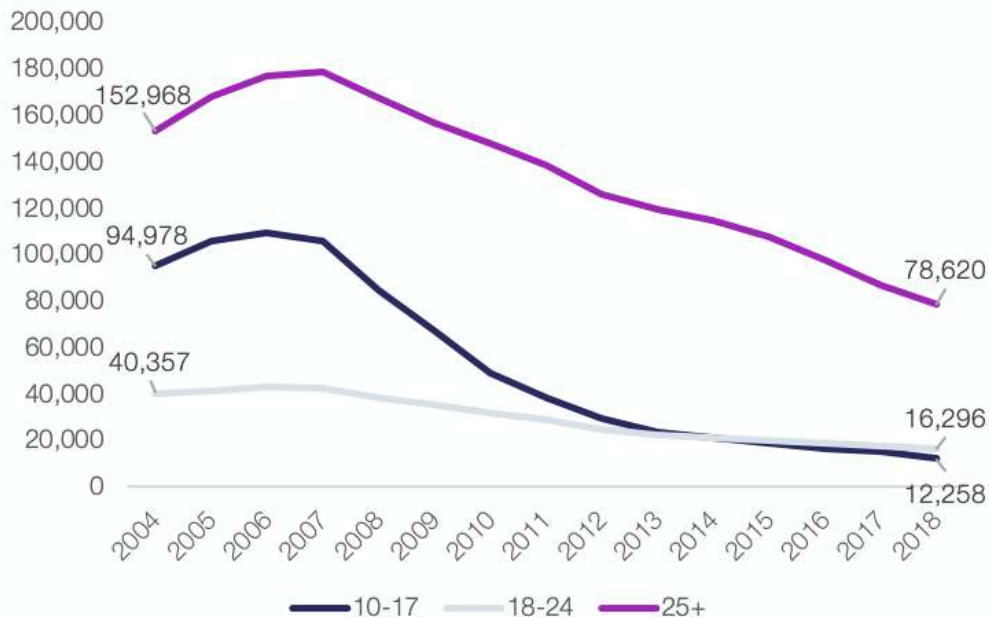
This chapter explores how the youth justice system has performed against each of these objectives, particularly when compared with the adult system.

Diverting children out of the criminal justice system

Numbers entering the system for the first time

The number of children entering the criminal justice system for the first time has shown a sharp decline – between 2008 and 2018, the number of first time entrants (FTEs) into the youth justice system declined by 85 per cent, a historically unprecedented fall. While the number of first time entrants into the adult system also declined, it did so by 54 per cent, suggesting that the scale of change has been much greater within the youth system (see figure 5).

Figure 5. Number of child, young adult and adult first time entrants in England and Wales (2004 – 2018)¹⁸



¹⁸ MOJ, Criminal Justice Statistics Quarterly, First Time Entrants Data Tool (December 2018 & December 2014)

Proven offences

There have been decreases in the number of proven offences committed by children across all offence types between 2008 and 2018, falling from a total of 277,986 in 2008 to 70,349 in 2018 – a decrease of 75 per cent (see table 2). The proportions of different proven offences committed by children have also changed – for example, violence against the person offences made up 29 per cent of all proven offences committed by children in 2018 compared to 19 per cent in 2008. The proportion of theft offences on the other hand decreased by nine percentage points over the same period.

Table 2. Proven offences by children by offence group and percentage change, years ending March 2008 & 2018¹⁹

Offence group	2008 N (% of total)	2018 N (% of total)	% change N (% of total)
Violence against the person	53,930 (19%)	20,111 (29%)	-63%
Theft and handling stolen goods	54,802 (20%)	7,962 (11%)	-85%
Other*	29,854 (11%)	7,842 (11%)	-74%
Criminal damage	38,524 (14%)	7,408 (11%)	-81%
Motoring offences	26,225 (9%)	6,926 (10%)	-74%
Drugs	13,268 (5%)	5,965 (8%)	-55%
Public order	24,045 (9%)	5,248 (7%)	-78%
Burglary	11,800 (4%)	2,811 (4%)	-76%
Robbery	6,699 (2%)	2,355 (3%)	-65%
Breach of statutory order	16,751 (6%)	2,165 (3%)	-87%
Sexual offences	2,088 (1%)	1,556 (2%)	-25%
Total	277,986	70,349	-75%

*Other offences include vehicle theft/ unauthorised taking, breach of bail, racially aggravated offences, arson, fraud and forgery, breach of conditional discharge, and death or injury by dangerous driving

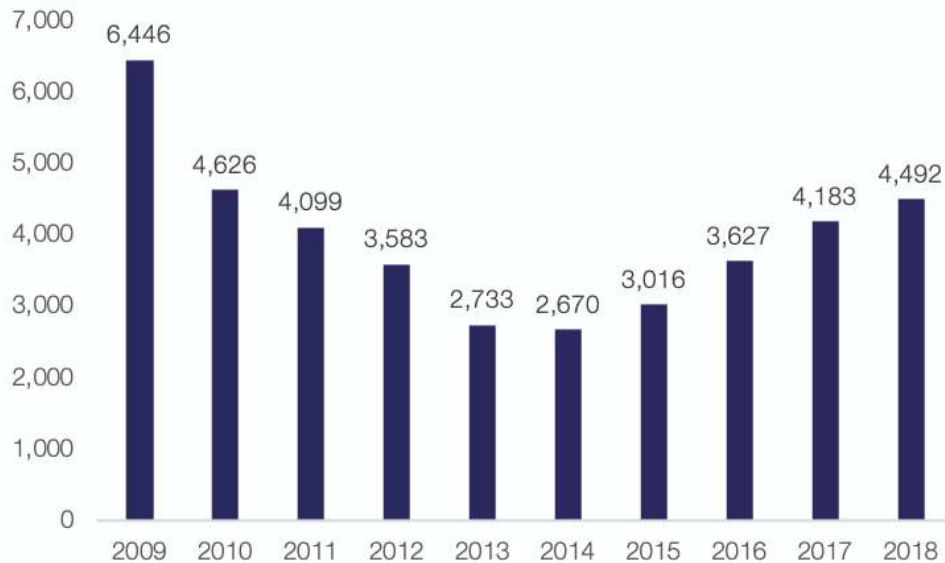
Proven knife and offensive weapon offences committed by children buck this trend however. Whilst the number of knife and offensive weapon offences committed by children in the year ending March 2018 are at around two-thirds of the number committed in 2009,²⁰ since March 2014 the

¹⁹ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 4 - Proven offences by children, Table 4.1

²⁰ Data not available from 2008.

number of offences has increased by 68 per cent, with consistent year-on-year increases since then (see figure 6).

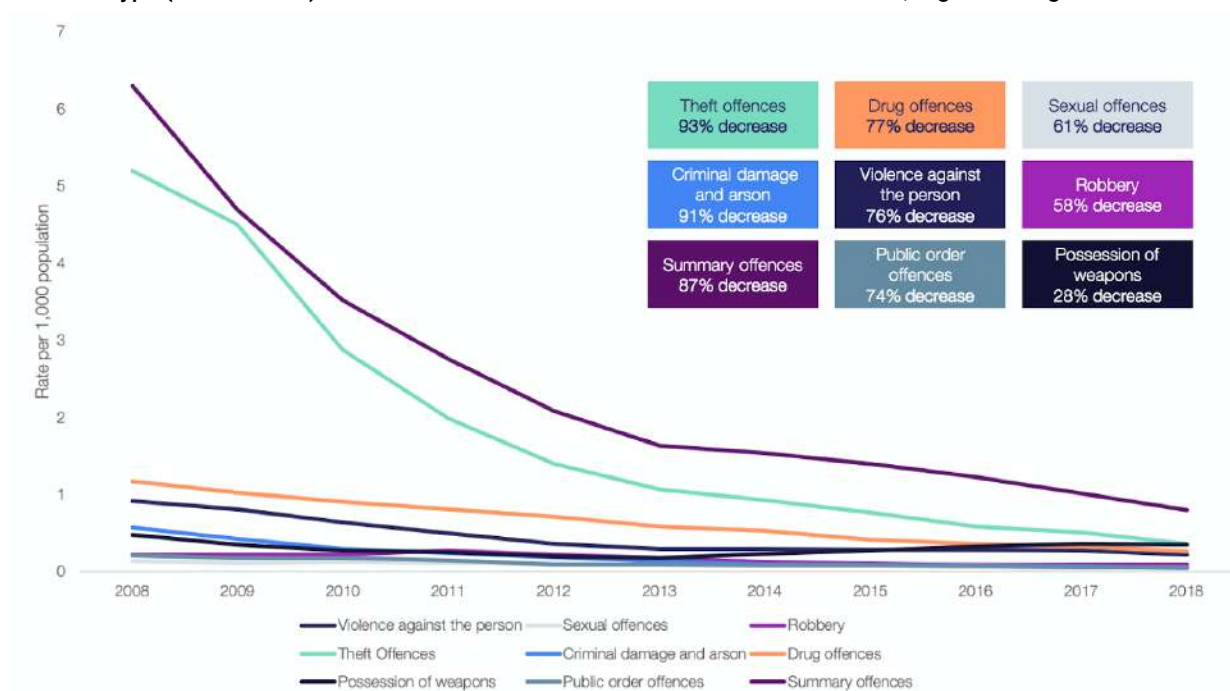
Figure 6. Knife and offensive weapon offences committed by children, resulting in a caution or conviction, years ending March 2009 to 2018²¹



The overall declines in proven offences committed by children have been mirrored by decreases in the rate of first time offences committed by children across all offence types (see figure 7). The rate of first time entrants committing theft offences (such as shoplifting, theft from the person, or theft from a motor vehicle) have shown the most dramatic reductions over the past decade (93 per cent). The rates of first time entrants committing public order, violence against the person, and drug offences as a first offence have decreased by 74, 76, and 77 per cent respectively. Possession of weapons offences have shown the comparatively smallest, but nevertheless significant, decrease (28 per cent) over the past decade. However this masks a significant increase when looking more recently – the rate of first time entrants committing possession of weapons offences increased by 93 per cent between 2013 and 2018, and it is also the only offence type to have shown a sustained increase over any period between 2008 and 2018.

²¹ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 4 - Proven offences by children, Table 4.3

Figure 7. Rate per 1,000 population of 10 – 17 year old first time entrants in England and Wales, broken down by offence type (2008 – 2018). Decrease from 2008 – 2018 shown in coloured boxes, organised highest to lowest²²



The challenges of measuring youth crime

There are a number of difficulties associated with estimating trends in the prevalence of youth crime. The Crime Survey for England and Wales (CSEW) is based on self-reported victimisation data; that is, it asks questions about respondents' experiences of crime, and details of any incidents they have experienced, meaning it can collect information on unreported crimes. However, the CSEW does not detail the age of the perpetrator, as it is not possible for a victim to tell with confidence the age of the perpetrator, even where there is direct contact, meaning the perpetrator's age is not systematically collected other than for offences which result in an arrest.

Proven offence figures and their associated outcomes on the other hand do provide detail on the age of the perpetrator. However, using police recorded data to estimate trends in crime bears a key limitation, as it does not take into account youth crime that is unreported, meaning it likely underestimates the true extent of youth crime.

First time entrant statistics also include the perpetrator's age, and can therefore be used as an estimate of crimes committed by children. However, again this covers only a subset of crimes committed by children, i.e. crimes that are detected and result in a formal sanction. First time

²² MOJ, Criminal Justice Statistics Quarterly: December 2018. Offending History Data Tool: First Time Entrants Statistics
Population is based on ONS mid-year population estimates for 10-17 year olds in England and Wales. The previous year's estimate has been used for calculating the rate in the subsequent year.

entrant and proven offence statistics are also affected by changes to recording practices which are influenced by a number of factors, such as police targets.

Arrests

The number of children being arrested has also decreased significantly over the past decade. In 2008, there were 303,296 arrests of children aged 10 – 17, compared to 65,833 in 2018 – a decrease of 78 per cent.²³ These trends have not been uniform across gender, with arrests of girls decreasing to a greater extent between 2008 and 2018 (83 per cent) compared to boys (77 per cent).²⁴

Formal out of court disposals

Out of court disposals are generally used for low-level offences as a way of diverting children from being processed formally through the system. The out of court disposals (OOCs) available to the police to give to children who offend are community resolutions, youth cautions and youth conditional cautions. Community resolutions are non-statutory whereas youth cautions and youth conditional cautions are statutory.

The YJB publishes statistics on the number of cautions given to children. In 2018, 10,999 cautions were given to children aged 10 – 17, compared with 120,258 in 2008 – a 91 per cent decrease.²⁵ Across offence types, cautions given for possession of weapons offences decreased the least between 2008 and 2018 (65 per cent), whereas cautions for theft offences decreased the most (95 per cent).²⁶

Data on community resolutions on the other hand are not published by the YJB. Figures are available via police outcomes data, however this does not break down by age. This therefore limits analysis of how the use of formal OOCs has changed as a form of diversion for children away from the youth justice system.

Local variation

Despite consistent downward national trends across England and Wales over the past decade in terms of children entering the system for the first time, breaking down the data by local area reveals significant regional variability in trends of proven offence, first time entrant and arrests rates. For example, Lambeth, Croydon and Lewisham YOTs have observed the highest increases across England and Wales for rates of proven drug offences between 2013 and 2018, whereas Hammersmith and Fulham and Islington both showed two of the top five decreases.^{27,28} The rate of

²³ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 1 - Gateway to the youth justice system, Table 1.1

²⁴ Ibid.

²⁵ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 1 - Gateway to the youth justice system, Table 1.9

²⁶ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 1 - Gateway to the youth justice system, Table 1.12

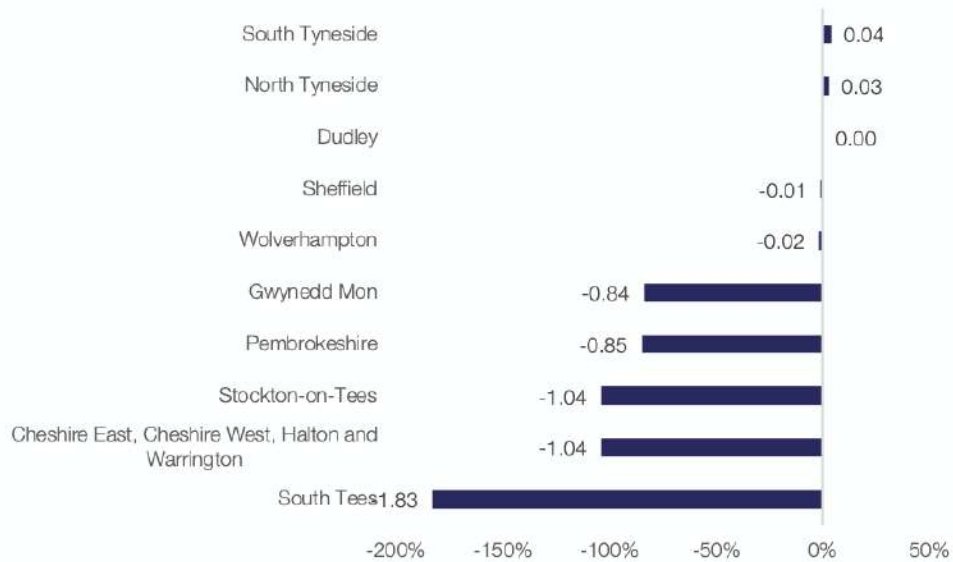
²⁷ Please note that proven offence statistics broken down by YOT is not available prior to 2013, and is therefore not directly comparable to national trends in first time entrant offences, which were shown from 2008 – 2018.

²⁸ Youth Justice Statistics: 2017 to 2018. Local level open data, Offences_data. The rate per 1,000 population was calculated using the ONS mid-year estimates.

proven violence against the person offences declined in half of England and Wales' YOTs, and increased in the other half.²⁹

Moreover, though every YOT in England and Wales showed a decrease in their rate of first time entrants between 2008 and 2018, the rate of decline varied between 67 per cent and 95 per cent. Refer to Annex B to see the change in first time entrant rate between 2008 and 2018 across all YOTs in England and Wales, as well as the actual first time entrant rate in 2008 and 2018.

Figure 8. x5 most positive and x5 most negative changes in first time entrant rate (per 1,000 population of children aged 10-17) across England and Wales YOTs, between 2013 and 2018³⁰



Differences in arrest rates across England and Wales are generally much smaller, although London appears to be a significant outlier, showing a child arrest rate that was 5 per 1,000 children higher than the closest region in 2017/18 (see figure 9).

²⁹ Ibid.

³⁰ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 2 - First time entrants to the youth justice system, Table 2.8 FTEs per local authority were mapped onto YOTs for the analysis.

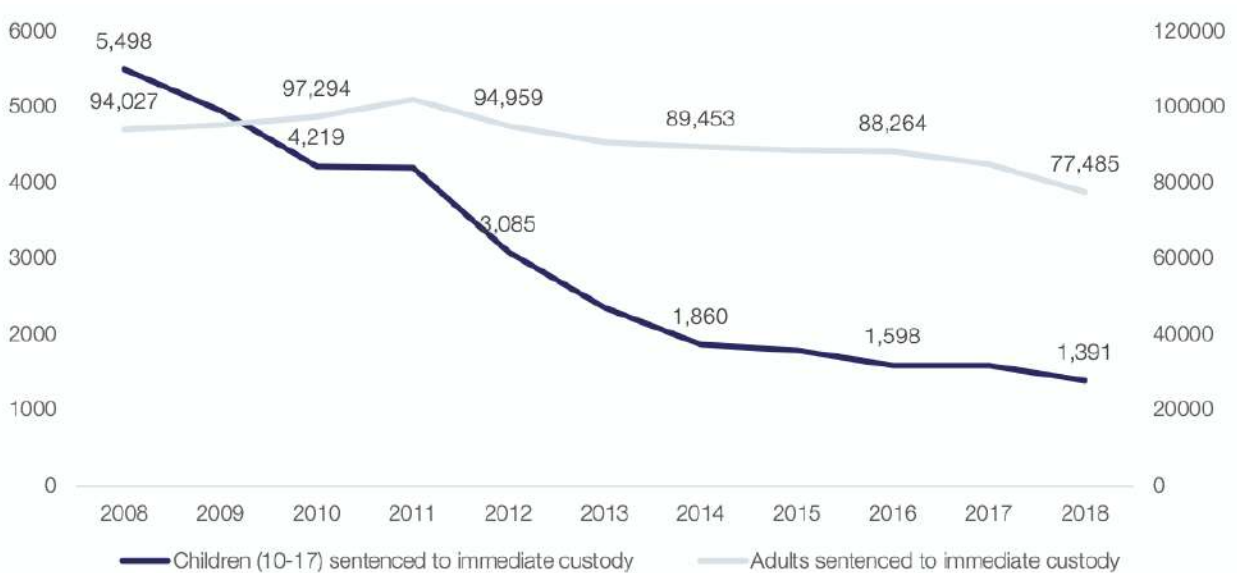
Figure 9. Arrest rate per 1,000 population of children aged 10 – 17 by region, year ending March 2018³¹



Reducing the number of children in custody

Between 2008 and 2018 the youth custodial population declined dramatically by 70 per cent, from 2,932 to 894,³² compared to an 8 per cent increase in the adult system, from 71,842 to 77,890.³³ Over the same time, the number of children sentenced to custody by the courts declined by 75 per cent, compared to 18 per cent for adults (see figure 10).

Figure 10. Number of children (10 – 17) and adults sentenced to immediate custody between 2008 and 2018 (adults plotted on secondary axis)³⁴



³¹ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 1 - Gateway to the youth justice system, Table 1.3

³² Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 7 - Children in youth custody, Table 7.3

³³ Offender Management statistics quarterly: January to March 2019. Annual prison population: 2019, Table A1_1

³⁴ MoJ, Criminal justice statistics quarterly: December 2018. Court outcomes by police force area tool

The use of custodial remand episodes given by the courts has not declined to the same extent, falling from 5,663 to 2,370 between 2007/08 and 2017/18 – a decrease of 58 per cent.³⁵ The proportion of children in custody held on remand (as opposed to DTOs, life sentences, or other sentences) increased over the same time period, from 21 per cent in 2008 to 24 per cent in 2018.

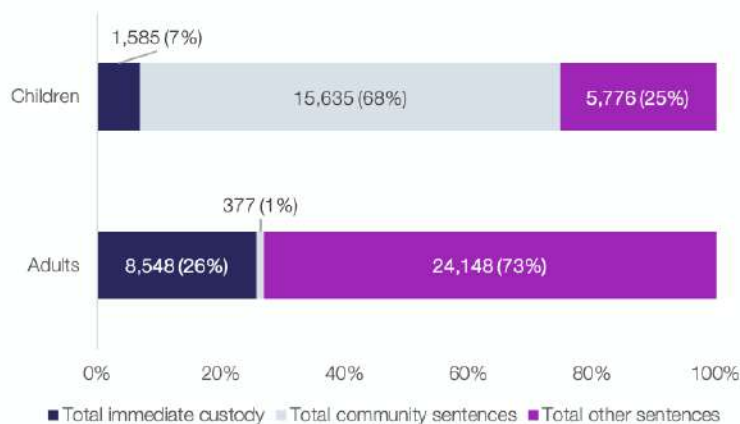
³⁶

Sentencing trends

The number of children prosecuted in the magistrates’ court decreased by 74 per cent in the years ending March 2008 – 2018,³⁷ compared to a 12 per cent fall in the adult system.³⁸ The decrease in the volume of cases coming before the youth courts has been mirrored by a similar rate of decline in the volume of court sentences handed out to children, across all sentencing categories.

Interestingly, despite the fall in volumes, the distribution between different sentences has remained relatively stable.³⁹ Custodial sentences made up 6.9 per cent of all sentences in 2018, compared to 6.1 per cent in 2008. Community sentences made up 68 per cent in 2008, compared to 68.1 per cent in 2008. By comparison, the proportion of community sentences handed out to adults has remained very low, making up just six per cent of court outcomes for adults in the year ending December 2018 compared to eight per cent a decade earlier.⁴⁰

Figure 11. Sentencing occasions of children and adults at all courts for indictable offences by type of sentence, year ending March 2018*^{41,42}



*Other sentences include absolute or conditional discharge; fine; suspended sentence; and otherwise dealt with

³⁵ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 6 - Use of remand for children, Table 6.1 & Youth Justice Statistics: 2008 to 2009 workload tables. Chapter 2 - Remand tables, Table 2.3

³⁶ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 6 - Use of remand for children, Table 6.2

³⁷ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 5 - Sentencing of children, Table 5.1

³⁸ MoJ, Criminal justice statistics quarterly: December 2018. Court outcomes by police force area tool

³⁹ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 5 - Sentencing of children, Table 5.3

⁴⁰ MoJ, Criminal justice statistics quarterly: December 2018. Court outcomes by police force area tool

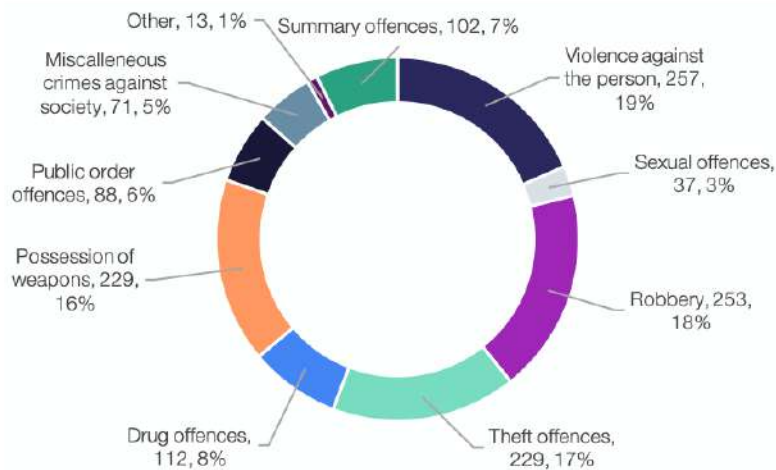
⁴¹ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 5 - Sentencing of children, Table 5.3

⁴² MoJ, Criminal justice statistics quarterly: December 2018. Court outcomes by police force area tool

Custodial sentences

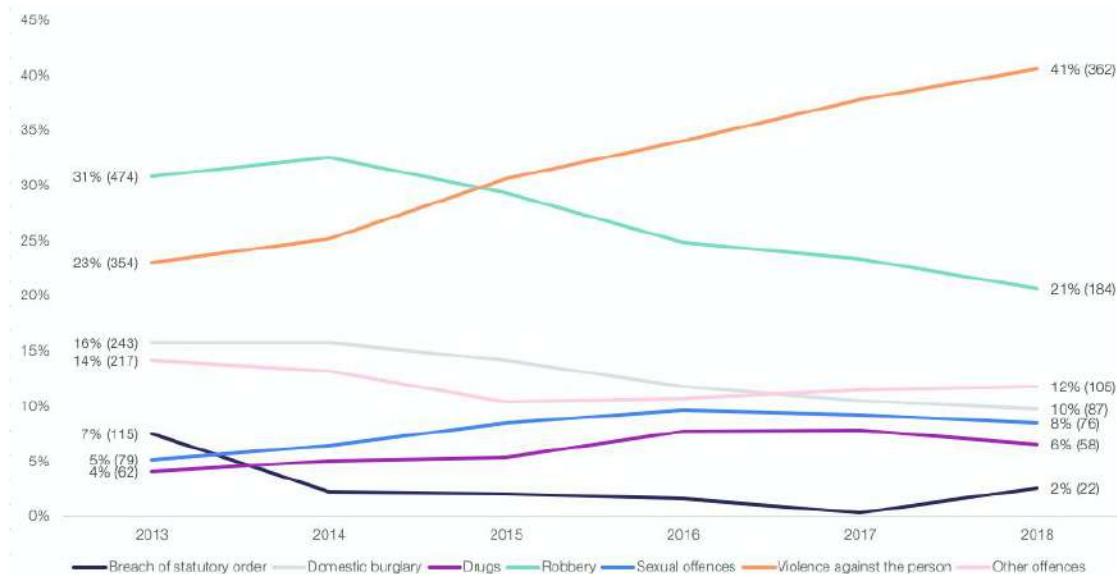
Nearly a fifth of custodial sentences given to children in 2018 were due to violence against the person offences, with similar proportions for robbery, theft and possession of weapons offences (see figure 12).

Figure 12. Custodial sentences given to children, by offence type (2018)⁴³



This represents a shift in the composition of the youth custodial population compared to five years ago – see figure 13. The most dramatic changes have been the reduction in the proportion of children in custody for robbery (ten percentage point fall) and the increase in the proportion of children in custody for violence against the person (18 percentage point increase).⁴⁴

Figure 13. Average monthly youth custody population by primary offence group, years ending March 2013-2018⁴⁵



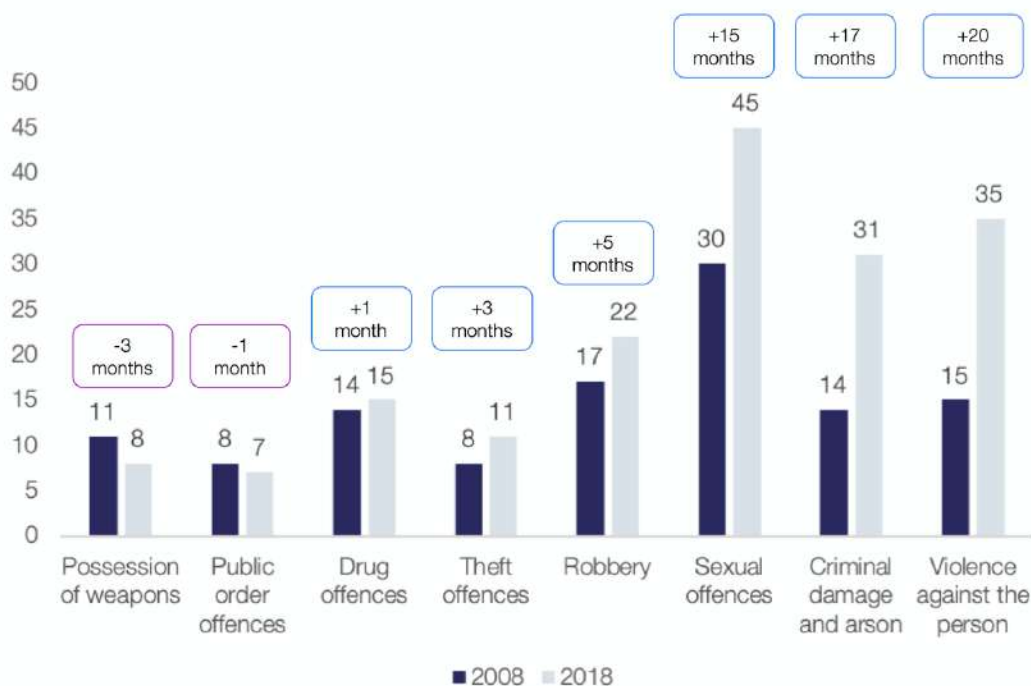
⁴³ MoJ, Criminal justice statistics quarterly: December 2018. Court outcomes by police force area tool

⁴⁴ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 7 - Children in youth custody, Table 7.6

⁴⁵ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 7 - Children in youth custody, Table 7.6

While there has been little notable change in the proportion of children receiving immediate custodial sentences, the average length of custodial sentences has increased from 11 months in 2009 to 17 months in 2019.⁴⁶ Changes to sentence lengths differ significantly across different offences – for example, violence against the person has shown the greatest increase, from an average custodial sentence length of 15 months in 2008 to 35 months in 2018 (see figure 14), while public order and possession of weapons have shown a decrease, with sentence lengths having fallen by one and three months respectively. On balance, our assessment is that the growth in custodial sentence lengths is a reflection of a more serious case mix coming in front of the courts, rather than a general harshening of sentencing practice. Indeed, the fact that the proportion of children sentenced to custody has shown little change, despite court caseloads shrinking significantly, could indicate that such a sentence is now more likely to be used as a last resort.

Figure 14. Average custodial sentence length, broken down by offence (2008 & 2018)⁴⁷



Despite the overall increase in average custodial sentence lengths, short custodial sentences still make up a significant proportion of immediate custodial sentences for children. In 2018, 46 per cent of immediate custodial sentences given to children were for six months or less (see figure 15).

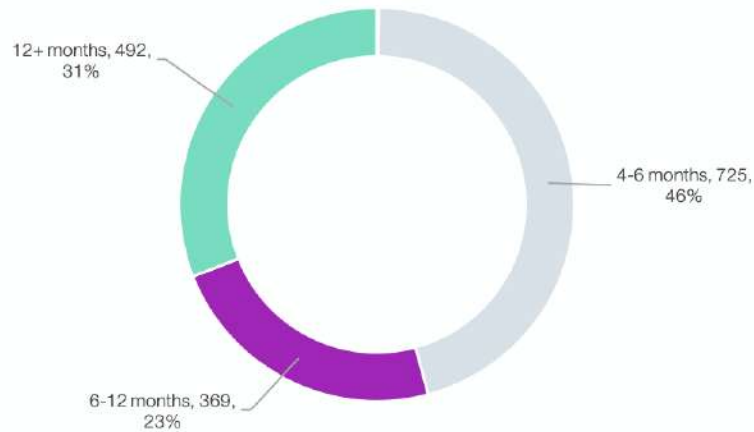
⁴⁸

⁴⁶ MoJ, Criminal justice statistics quarterly: December 2018. Court outcomes by police force area tool

⁴⁷ MoJ, Criminal justice statistics quarterly: December 2018. Court outcomes by police force area tool

⁴⁸ Note: Detention and Training Orders can only be given out for 4, 6, 8, 10, 12, 18 or 24 months.

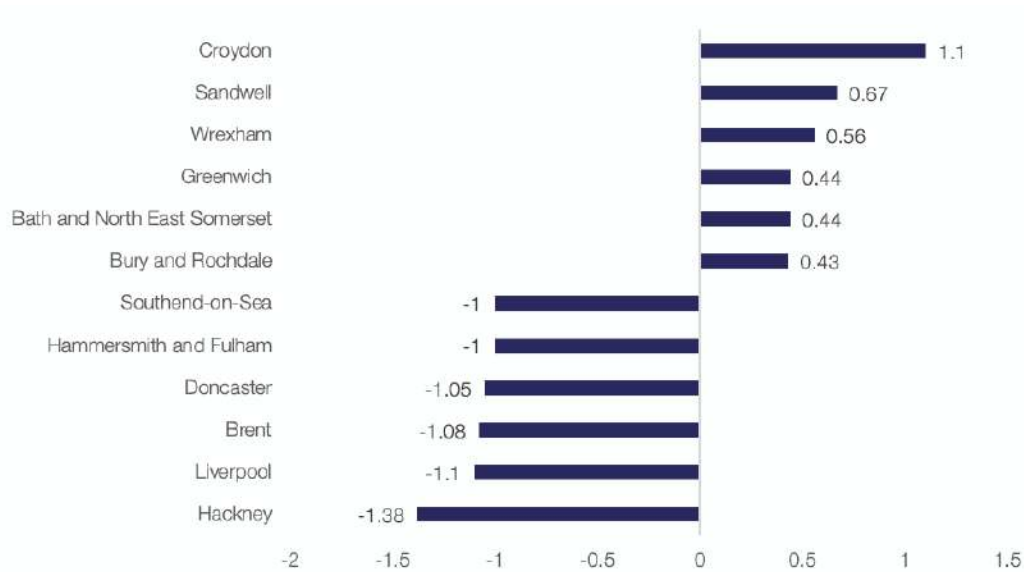
Figure 15. Breakdown of average custodial length for immediate custodial sentences given to children (2018)⁴⁹



Local variation

Similarly to first time entrant rates, the national declines observed in the rate of children being sentenced to custody has not been consistent across every area of England and Wales. The majority of YOTs (n=111) showed a decline or no change in the rate of child custody between 2013/14 and 2017/18; however, the remaining 41 showed an increase. Figure 16 identifies the six YOTs who showed the largest increase in the rate in child custody between 2013/14 and 2017/18, and the six YOTs who showed the largest decrease.

Figure 16. YOTs who showed the x6 largest and x6 smallest changes in the rate (per 1,000 population) in custodial sentences for 10 – 17 year olds between 2013/14 and 2017/18⁵⁰



⁴⁹ MoJ, Criminal justice statistics quarterly: December 2018. Court outcomes by police force area tool

⁵⁰ Youth Justice Statistics: 2017 to 2018. Local level open data, Outcome_Data

The rate per 1,000 population was calculated using the ONS mid-year estimates, and mapped onto YOTs.

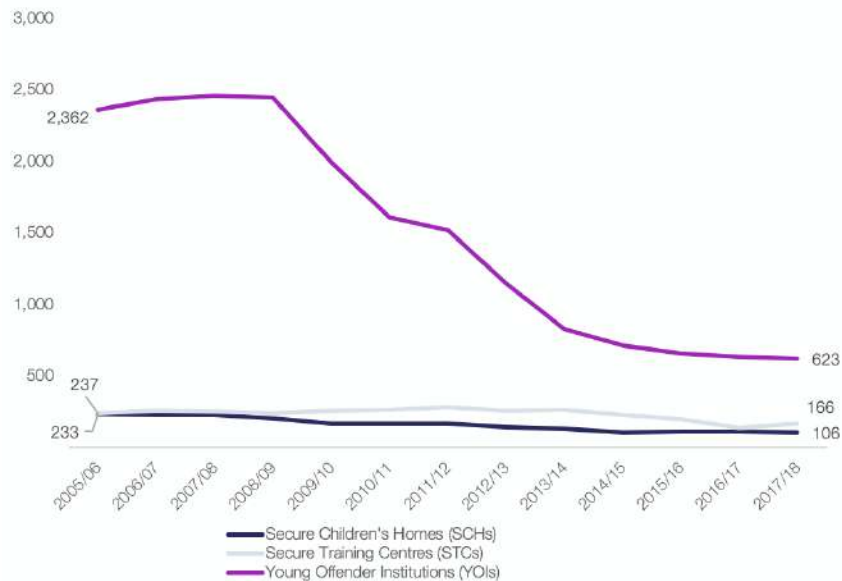
Outcomes of children within custody

Despite the dramatic falls in first time entrants and children entering custody, the safety and wellbeing of children within the youth justice system has deteriorated since 2008, particularly for those sentenced to custody.

Youth custodial estate

The significant and rapid decline in the youth custodial population has had a profound effect on the make-up of the secure estate, with the YJB reducing places in all three sectors of youth custody. Since 2009, the number of available beds in YOIs has decreased by almost 2,000, due to the closure of 12 separate YOIs.^{51,52} In addition, there are 107 fewer places in SCHs.⁵³ Children in Young Offender Institutions still make up the largest proportion of children in custody (70 per cent), compared to Secure Training Centres and Secure Children's Homes (see figure 17).

Figure 17. Average annual child custody population, broken down by institution type (2005/06 – 2017/18)⁵⁴



Assaults, self-harm and restraint rates in custody

The number of assaults, self-harm incidents and restrictive physical interventions (RPI) have all shown significant increases over the past year. The number of self-harm incidents increased by 40 per cent between 2017 and 2018 to 1,779, of which 535 required medical treatment.⁵⁵ Over the same period, the number of assaults increased by 29 per cent to 3,527 – the highest numbers

⁵¹ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 7 - Children in youth custody, Table 7.1

⁵² Youth Justice Statistics: 2008 to 2009 workload tables. Chapter 5 - Custody tables, Table 5.1

⁵³ Ibid.

⁵⁴ HMPPS Youth Custody Statistics. Monthly Youth Custody Report, March 2019 - Table 2.4, Accommodation type

⁵⁵ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 8 - Behaviour management in the youth custodial estate, Tables 8.2 & 8.12

seen in the last five years.⁵⁶ This is equivalent to 12.5 incidents of self-harm per 100 children and 24.7 assaults per 100 children per month.⁵⁷ Rates of restrictive physical intervention (RPI) have increased by 20 per cent between 2017 and 2018, the largest annual increase observed in the past five years, to a total of 5,410 incidents⁵⁸ – see figure 18.

Figure 18. Number of selected incidents per 100 children in custody per month⁵⁹



Health and education in custody

The quality of healthcare within the youth justice system has been a matter of concern for over a decade. Healthcare standards for children and young people in secure settings were first published in 2013, and updated in 2019, on the basis that children in secure settings have:

“...significantly greater, and often previously unidentified and unmet, physical, mental and emotional health, and speech, language and communication needs and neurodisabilities than other children their age. This includes but is not limited to a prevalence of mental health disorders, neurodisabilities, learning difficulties, long-standing physical complaints including respiratory problems, musculoskeletal complaints, nervous system complaints, skin complaints, dental health problems, blood-borne viruses, sexually transmitted infections, substance misuse and epilepsy. Many have been victims of crime or abuse. They are twice as likely to have been subject to serious maltreatment as the population as a whole.”

– RCPH: Healthcare Standards for Children and Young People in Secure Settings (2019)

⁵⁶ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 8 - Behaviour management in the youth custodial estate, Table 8.2

⁵⁷ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 8 - Behaviour management in the youth custodial estate, Table 8.3

⁵⁸ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 8 - Behaviour management in the youth custodial estate, Table 8.2

⁵⁹ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 8 - Behaviour management in the youth custodial estate, Table 8.3

A review of health needs of children in prison in England and Wales carried out in 2014 showed a similarly high prevalence of neurodevelopmental, substance misuse, mental and physical health needs.⁶⁰ The review cited evidence of a lack of holistic screening and early identification as a contributing factor of unmet need within the custodial estate, as well as significant variability in the quality of healthcare services across the estate, partly driven by a lack of focus on health within prisons. Self-reporting from children in YOIs and STCs corroborates high levels of unmet need within the custodial estate – the 2017/18 children in custody survey found that 21 per cent of children reported that they had health needs which were not being met.⁶¹

A joint report by the Ministry of Justice and Department for Education⁶² based on a “major data sharing project between the two departments” found that of the children sentenced to custody for 12 months or less in 2014:

- Forty-five per cent were recorded as having special educational needs;
- Twenty-three per cent had been permanently excluded from school prior to their sentence; and
- One per cent achieved five or more GCSEs (or equivalents) graded A* – C.

In spite of the high levels of educational needs, the time spent in education or outside of cells provided in custodial institutions has not shown any significant improvement, and remains woefully low compared to the mandated hours. In 2011/12, children in YOIs were on average receiving 11.4 hours of education per week, out of the mandated 15 hours.⁶³ The ‘core day’ in YOIs was subsequently increased to 30 hours per week; however, in 2016 children in YOIs were found to receive 15 hours of education on average per week.⁶⁴ Absences from education can be caused by court or health appointment visits – however, a primary reason for non-attendance was found to be children being held in segregation. A review of a number of YOI inspection reports found that around 30 per cent of children were being held in segregation during the core day.⁶⁵

⁶⁰ Lennox, C. (2014). ‘The health needs of young people in prison’. *British Medical Bulletin*, 112(1), 17–25.

⁶¹ YJB (2019). *Children in Custody 2017–18. An analysis of 12–18-year-olds’ perceptions of their experiences in secure training centres and young offender institutions*. Available at: https://www.justiceinspectors.gov.uk/hmiprisoners/wp-content/uploads/sites/4/2019/01/6.5164_HMI_Children-in-Custody-2017-18_A4_v10_web.pdf

⁶² MoJ & DfE (2016). *Understanding the educational background of young offenders: Joint experimental statistical report from the Ministry of Justice and Department for Education*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/577542/understanding-educational-background-of-young-offenders-full-report.pdf

⁶³ The Centre for Social Justice (2013). *Can Secure Colleges Transform Youth Custody? Transcript from a roundtable discussion on Secure Colleges*. Available at: https://www.centreforsocialjustice.org.uk/core/wp-content/uploads/2016/08/CSJ760_Secure-Colleges-Transcript-v9.pdf

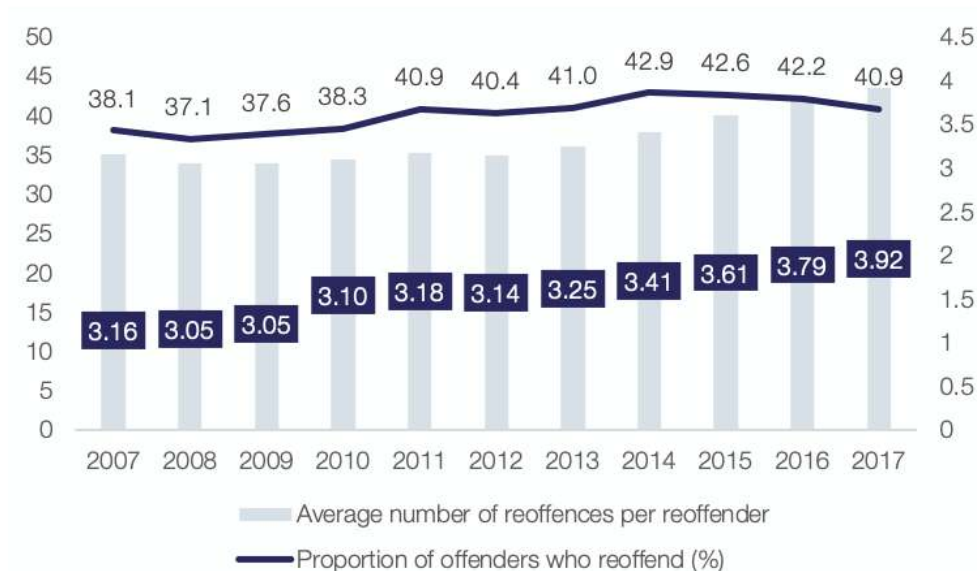
⁶⁴ Taylor, C. (2016). *Review of the Youth Justice System in England and Wales*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/577105/youth-justice-review-final-report-print.pdf

⁶⁵ Houses of Parliament (2016). *Education in Youth Custody. POSTnote 524*. Available at: <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/POST-PN-0524>

Reducing reoffending

As the cohort of children in the youth justice system has shrunk (from 207,039 in 2007 to 33,428 in 2017) those who do enter the system are now more likely to be prolific in their offending.⁶⁶ The cohort of children in the year ending March 2017 had an average reoffending rate of 40.9 per cent.⁶⁷ Though this represents a decrease over the previous three years, the reoffending rate is still higher than that observed in 2007. Meanwhile, the number of reoffences per reoffender stands at its highest level in a decade, at 3.92 reoffences per child – see figure 19.

Figure 19. Proportion of children who reoffend (%) and average number of reoffences per reoffender (plotted on secondary axis), 2007 – 2017⁶⁸



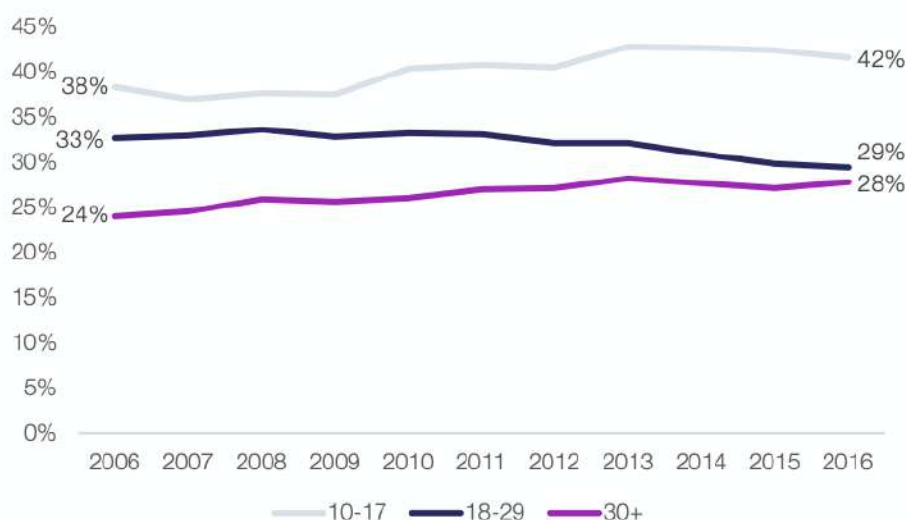
When breaking down reoffending trends by age, an interesting pattern emerges. Reoffending rates have increased for every age group apart from young adults when comparing the year ending June 2006/07 and 2016/17 (see figure 20).

⁶⁶ Youth Justice Statistics: 2017 to 2018. Chapter 9 - Proven reoffending by children and young people in England and Wales, Table 9.1

⁶⁷ Youth Justice Statistics: 2017 to 2018. Chapter 9 - Proven reoffending by children and young people in England and Wales, Table 9.1

⁶⁸ Youth Justice Statistics: 2017 to 2018. Chapter 9 - Proven reoffending by children and young people in England and Wales, Table 9.1

Figure 20. Reoffending rates broken down by age group (2006/07 – 2016/17)⁶⁹



The changing characteristics of children in the youth justice system

Compared to a decade ago, children entering the youth justice system are more likely to be:

- **Older:** the average age of first time entrants in 2018 was 15.3 years compared to 14.7 in 2008;⁷⁰
- **BAME:** the proportion of first time entrants who are BAME increased by eight percentage points, while the proportion of white first time entrants decreased;⁷¹
- **Assessed as having complex/ multiple needs:** changes in Asset scores demonstrate an increase in the complexity of YOTs' caseloads since 2009/10.⁷² This trend is mirrored by increases in the prevalence of needs such as drug use and mental health in HMIP's children in custody survey.⁷³ The latest children in custody survey (2017/18) also showed the highest proportion of children arriving in custody who had been in local authority care; and
- **Sentenced for more serious/ severe offences:** 45 per cent of first time entrants received a court conviction in 2018, compared to nine per cent in 2008.

Age

The age profile of first time entrants has changed over the past decade: children are on average older when they enter the youth justice system for the first time compared to 2008 (see figure 21). Whereas in 2008, 27 per cent of first time entrants were aged 16 – 17 years old, they formed 50 per cent of the cohort in 2018.

⁶⁹ MOJ, Proven reoffending statistics: April to June 2017. Geographical data tool, July 2016 to June 2017

⁷⁰ MOJ, Criminal Justice Statistics Quarterly: December 2018. Offending History Data Tool: First Time Entrants Statistics

⁷¹ MOJ, Criminal Justice Statistics Quarterly: December 2018. Offending History Data Tool: First Time Entrants Statistics

⁷² Asset was the assessment system used by YOTs, which has since been replaced by AssetPlus.

⁷³ HMIP (2017 – 2018). Children in Custody: An analysis of 12 – 18-year-olds' perceptions of their experiences in secure training centres and young offender institutions

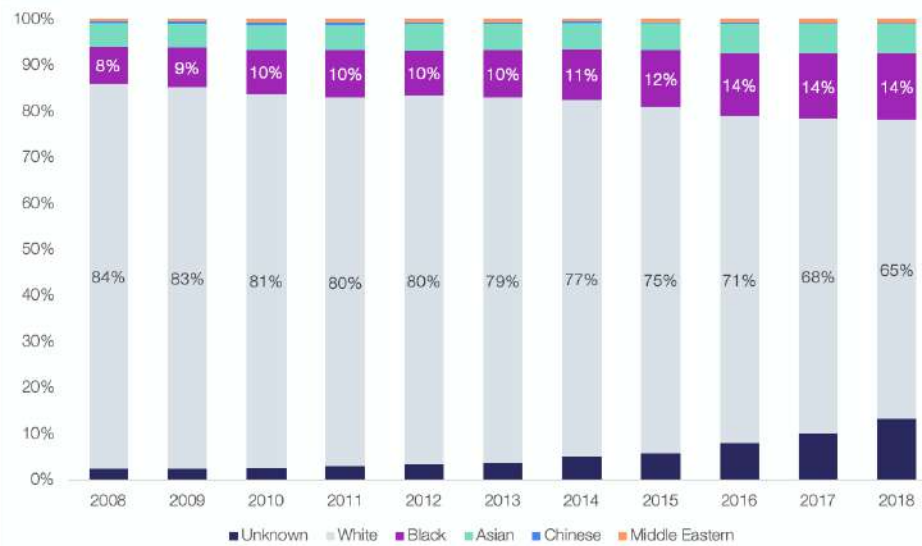
Figure 21. Age distribution of first time entrants into the youth justice system in 2008 and 2018⁷⁴



Ethnicity

Racial disproportionality has increased in the youth justice system, particularly at the more severe end of sentencing. Between 2008 and 2018, the proportion of first time entrants who were white declined by 19 percentage points, whilst the proportion of black first time entrants increased by eight percentage points (see figure 22).

Figure 22. Proportion of first time entrants (age 10 – 17) by ethnicity (year ending December 2008 – 2018)⁷⁵



Moreover, the proportion of BAME children arrested increased from 16 to 29 per cent between 2008 and 2018.⁷⁶ The rate of arrests by ethnicity as a proportion of their overall population (relative

⁷⁴ MOJ, Criminal Justice Statistics Quarterly: December 2018. Offending History Data Tool: First Time Entrants Statistics

⁷⁵ MOJ, Criminal Justice Statistics Quarterly: December 2018. Offending History Data Tool: First Time Entrants Statistics

⁷⁶ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 1 - Gateway to the youth justice system, Table 1.1

rate index by ethnicity) demonstrates that black children were more than four times more likely than white children to be arrested in 2018.⁷⁷

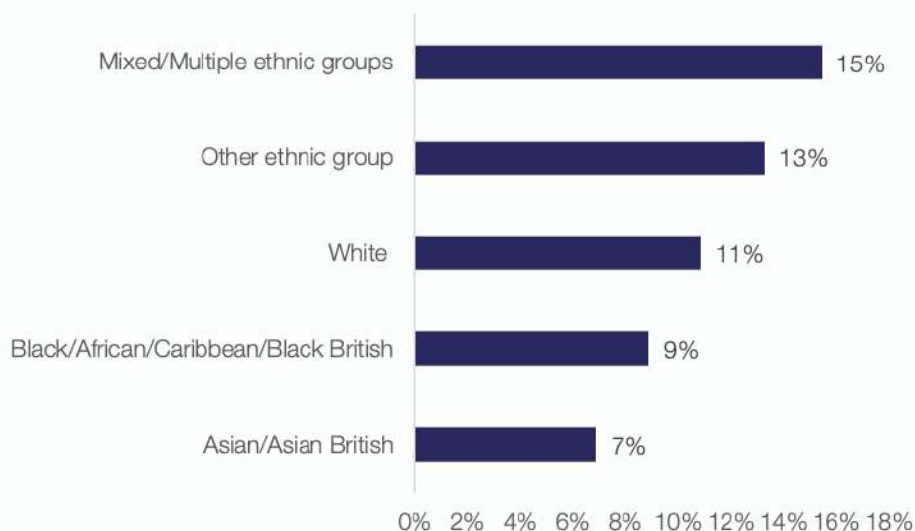
Racial disproportionality has increased particularly when looking at the child custodial population – BAME children made up 45 per cent of the child custody population in the year ending March 2018, following a consistent increase over the preceding decade.⁷⁸

Disproportionality in the youth justice system

There is clear disproportionality across broad ethnic categories, but within these, specific ethnic groups are overrepresented. One of our ‘deep dive’ analyses of a YOT’s data (see Annex C for details on methodology) showed that within Black/ Black British, the subcategory ‘Other Black’ makes up 7 per cent of the 10 – 17 total population within the YOT area but 30 per cent of the most serious young offenders in 2017/18.⁷⁹

There are a number of factors that may contribute to racial disproportionality in the youth justice system. A key consideration is the victim-offender overlap – evidence shows that BAME children are at a higher risk of being a victim of crime, as well as being perpetrators of crime. For example, the CSEW showed that in the year ending March 2019, children aged 10 – 15 from mixed or multiple ethnic groups were most likely to be a victim of crime (see figure 23).

Figure 23. Proportion of children aged 10 to 15 who experienced victimisation in the last year, by ethnicity (year ending March 2019)⁸⁰



⁷⁷ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 1 - Gateway to the youth justice system, Table 1.8

⁷⁸ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 7 - Children in youth custody, Table 7.10

⁷⁹ Bespoke analysis of (anonymised) YOT data. The ‘Other Black’ category is primarily used when the ethnic group has been defined as ‘Black British’. Most serious young offenders defined as those sentenced in 2017/18 for offences with a gravity score 6+.

⁸⁰ Crime Survey of England and Wales: year ending March 2019. Crime in England and Wales: Annual Trend and Demographic Tables, Table D5

A further contributing factor is socioeconomic status/ social class. Evidence by the Home Office for example suggests that socioeconomic status/ social class is a significant indicator for behaviours relating to serious violence such as gang membership, but not for weapon carrying/ use.⁸¹

The drivers of increasing racial disproportionality within the youth justice system over time, and the increasing levels of disproportionality observed as children are processed through the youth justice system, are both areas that need to be looked at more closely by the government, in order to disentangle the interrelated factors at play.

Needs & vulnerabilities

An analysis of Asset scores conducted by the Youth Justice Board (YJB) in 2016 concluded that the average case complexity of children on YOTs' caseloads had increased between 2009/10 and 2015/16.⁸² Asset assesses a child's level of risk across twelve dynamic risk factors, as well as additional static risk factors. Dynamic risk factors are factors that are known to be associated with an increased or decreased risk of reoffending, that are amenable to change (such as substance use, attitudes towards offending, and education, training and employment) as opposed to static risk factors, which are not susceptible to intervention (such as the number of prior offences). Across the dynamic risk factors that were assessed by Asset, the YJB found that average scores for 'perception of self' and 'emotional and mental health' had increased in particular.

Evidence suggests that the needs and vulnerabilities of children in custody has also increased, as well as the needs of children on YOTs' caseloads. Her Majesty's Inspectorate of Prisons administers a survey to children in custody to track their needs before they come into custody. Crest has synthesised the results of the questionnaires administered between 2007/08 and 2017/18⁸³ to examine any trends that may have emerged over this time.⁸⁴ Overall, we found the following trends in the proportion of children self-reporting various problems or issues upon arrival to custody.

- Emotional or mental health issues have increased
- Problems with alcohol have decreased
- Drug problems have increased
- Previous exclusions from school have remained at a consistently high level (see figure 24)

⁸¹ Home Office (2019). *An analysis of indicators of serious violence: Findings from the Millennium Cohort Study and the Environmental Risk (E-Risk) Longitudinal Twin Study*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819840/analysis-of-indicators-of-serious-violence-horr110.pdf

⁸² Youth Justice Board (2016). *Understanding and improving reoffending performance. Annex B: What does Asset data tell us about changes in the youth justice cohort over time?* Available at: https://yiresourcehub.uk/yjb-effective-practice/youth-justice-kits/item/download/567_5f1df82e058308c67a2ec3cdb35b294e.html

⁸³ The questions asked in the survey vary in terms of when they were introduced, meaning not all data is available from 2007/2008 e.g. data on local authority care was only collected from 2011/12 onwards.

⁸⁴ HMIP (2017 – 2018). *Children in Custody: An analysis of 12–18-year-olds' perceptions of their experiences in secure training centres and young offender institutions*

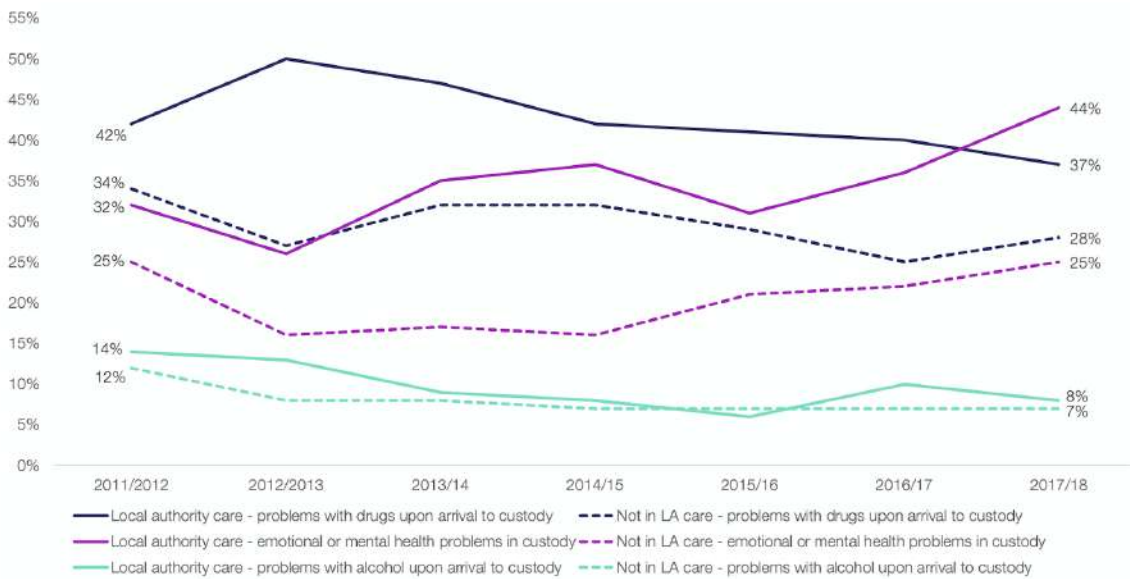
- The proportion who had been in local authority care was ten percentage points higher in 2017/18 compared to 2011/12 (see figure 24)
- In general, children in local authority care reported a higher incidence of problems with drugs, alcohol and emotional and mental health issues on arrival compared to children who were not in local authority care

Figure 24. Proportion of children who had previously been in local authority care or had previously been excluded from school (2006/08 – 2017/18)



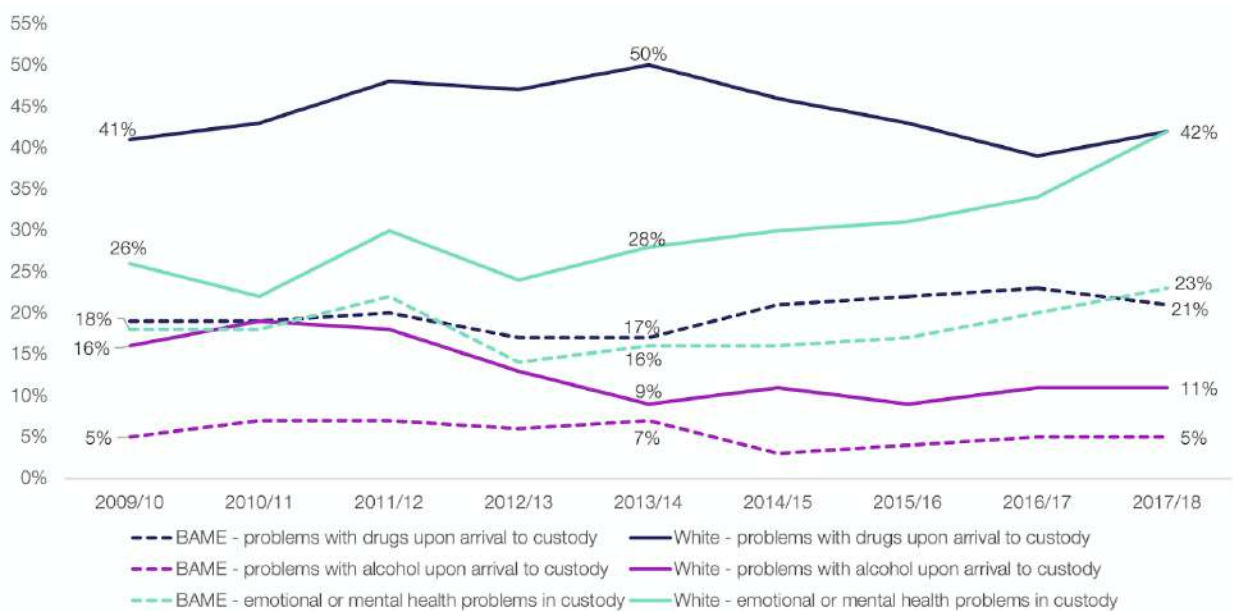
In 2017/18, nearly a third (32 per cent) of children suffered problems with drugs and emotional and mental health problems upon arrival to custody. Both these needs are higher in children who have been in local authority care compared to those who have not (see figure 25). The proportion of children in custody who reported having been in local authority care fluctuated between 2011/12 and 2017/18, however 2017/18 saw the highest proportion in six years, at 38 per cent. Problems with alcohol appear to be less prominent, and show less variance as a result of being in local authority care.

Figure 25. Proportion of children with problems with drugs, alcohol or emotional/ mental health problems upon arrival to custody, broken down by local authority care (2011/12 – 2017/18)



White children are much more likely to arrive in custody with problems relating to drugs, alcohol or emotional or mental health problems compared to BAME children. The difference is particularly stark when looking at drug problems, with 42 per cent of white children arriving in custody with drug problems in 2017/18, compared to 21 per cent of BAME children (see figure 26).

Figure 26. Proportion of children with problems with drugs or alcohol upon arrival to custody, or emotional/ mental health problems in custody, broken down by ethnicity (2011/12 – 2017/18)



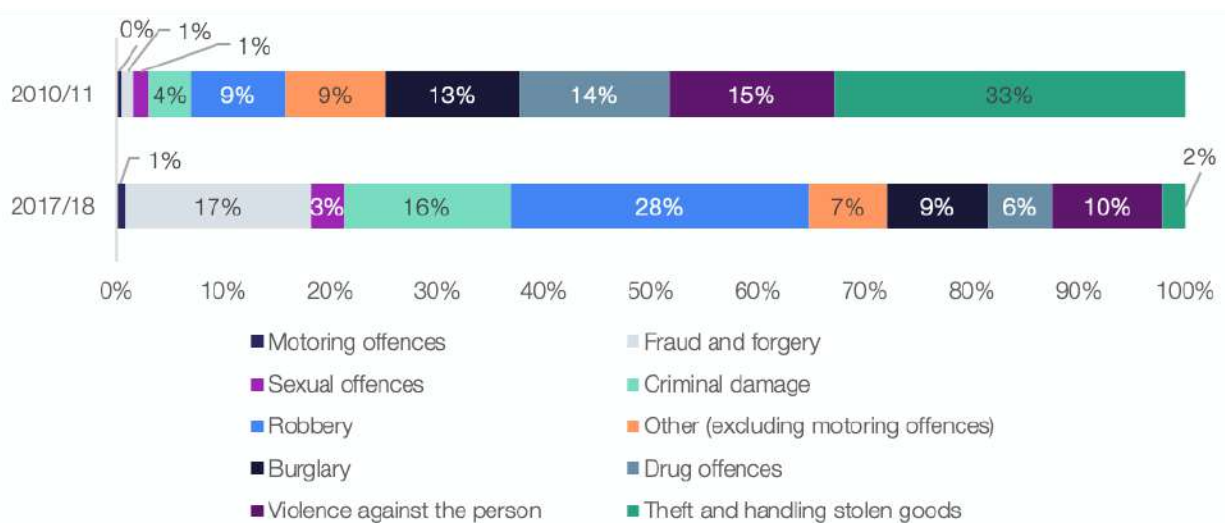
Experiencing gang problems is another area where BAME and white children differ, but the trends are reversed. In 2017/18, 20 per cent of BAME children said they had experienced gang problems before they arrived in custody, compared to 12 per cent of white children.

Seriousness of child offending

The large decrease in children entering the system for the first time who have committed low-level offences has left behind a smaller, more serious cohort. This is demonstrated by the increase in the proportion of first time entrants receiving a court conviction, from nine per cent to 43 per cent in the years ending March 2008 and March 2018.⁸⁵

It is also partly demonstrated in the changing offence mix coming before the courts (see figure 27). In 2010/11, nine per cent of children found guilty at court had committed a robbery offence, compared to 28 per cent in 2017/18.⁸⁶ The proportion found guilty of theft offences on the other hand decreased from 33 to two per cent over the same period.

Figure 27. Proportion of indictable offences that children were found guilty of at all courts, year ending March 2010/11 & 2017/18⁸⁷



Furthermore, rising numbers of cautions or convictions for knife and offensive weapons offences, in the face of decreasing numbers across other offences, has also contributed to a change in the breakdown of children’s offending.⁸⁸

⁸⁵ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 2 - First time entrants to the youth justice system, Table 2.4

⁸⁶ Data on court disposals prior to 2011 is not comparable with 2018.

⁸⁷ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 5 - Sentencing of children, Table 5.2

Youth Justice Statistics: 2010 to 2011 supplementary tables. Chapter 5 - Court disposals, Table 5.2

⁸⁸ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 4 - Proven offences by children, Table 4.3

Broadly, these findings were supported by our field research. YOT managers reported a growth in both serious offending and complexity in response to our survey (see Annex C and D for information on our methodology and the full YOT manager survey):

“Whilst offending rates have reduced, the seriousness of offences has increased, and the complexity of the young persons’ circumstances, which can be associated with landscape, poverty, child protection issues. Safety and wellbeing concerns for young people have increased.”

- YOT manager

“Fewer children with more complex problems [in the system] – linked to home, school, peers and neighbourhood. Growth in numbers exposed to ACEs [adverse childhood experiences], larger proportion of YOT cases already known to children's services (preventative or statutory). Witnessing domestic abuse at home [has] grown, as has violence towards adult carers. Loss (bereavement) of significant adults or friends victims of violent crime.”

- YOT manager

Summary

The youth justice system has surpassed the adult system in reducing the numbers entering the system to begin with and in reducing the numbers sentenced to custody. However, when it comes to the safety and wellbeing of children in the system and the rate of reoffending, outcomes have worsened. This is perhaps linked to the fact that compared to a decade ago, the system today is dealing with a cohort of children who offend that is smaller, more vulnerable, and more likely to have committed serious offences. This requires a greater degree of specialist support by the police, YOT practitioners, other parts of the youth justice system, and broader children’s services.

The next four chapters will look in detail at what drove the trends identified above (both successful and unsuccessful) and how well prepared the youth justice system is for dealing with current/emerging challenges.⁸⁹

⁸⁹ See Annexes C-F for details of Crest’s research methodology, and the materials used during our field research.

3. How effective is the youth justice system: prevention and diversion

Overview

The primary aim of the youth justice system is to prevent youth offending, and the effectiveness of the system is therefore judged in part by its progress in reducing the number of children entering the criminal justice system for the first time. The last chapter showed that, while the number of first time entrants has fallen across the board, outcomes from the youth justice system have far surpassed those for adult offenders. This chapter will explore how that was achieved and how well prepared the youth justice system is to cope with new and emerging challenges.

Do falling first time entrants mean falling crime?

It is not of course necessarily the case that more diversion means less crime; it might simply mean fewer crimes being sanctioned by the criminal justice system (see the case study on page 54). In recent years, policing leaders have openly speculated as to whether the fall in sanctions for low-level youth offending may have reduced deterrence, inadvertently fuelling more serious crime.⁹⁰ For example, Met Police Commissioner Cressida Dick stated that some children who offend are "simply not fearful of how the state will respond to their actions", and that "harsher, more effective" sentences are required to deter this group of repeat child offenders.⁹¹ Similarly, some of the responses to Crest's YOT manager survey suggested greater diversion might not be a panacea:

"In my opinion the use of OOOD to divert from statutory orders means that by the time young people are on a court order they are more prolific and entrenched in their offending."
- YOT manager

There is a body of evidence (outlined in chapter one) suggesting that delaying the point at which children come into contact with formal criminal justice processes is – in and of itself – a protective factor against serious and prolonged reoffending. This is based on the idea that a large minority of children will offend at some stage in their life; most of these offences will not be detected and most children will 'grow out of crime' without any formal intervention. Conversely, the more enmeshed children become in the criminal justice system, the more harm is done as a result of formal contact and the less likely they are to desist from offending.

Clearly it is important for a balance to be struck. It is surely right for the system to prioritise diversion – in order to avoid unnecessary labelling – but this should not be at the expense of community safety. However, there is currently a lack of research into the impact of diversion on

⁹⁰ There is little available empirical research that has examined the effects of deterrence on children's offending.

⁹¹ Cressida Dick speech at the AGM of prison reform charity the Howard League in November 2017.

crime, and thus it is impossible to judge whether the current balance is right. As we make clear in our recommendations, this urgently needs to be addressed.

What drove the fall in first time entrants?

A change of emphasis from the top

From the early-to-mid 2000s, there was a change of emphasis at the top of government. In 2003 the publication of the consultative Green Paper *Every Child Matters* (which contained extensive references to youth justice) and the appointment of the first Children’s Minister, created a climate within government in which support for children in trouble began to be seen as part of a wider programme of measures to support children facing serious problems. One of the first fruits of this was the YJB’s introduction, in 2005, of an explicit objective: “to reduce the number of first time entrants into the youth justice system.” This encouraged YOTs to focus on diverting children from the youth justice system (see below).⁹²

Changes to policing behaviour

Most of the stakeholders spoken to as part of this research felt that the most significant factor in determining the number of first time entrants tends to be changes in policing policy, which have a direct impact on youth justice outcomes, either by increasing or reducing the number of children receiving a criminal justice outcome and appearing before the courts.

The most obvious example of this was the revision of the ‘offences brought to justice’ target (OBJT) in 2008, which had been introduced in 2002 in order to reduce the ‘justice gap’ between the number of detected crimes and the number which resulted in a positive outcome. The target did not discriminate based on the severity or complexity of the crime.⁹³ It has been argued that this resulted in an unintended ‘net-widening’ effect, whereby the police were incentivised to give formal responses for low-level crimes in order to meet the target, which may have previously resulted in an informal outcome.⁹⁴ This disproportionately affected children, since their offending tends to be less serious compared to adults.⁹⁵ This appeared to be demonstrated by a significant rise in the number of children entering the youth justice system for the first time from 2003, with the peak year being 2006/07, when over 110,000 children entered the youth justice system (YJS).⁹⁶ The target was replaced in 2008 with a target that placed more emphasis on bringing serious crime to justice, and was subsequently removed altogether in 2010.

However, while changes to policing policy undoubtedly played a key role in the big fall in first time entrants, it would be overly simplistic to entirely ascribe the fall in first time entrants to the dropping

⁹² This point was made to us by the former Chief Executive of the YJB, John Drew.

⁹³ Home Office (2002). *Home Office Annual Report: The Government’s expenditure plans 2002-03 and main estimates 2002-03 for the Home Office*. London: Home Office.

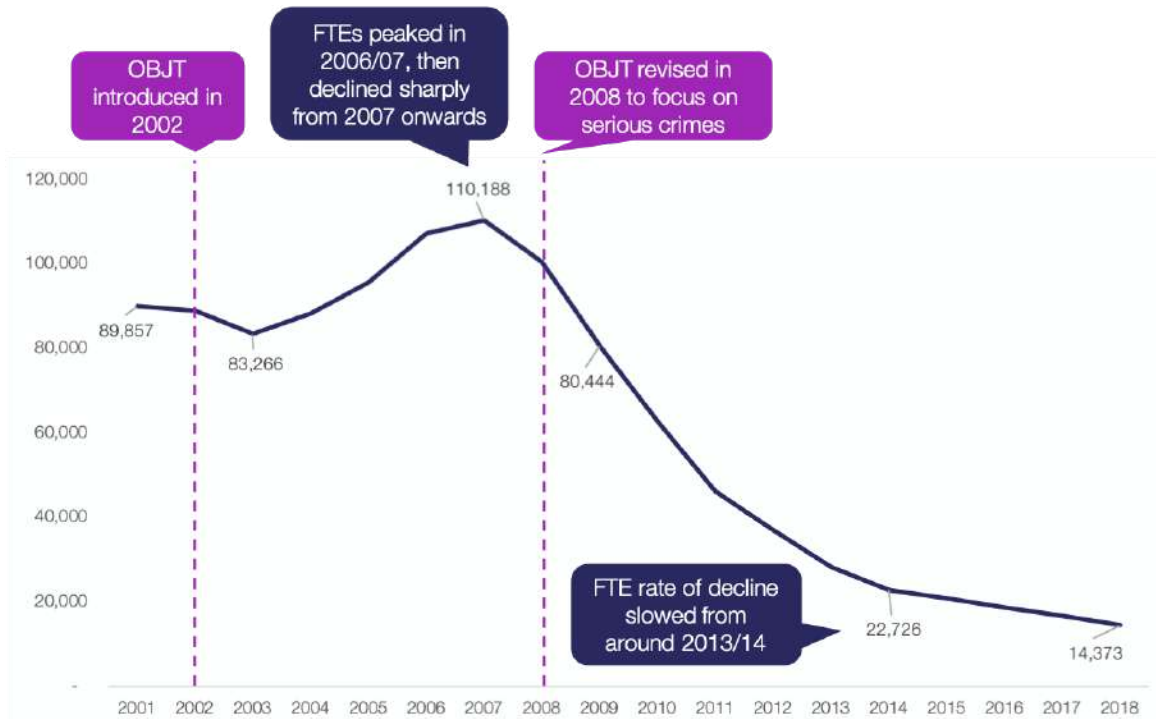
⁹⁴ MoJ (2017). *An analysis of trends in first time entrants to the youth justice system*. London: MoJ Analytical Series

⁹⁵ Bateman, T. (2017). *The state of youth justice: an overview of trends and developments*. London: NAYJ

⁹⁶ Youth Justice Statistics (2009/19). *Workload tables*, Table 6.2

of the OBJT target. In particular, a closer look at the data reveals that first time entrants actually began to fall around a year *before* the target was revised in 2008 (see figure 28).

Figure 28. Number of first time entrants in England and Wales (10 – 17 year olds, years ending March 2001 – 2018)⁹⁷



The diversionary and preventative activity of YOTs

Aside from police targets, the other key factor was the growing emphasis on diversion by YOTs (and the police). Responses to Crest’s survey of YOT managers indicate that practitioners believe that there has been an increase in the use of diversionary programmes, and that this has been an important driver in reducing first time entrants.

“YOT informal diversion has become more widespread and police confidence in it has grown.”
- YOT manager

“The implementation of diversion programmes correlates with the decrease of first time entrants and young people arrests.”
- YOT manager

⁹⁷ FTE data for 2007/08-2017/18 taken from: Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 2 - First time entrants to the youth justice system, Table 2.1. FTE data for 2000/01-2006/07 taken from: Youth Justice Statistics (2009/19). Workload tables, Table 6.2

The MoJ and YJB conducted an audit of diversionary and prevention activities carried out by YOTs in 2017 which showed that 89 per cent of YOTs were involved in pre-out of court disposal delivery such as triage.⁹⁸ In terms of prevention, two-thirds of respondents reported that funding for prevention initiatives came from the YOT, who also were most likely to deliver the interventions (however the local authority was reported as the largest funder). Family support was the most commonly reported method for intervention initiatives, followed by youth work services.

Case study: a 'deep dive' into two contrasting YOTs

A key part of our research for this report was a thorough analysis of data provided by two YOTs, supplemented by interviews with the YOTs' management teams, YOT workers, and individuals from partner agencies such as Troubled Families. The YOTs each covered an area of similar size, with a similar child population. One YOT had shown one of the highest increases in custody rates in England and Wales over the past five years, whereas the other had shown one of the largest decreases.

We examined each YOT's trends in terms of volume and proportion of offences; sentencing trends; breaches; and their caseload's demographics and needs. We also tracked a cohort of FTEs forward from 2014, and tracked the 2018 custody cohort back to compare their journeys through the criminal justice system in each area. Overall, the data showed very little difference in each YOT area in terms of the children coming into the system, their progression through the system, the breakdown of offences they committed throughout, and their needs and vulnerabilities. There was a similar breakdown of cases heard in the youth court and Crown court in each area (roughly 7:3), suggesting that there was not a fundamental difference in offence severity between the two areas.

However, two notable differences were identified in the two YOTs' data.

- The proportion of first time offenders who do not go on to reoffend was consistently higher in the low custody YOT compared to the high custody YOT (in 2018, 78 per cent did not commit any further offences in the low custody YOT compared to 45 per cent in the higher custody YOT).
- Despite being the same average age when committing their first offence, children sentenced to custody in the high custody YOT in 2018 were on average younger (16 years 5 months) compared to the 2018 custody cohort in the low custody YOT (17 years 1 month).

Interviews with staff in each YOT revealed common themes in terms of good practice, and similar factors that were thought to be instrumental in reducing first time entrants and custody rates in their area. These included a consistent and trusting relationship between the YOTs and the courts, a general culture that aimed to avoid the 'up-tariffing' of children, and a stable

⁹⁸ MoJ & YJB (2017). *Summary of responses to the MoJ and YJB survey on youth justice: prevention of offending*. Available at: https://yiresourcehub.uk/our-community/resources-for-sharing/item/download/629_6d42864006f71c255bb7afadca20268c.html

workforce that enabled the YOT workers to build positive relationships with the children under their supervision.

Given the similar qualitative and quantitative findings from both YOTs, the difference in the likelihood of further offending by children entering the system for the first time suggests that there may be differences in early intervention practices in the two areas. These may act to reduce the probability of further offending to a different extent, as well as potentially slowing down the progression through the system of those who do go on to reoffend.

However, interventions at pre-court stage are not systematically evaluated by the YJB or other bodies, limiting the learnings that could be obtained by comparing areas, thus hindering the possibility of applying good practice more broadly. As a result, Crest recommends broadening the evidence base for diversionary practices, and for programmes that aim to reduce offending and reoffending.

Although there has not been a robust evaluation of the effectiveness of preventative or diversionary interventions, the responses to Crest's YOT survey and our field research suggests that there are a number of key distinctive features that relate to the youth justice system's aims to keep children out of the formal criminal justice system – many of which may bear relevance to young adults:

- **The key worker:** in all of the YOTs we looked at, each child had a lead caseworker, plus other specialist staff who could become involved depending on the assessment of the child's needs. A strong and consistent relationship between the child and the key worker was felt by YOT managers to be critical, which is supported by the evidence on desistance cited above.
- **Multi-agency teams:** different partner agencies second their staff into the youth offending team, meaning that often staff who were, for example, focused on health issues sit alongside social workers, police officers and others within the YOT. Embedding a mixed team of professionals with different skills within the local authority brings together the different relevant agencies, which YOT managers reported had facilitated holistic approaches to problems which have multiple causes. The locally integrated approach stands in marked contrast to the adult system, in which probation is commissioned nationally and outsourced to Community Rehabilitation Companies (CRCs).
- **Triage:** first developed in 69 local authorities as part of the 2008 Youth Crime Action Plan, the triage approach has played an important role in diverting lower level and first time offenders away from the formal justice system (see box on page 47). As part of triage programmes, YOT workers assess children within police suites, to better inform charging decisions and ensure that children have access to the requisite support even before any court appearances.
- **Balancing the needs of the child against the risk to community safety:** the Welsh Bureau Model first announced its 'children first, offenders second' approach in 2004, a principle which aims to take the child's needs into account when dealing with their

offending behaviour.⁹⁹ In 2015, the National Police Chiefs' Council endorsed a national strategy for the policing of children and young people in 2015, which was based explicitly on a 'child first' agenda.¹⁰⁰ The YJB further formalised the 'child first' approach in their 2018 strategic plan and 2019 standards, to be applied across all agencies providing statutory services within the youth justice system.^{101,102}

The transition from childhood to young adulthood: bridging the gap between the child and adult justice system

A number of organisations have made the case that young adults should be treated as a distinct category of offenders in the eyes of the law, who are over-represented in the criminal justice system and who research has shown to be distinct from older adults in terms of both their needs and their outcomes.¹⁰³ Young adults aged 18 – 24 constitute 8.5 per cent of the population but 16 per cent of those in custody, 20 per cent of those given immediate custodial sentences by the court and 18 per cent of those given community sentences.^{104,105,106} Statistics have suggested that the 'peak age' for offending increased from 18 in the late 1980s to 23 in 2011, and in line with this finding, the Transition to Adulthood Alliance (T2A) state that young adults account in large part for the "much-lamented "churn" of the criminal justice system."^{107,108}

Behavioural neuroscience studies have provided strong evidence that the typical adult male brain is not fully formed until at least the mid-20s, meaning young adult males may be more similar to children than adults in psychosocial terms. Overall, the evidence suggests that young adults are at a formative stage in their lives, and if given the right interventions that they can desist from offending and 'grow out of crime'.¹⁰⁹ However, many of the support services that are available to young adults involved in crime become unavailable once they turn 18, even though they continue to be at high risk of reoffending. Yet currently, probation providers have limited discretion in meeting the needs of this distinct group.

⁹⁹ Welsh Assembly Government & YJB (2004). *The All Wales Youth Offending Strategy*. Cardiff: Welsh Assembly Government

¹⁰⁰ NPCC (2016). *Child centred policing: National Strategy for the Policing of Children & Young People*. Available at: <https://www.npcc.police.uk/documents/edhr/2015/CYP%20Strategy%202015%202017%20August%202015.pdf>

¹⁰¹ YJB (2018). *Youth Justice Board for England and Wales: Strategic Plan 2018-2021*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/706925/201804_YJB_Strategic_Plan_2018_21_Final.pdf

¹⁰² YJB (2019). *Standards for children in the youth justice system 2019*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/780504/Standards_for_children_in_youth_justice_services_2019.doc.pdf

¹⁰³ House of Commons Justice Committee: *The treatment of young adults in the criminal justice system. Seventh Report of Session 2016-2017*

¹⁰⁴ ONS: Analysis of population estimates tool – Population estimates analysis (England and Wales, mid-2018 estimates)

¹⁰⁵ Offender Management statistics quarterly: January to March 2019. Annual Prison Population, Table A1_7

¹⁰⁶ MoJ, Criminal justice statistics quarterly: December 2018. Court outcomes by police force area tool

¹⁰⁷ Based on figures from the Scottish Offending Index. Summary available here:

<https://www.ed.ac.uk/files/imports/fileManager/Peak-age-of-offending-rises-as-teens-turn-from-life-of-crime-30-10-2014.pdf>

¹⁰⁸ T2A (2009). *Young Adult Manifesto: The need for a distinct and radically different approach to young adults in the criminal justice system; an approach that is proportionate to their maturity and responsive to their specific needs*. Available at: https://www.t2a.org.uk/wp-content/uploads/2011/09/T2A-Young_Adult_Manifesto.pdf

¹⁰⁹ House of Commons Justice Committee (2016). *The treatment of young adults in the criminal justice system*. Available at: <https://publications.parliament.uk/pa/cm201617/cmselect/cmjust/169/169.pdf>

Throughout this report, Crest makes suggestions of areas of the youth justice system that are ripe for extending into the adult system.

Historically, YOTs have not only diverted children who commit crime away from the formal criminal justice system; they have also tried to prevent youth offending by intervening with children judged to be on the cusp of offending. A joint inspection of youth crime prevention in 2010 found that the prevention agenda was firmly embedded within YOTs and was based primarily around the Youth Inclusion and Support Panel and Youth Inclusion Programme approaches, which aimed to give at-risk children, generally from the age of eight, somewhere safe to go where they can engage in pro-social activities, and have access to positive role models and support; they also include parenting support.¹¹⁰ However, Crest's field research and interviews with YOT managers have revealed that much of this work has been stripped back in recent years – this is detailed in the following section.

Case study: Bureau diversion schemes in Wales

On average, Wales has shown a greater decrease in the rate of first time entrants between 2008 and 2018 compared to England (see Annex B).¹¹¹ One potential explanation may be differences in diversion schemes available over this time.

The Bureau model was established in 2009 as a partnership between Swansea Youth Offending Service and South Wales Police, and is supported by the wider Community Safety Partnership. It is a prevention initiative only used in Wales, and is an example of how “children first, offenders second” works in practice through a multi-agency response which addresses the underlying causes of youth crime. The process involves an assessment of the child and any identified victims by a multi-agency Bureau panel, who then reach a final agreement at the Bureau Clinic along with the child and their parent/ carer. The distinct stages of this process reinforce a child-centred and holistic response to offending and has the effect of slowing down the youth justice process.¹¹²

In comparison, Triage is an informal diversion scheme introduced in 2008 and used across most of England and some parts of Wales.¹¹³ Triage is a partnership between the police, Youth Offending Services (YOS), and the Crown Prosecution Service (CPS). It involves the police and YOS staff interviewing/ assessing first time entrants or children committing less serious offences. Following the assessment, and depending on whether the child takes responsibility for their

¹¹⁰ Criminal Justice Joint Inspection (2010). *A joint inspection of youth crime prevention*. Available at: https://www.justiceinspectorates.gov.uk/probation/wp-content/uploads/sites/5/2014/03/2010-09-03_Youth_Crime_Prevention_Report_final-rps.pdf

¹¹¹ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 2 - First time entrants to the youth justice system, Table 2.8

¹¹² Haines, K., Case, S., Davies, K., & Charles, A. (2013). 'The Swansea Bureau: A model of diversion from the youth justice system'. *International Journal of Law, Crime and Justice*, 41(2), 167-187

¹¹³ Home Office (2012). *Assessing young people in police custody: An examination of the operation of Triage schemes*. Institute for Criminal Policy Research

offence, the police and YOS staff will decide whether to not prosecute the child, to give the child a community resolution, or to give the child a youth caution. Triage is recorded on the police national computer as 'no further action' (NFA).

In contrast to the Bureau process, Triage's swift response to the offence does not necessarily allow time for the wider context of the child's needs to be considered and help inform the most appropriate response. Although there has not been a direct comparison between the effectiveness of the Bureau and Triage schemes, a 2018 submission from the YJB to the Commission on Justice in Wales found that diversion programmes across Wales have helped to deliver an 87 per cent reduction in the number of children entering the youth justice system since 2007, to a first time entrant rate of 258 per 100,000 in Wales, compared with 304 in England.¹¹⁴

How well prepared is the system to cope with current/ future challenges?

In recent years, there have been a number of national policy developments which have impacted the ability of the youth justice system to prevent youth offending effectively.

Stripping away of prevention services

Of all the tasks that YOTs are charged with carrying out (see chapter 1 for a full description), preventative work to reduce the number of first time entrants has been the easiest to scale back since it has never been explicitly included within their statutory duties. In 2010/11, a fifth (21 per cent) of YJB funding was ring-fenced for prevention programmes.¹¹⁵ Since then, the ringfence has been removed and the grant from central government (which covered YOTs' preventative work) has halved – from £145 million in 2010/11 (of which £31m was ringfenced for youth crime prevention programmes) to just £72 million in 2017/18.^{116,117} More broadly, cuts to local authority budgets have undermined a major source of preventative funding.¹¹⁸

An audit of YOT prevention activities carried out by the MoJ and YJB in 2017 found that 97 per cent of YOTs who responded were continuing to deliver prevention initiatives.¹¹⁹ However, the audit found significant variation in the percentage of YOTs' caseload that was not statutory – the median figure was 30 per cent, however over a fifth of respondents reported that less than 10 per cent of their caseload was non-statutory. This variety indicates that prevention work is in a precarious position.

¹¹⁴ YJB (2018). *Commission for Justice in Wales, call for evidence: Response by the Youth Justice Board for England and Wales*. Available at: <https://gov.wales/sites/default/files/publications/2018-06/Submission-the-youth-justice-board.pdf>

¹¹⁵ Youth justice annual statistics, 2010-2011. Supplementary tables. Annex C, Table C.1

¹¹⁶ Youth justice annual statistics, 2010-2011. Supplementary tables. Annex C, Table C.1

¹¹⁷ Youth justice statistics, 2017-2018. Supplementary tables: Annex F - Resources in YOTs, Table F.1

¹¹⁸ Ofsted (2018). *The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2017/18*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/761606/29523_ofsted_annual_report_2017-18_041218.pdf

¹¹⁹ MOJ & YJB (2017). *Summary of responses to the MOJ and YJB survey on youth justice: Prevention of offending*. Available at: https://yresourceshub.uk/our-community/resources-for-sharing/item/download/629_6d42864006f71c255bb7afadca20268c.html

The scaling back of prevention services and its impact on the services offered by YOTs was highlighted during our stakeholder interviews – for example, one YOT worker we spoke to stated that he was aware of 80 children at risk of being excluded from school in his area, but only seven were recorded by the YOT as needing support. A number of survey responses also expressed concern.

“Interventions are delivered later in a child's trajectory of offending. Austerity has played a significant role in some young people not having basic needs met. Education is a much more hostile environment.”

- YOT manager

These concerns mirror those expressed nationally. For example, Ofsted's 2017/18 inspection of education, children's services and skills highlighted that cuts to local authorities' preventative and wider children's services (whilst statutory services have largely been protected) are a “false economy,” as they have reduced local authorities' ability to intervene early enough when children present as at-risk or needing support.¹²⁰ The Home Affairs Select Committee's report on serious youth violence found “very strong evidence linking deprivation and vulnerability with knife crime and serious youth violence,” recommending a statutory minimum of funded youth services to ensure that at-risk children are prevented from committing violent offences.¹²¹

Partly in response to these concerns, central government has recently made a number of announcements regarding preventative funding. This includes the Youth Endowment Fund (£200 million over ten years), Supporting Families Against Youth Crime Fund (£9.8 million via the Troubled Families programme over two years), and the Early Intervention Youth Fund (£22 million over two years for projects endorsed by PCCs).¹²² However, while one-off funds can be useful in plugging short-term gaps, they tend to exacerbate siloed working and are not an adequate replacement for core funding required to provide integral, systematised local services that are embedded in the system, such as the preventative services offered by YOTs:

“The YJB has significantly reduced in size and restructured meaning we are unable to provide the direct support to the sector that we previously did. Consequently, we have worked to build resilience within the sector.”

- Paula Williams, YJB

¹²⁰ Ofsted (2018). *The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2017/18*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/761606/29523_Ofsted_Annual_Report_2017-18_041218.pdf

¹²¹ Home Affairs Committee (2019). *Serious Youth Violence: Sixteenth Report of Session 2017–19*. Available at: <https://publications.parliament.uk/pa/cm201719/cmselect/cmhaff/1016/1016.pdf>

¹²² The Troubled Families Programme delivers systematic and early 'whole family' intervention work, with the aim of achieving sustained progress for the most disadvantaged families. A recent evaluation demonstrated positive results in terms of reducing crime and anti-social behaviour, including a reduction in child convictions and custody, and wider service transformation for prevention. See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/790402/Troubled_Families_Programme_annual_report_2018-19.pdf

The relationship with police and crime commissioners

In 2013/14, funding from the Home Office for youth crime and substance misuse prevention that used to go directly to YOTs was transferred to police and crime commissioners (PCCs) and the ringfence was removed. At the time, concerns were expressed about what the impact might be on preventative activity, for example, with YOTs arguing that it might lead to PCCs choosing to prioritise spending in other areas.¹²³ There is some evidence to suggest that these fears were not unfounded. In 2017/18, the proportion of YOT partnership funding that came from PCCs varied from zero to 19 per cent (ranging from £0 to £405,800), demonstrating a significant variation in the extent to which PCCs have prioritised spending on youth crime and substance misuse prevention activities.¹²⁴ The relationship between YOTs and PCCs remains a matter of concern.

The changing role of agencies outside the criminal justice system

Custody and FTE rates are driven by a large number of factors that lie within and outside of the youth justice system, and it is not only YOTs' budgets that have been stripped away; services outside of the criminal justice system have also faced significant cuts. Children's services have been relatively better protected from funding cuts compared to non-statutory preventative services, but nonetheless, local authority expenditure on services for young people decreased by 56 per cent between 2011/12 and 2017/18, and their spending on youth justice decreased by 23 per cent.¹²⁵ There has also been a major reorientation of spending on children's services, with around half of total children's services spending now going on the 75,420 looked-after children (whose numbers have increased by 27 per cent since 2008).^{126,127}

There is also evidence to suggest that social work practices have not adapted to the changing needs of the children on their caseload, and that safeguarding governance is not sufficiently robust. For example, the findings of five joint targeted area inspections into the multi-agency response to tackling child sexual exploitation and missing children found that partner agencies often had limited understanding or awareness of the rapidly evolving offending histories that exploited children can demonstrate.¹²⁸ Similarly, the inspections concluded that incidences of children going missing often did not lead to a consideration of wider vulnerabilities.

¹²³ Justice Committee (2013): *Youth Justice: Seventh report of session 2012-13*. Available at <https://publications.parliament.uk/pa/cm201213/cmselect/cmjust/339/339.pdf>

¹²⁴ Youth justice statistics: 2017-2018 additional annexes. Annex F: Resources in YOTs - Table F.4

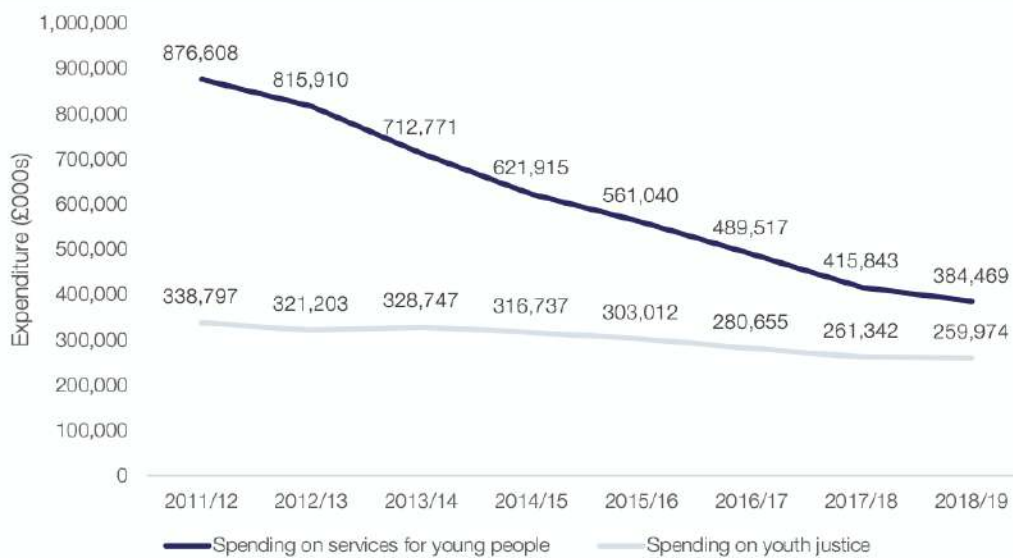
¹²⁵ DfE, Local authority and school finance. LA and school expenditure: 2018/2019 & 2011/2012 financial year, Table 1

¹²⁶ DfE, Local authority and school finance. LA and school expenditure: 2018/2019 financial year, Table 1

¹²⁷ DfE, Children looked after in England including adoption: 2010 to 2011 & 2017 to 2018

¹²⁸ HMIP, HMIC, CQC, & Ofsted (2016). *'Time to listen' – a joined up response to child sexual exploitation and missing children*. Available here: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/676421/Time to listen a joined up response to child sexual exploitation and missing children.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/676421/Time_to_listen_a_joined_up_response_to_child_sexual_exploitation_and_missing_children.pdf)

Figure 29. Trends in local authority expenditure on children’s services in England, 2011/12 – 2018/19



Implications for policy

Recommendation: extend the YOT model up to age 25. Multi-agency teams should be responsible for preventing first time entry through effective triage and rehabilitating young adult offenders by providing holistic support both in the community and in prison.

YOTs are responsible for arguably one of the greatest successes in criminal justice over the last decade: using a personalised, multi-agency and preventative approach to diverting first time entrants out of the system altogether. There are strong grounds for extending this approach more widely throughout the criminal justice system, rather than seeking to dilute it. For this reason we believe that it makes sense to start by extending the YOT model to the supervision and management of young adults.

The key justification for prioritising young adult offenders for a new approach is that they are the age group most likely to commit a criminal offence and so place a huge demand on the criminal justice system. Most young adults will “grow out of crime” and stop offending by their mid-20s and in order to do so it is important that they are given every opportunity to develop positive identities as the foundation to a crime-free future. Managing them more effectively would have a particularly beneficial impact on the rest of the system in terms of saving money by avoiding the long-term costs of them continuing to offend into older adulthood. Such a move would mean that there is no longer a sudden break in support and critical relationships at the age of 18 for those transitioning to adulthood – and that the key worker system developed in the YOTs should create more consistent support for young adults.

Implementing this recommendation would have limited resource implications. The success of the youth offending teams has been achieved with a similar resource per head than is available within

the adult probation service. New analysis by Crest estimates that the unit cost per child in YOTs is £1,530, while the unit cost per adult for probation services is £1,440.^{129,130,131} Based on these estimates, there would therefore be little additional resource required for the 12,359 young adults between the ages of 18 to 24 who were supervised by probation services in 2017 to be taken on by YOTs and work with it to the same standard.¹³² It should be noted that this does not include the young adults in prison – YOTs are also responsible for supervising and managing children whilst they are serving their custodial sentence, and not just upon release.

There are further logistical questions, namely how quickly one could transfer the caseload and retrain staff in understanding the impact of development of maturity on behaviour and respond appropriately. However, the fact that the government is currently reforming probation services means there is a small window of opportunity within which it will be possible to radically reconfigure adult probation services. This proposal is thus potentially timely.

Recommendation: make prevention one of YOTs’ statutory functions and monitor the impact.

While the statutory aim of the youth justice system under the Crime and Disorder Act 1998 is to prevent offending, the statutory functions prescribed for YOTs in the Act are to coordinate the provision of youth justice services and to carry out the functions assigned to it in the local authority youth justice plan. As prevention is therefore not explicitly specified as one of YOTs’ statutory duties, it is no surprise that since the prevention grant ringfence was removed in 2011/12, such

¹²⁹ The unit cost per under-18 offender in YOTs was calculated as the total cost for youth offending team officers divided by the total number of proven offenders. This was based on: £29,000 average salary for a full time youth offending team officer, and £14,500 for a part time youth offending team officer; 3,252 full time youth offending team officers and 920 part-time officers in 2017/18; and 70,349 proven under-18 offenders in 2017/18.

Sources:

<https://nationalcareers.service.gov.uk/job-profiles/youth-offending-team-officer> (average salary)

Youth justice statistics, 2017-2018. Supplementary tables: Annex F - Resources in YOTs, Table F.5 (number of youth offending officers) Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 4 - Proven offences by children, Table 4.1 (number of proven offences by children)

¹³⁰ The unit cost per adult offender under probation supervision was calculated as the total probation staff expenditure divided by the total number of over-18s convicted in court and given a community or suspended sentence, and the number released from prison in 2018. The calculation is based on: £31,000 average salary for a full-time probation officer; 3,352 full time band 4 probation officers (NPS) and an estimated 4,709 CRC equivalent (based on a 59:41 caseload split between CRCs and NPS as at September 2018); 69,464 community sentences and 34,439 suspended sentences given to adults by the courts; and 69,624 adults released from prison in 2018.

Sources:

<https://nationalcareers.service.gov.uk/job-profiles/probation-officer> (average salary)

HM Prison and Probation Service workforce quarterly: March 2019. HMPPS workforce statistics bulletin: March 2019 tables - Table 3 MoJ, Criminal justice statistics quarterly: December 2018. Court outcomes by police force area tool (numbers of suspended & community sentences)

Offender Management statistics quarterly: January to March 2019. Prison releases: January to March 2019 - Table 3.1 (prison releases) NAO (2019). *Transforming Rehabilitation: Progress review (CRC and NPS caseload split – staff employed by CRCs not publicly available)*

¹³¹ The NAO calculated a similar comparison of unit costs of offender management teams in their 2011 technical paper named *The cost of a cohort of young offenders to the criminal justice system*, and found a much larger discrepancy of £357 per adult offender and £1,469 per child offender. We believe the comparatively low cost of adult supervision was due to the probation staff cost being divided by the total number of adults convicted in courts. However, not all court outcomes (e.g. fines, which make up a large proportion of all disposals) will result in probation supervision. Available at:

https://www.nao.org.uk/wp-content/uploads/2010/12/1011663_technical_paper.pdf

¹³² HM Prison and Probation Service offender equalities annual report: 2017 to 2018 - Table 12.1

activity now forms a smaller proportion of YOTs' work compared to a decade ago.¹³³ As our research makes clear, early intervention has contributed to the success of YOTs in reducing the number of children entering the criminal justice system. There is thus a real danger that the impact of the shrinkage in YOT budgets will be to reverse the progress achieved over the last decade, though the effects may still not be seen for several years.

In recent years, central government has announced a series of initiatives (and funding streams) designed to boost prevention and early intervention, including the Youth Endowment Fund, the Supporting Families Against Youth Crime Fund and the Early Intervention Youth Fund. However, what is required is a means of systematising prevention – so it becomes routine, rather than another top-down initiative which bolts-on to existing service provision. As a result, we are recommending that prevention is put on a statutory footing for YOTs.

Alongside this, the government should require the YJB to accurately measure (and monitor) the level of preventative activity undertaken by YOTs and other services. The monitoring of preventative activity should be viewed in the context of measures that the YJB already monitor (i.e. first time entrant, custody and reoffending rates), in an attempt to better understand the reasons for the regional variability seen in these metrics. If the scale/ quality of prevention does not improve within three years, the government should consider re-introducing the ringfence as a way to boost investment.

Recommendation: central government should dedicate greater priority and resources to strengthening the evidence base regarding diversion and children at risk of contact with the youth justice system, including the drivers of racial disproportionality, with a view to establishing new national principles for effective diversionary practice.

Due to there being no central data collection on diversionary practice, we do not have a clear picture on who is being diverted, into what, and with what outcome. Furthermore, as a number of agencies are involved in diverting children, who may or may not record their interactions (see table 1 on page 12), siloed data systems (both at a local and national level) further limit our understanding of the interventions and outcomes provided to children in need who are in contact with the youth justice system and other relevant bodies (e.g. local authorities and secure mental health units). Specifically, we lack an understanding of:

- what types of diversion result in better outcomes;
- how to differentiate between those children who have committed a low-level offence who are likely to desist without intense intervention and those who are likely to show a continuation or escalation in their offending behaviour and require support;
- whether diversion into non-criminal justice interventions are also associated with negative labelling effects;
- whether fewer first time entrants means less crime; and

¹³³ YJB & MOJ (2012). *Youth Justice Statistics Bulletin 2010/11*

- the drivers of the growth in racial disproportionality.

Case study: an analysis of YOTs' diversionary activities by a combined authority area

One combined authority area had commissioned specialist analysis of data to do with youth offending and diversion. Five years' worth of police and YOT data (up until 2018) was analysed to answer a number of different research questions, which included the impact of community resolutions on youth offending, and how youth offending and reoffending differs across a number of factors such as age, gender, and local authority care status.

The analysis demonstrated that the fall in first time entrants in the area was almost entirely attributable to the use of community resolutions. Community resolutions (which can include restorative justice) are an informal outcome which gets recorded by the police at a local level but is not reported nationally – it does not result in a child being recorded as a first time entrant, and there is no consistent practice nationally for a referral to be made to the YOT. It should be noted that we do not know from this data what the community resolution intervention comprised of. As a result, if counting the children who receive police-led community resolution-based outcomes as well as first time entrants, the numbers of children in contact with the justice system would have remained largely stable over the past five years.

Analysis of offending data demonstrated that community resolution police outcomes were associated with a higher rate of reoffences committed by children (2.8) compared with no further action (2.4) and cautions (2.2). That is, community resolution as a diversionary approach was consistently shown to be comparatively ineffective in reducing offending behaviours. It could therefore follow that diverting an increasing proportion of children from the youth justice system using community resolution-based approaches could result in children then coming into the system committing more serious offences at a later age, having not had any intervention earlier on.

Moreover, when looking at the child offending population, the age range associated with the highest numbers of reoffences was 11-14 years. The top five offences most likely to be committed by children were the same for the cohort's first and subsequent offences, suggesting that the severity of the offence should not be used as an indicator of whether or not a child requires intervention.

As a direct result of this research, the combined authority worked with local authorities to develop a process whereby if a child receives a second community resolution outcome, they are now referred to their local YOT/ prevention team.

This case study is relevant for a number of reasons. Firstly, it demonstrates how data collected by YOTs can be analysed to effectively inform evidence-based practice with the aim of improving outcomes for children at risk of entering, or already involved in, the youth justice system, providing an example of good practice for other areas. Secondly, the research findings

demonstrate that diversion is not necessarily always a panacea – there are clear differences in the effectiveness of different types of diversion, with this particular piece of analysis suggesting that formal diversion is more effective than informal diversion, however a more robust evidence base is required to make generalised conclusions. Thirdly, the findings on offending trajectories cast doubt on a strict interpretation of the findings of the Edinburgh study, instead indicating that the benefits of early intervention may outweigh the potentially damaging effects of labelling children by processing them through the criminal justice system (assuming the disposal is proportionate to the offence).

On balance, we judge that the growth in diversion has been a net positive, largely because it has meant fewer children committing low-level offences being unnecessarily sucked into the system. However, the findings of the Edinburgh study are not sufficient to justify all diversion as unequivocally positive. The case study above suggests that in some cases, informal diversion can be less effective than no response at all. Clearly, a significant bolstering of the evidence base is required to determine in what contexts diversion does result in better outcomes, and the type of intervention that should be attached to diversionary efforts. Whereas research into what works to improve outcomes for children in need does exist, there is a lack of focus on what works when children are in contact with the youth justice system specifically. For example, the What Works Centre for Children’s Social Care does not include youth justice in its remit.¹³⁴

We also note that with serious possession of weapon offences having increased in recent years, we may have already reached the limits of an approach which prioritises diversion over formal sanctions. Furthermore, the lack of a solid empirical evidence base demonstrating the gains of diversion makes the system more vulnerable to a shift in policy direction (which, given prevailing headwinds, is likely to be in a more punitive direction). The best way to persuade stakeholders, including PCCs, of the case to invest in diversion will be via clear analysis of the long-term cost benefits. Strengthening the evidence base ought to be one of the YJB’s top priorities, building on existing mapping exercises and evaluations.^{135,136}

To remedy this lack of knowledge we are therefore recommending that the Ministry of Justice and Department of Education jointly commission research aimed at building a comprehensive understanding of children in need who are at risk/ already in contact with the youth justice system, local authorities and secure mental health units, with a focus on the drivers of increasing disproportionality in children entering the youth justice system. We also recommend that the What Works Centre for Children’s Social Care includes youth justice in its remit, with the explicit objective of strengthening the evidence base on what works in diversion and prevention, including the development of a new set of minimum national standards and a repository of best practice.

¹³⁴ The What Works Centre for Children’s Social Care is an independent initiative to foster evidence-informed practice in England commissioned by the Department for Education (DfE). The initiative is due to be established in 2020. See: <https://www.scie.org.uk/children/what-works-centre>

¹³⁵ CJI (2019). *Mapping youth diversion in England and Wales*. Available at: <https://justiceinnovation.org/sites/default/files/media/documents/2019-02/mapping-youth-diversion-in-england-and-wales-final.pdf>

¹³⁶ CJI (2019). *Youth diversion evidence and practice briefing: minimising labelling*. Available at: https://justiceinnovation.org/sites/default/files/media/documents/2019-09/minimising_labelling_final.pdf

4. How effective is the youth justice system: reducing the numbers of children in custody

Overview

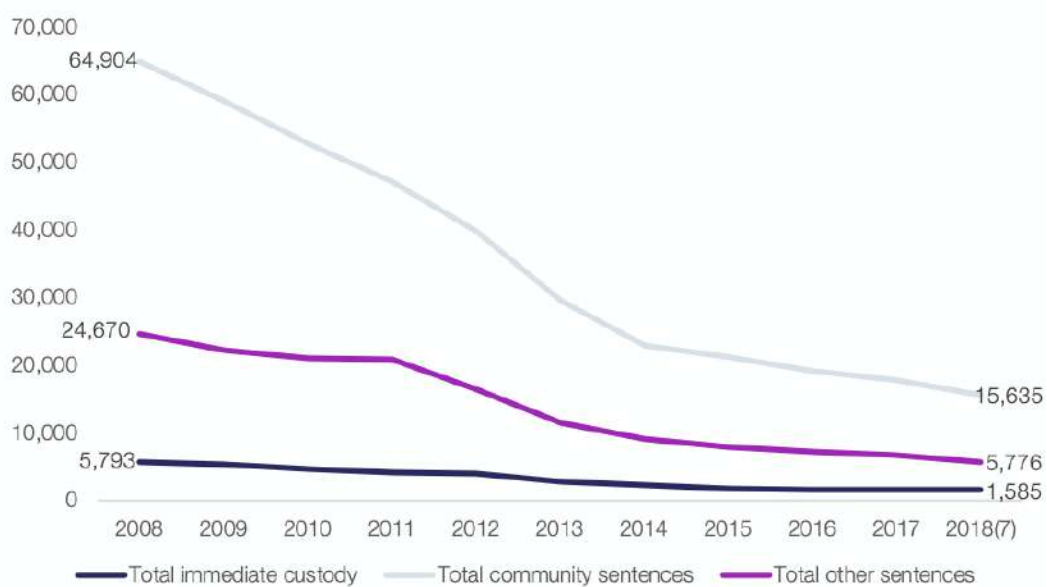
As documented in chapter two, the child custodial population has reduced dramatically over the last decade, at a time when the numbers of adults in prison has continued to rise. This chapter explores what drove these trends and looks at how well prepared the youth justice system is to cope with what are likely to be tougher headwinds over the next five years.

What drove the fall in children entering custody?

Falling numbers sentenced by the courts

New modelling of sentencing data carried out by Crest reveals that the primary cause of falling numbers of children in custody was the fact that there were fewer children entering the system to begin with (i.e. fewer FTEs). Fewer children in the system has meant fewer children sentenced by the courts (see figure 30).

Figure 30. Sentencing occasions of children at all courts for indictable offences by type of sentence, years ending March 2008 to March 2018*¹³⁷



*Other sentences include absolute or conditional discharge; fine; suspended sentence; and otherwise dealt with

A shift towards the principle of 'custody as a last resort'

Since the mid-2000s, there has been a growing recognition within central government that custody should be the very last resort for children. This is reflected in sentencing guidelines for children,

¹³⁷ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 5 - Sentencing of children, Table 5.3

which make clear that custodial sentences are not mandatory even when the custodial threshold has been surpassed, and sentencers must determine that a custodial sentence would be more effective at preventing offending than the alternative.

“When sentencing children or young people a court must have regard to: the principal aim of the youth justice system (to prevent offending by children and young people); and the welfare of the child or young person.”
- Sentencing Council (2017)¹³⁸

Our interviews with YOT managers suggest this shift has had a material impact on the behaviour of sentencers. When asked to explain the fall in child custody, the following responses were typical.

“Less use of custody by local sentencers as a conscious attempt to reduce number of custodial disposals.”
- YOT manager

“Judicial confidence in alternatives to custody and the maintenance of a child first offender second culture in YOT.”
- YOT manager

Magistrates also described a positive culture change, that applied to the youth justice system in general as well as their work within youth courts:

“There has been a change in the whole culture of youth justice, and that change has been for the better.”
- John Bache, Chair of Magistrates Association

While these findings resonated strongly with stakeholders, it is important to highlight that available published data may at first glance suggest that there has been little change in sentencing behaviour over the last decade. As can be seen in figure 31, the proportions of community sentences, immediate custodial sentences, and other sentences have remained largely stable.^{139,140} However, the stable proportions of different sentences given to children over time may still indicate a change in sentencing behaviour, on the basis that if less serious offenders have been diverted from court, one would reasonably have expected the proportion of custodial sentences to increase amongst the smaller, more serious cohort. This was corroborated by our qualitative research – the same respondents who outlined a shift in sentencing behaviour towards custody being a last

¹³⁸ Sentencing Council (2017). *Sentencing Children and Young People: Overarching Principles and Offence Specific Guidelines for Sexual Offences and Robbery*. Available at: <https://www.sentencingcouncil.org.uk/wp-content/uploads/Sentencing-Children-and-Young-People-definitive-guideline-Web.pdf>

¹³⁹ MoJ, Criminal justice statistics quarterly: December 2018. Court outcomes by police force area tool

¹⁴⁰ It is worth noting that the number of custodial remand sentences given by the courts has not declined to the same extent as other custodial sentences such as DTOs, indicating that the principle of ‘custody as a last resort’ has not impacted sentencers’ behaviour equally when comparing remanded vs. sentenced children.

resort, also reported the mix coming before the courts as becoming more serious in their offending.

Figure 31. Proportions of different sentencing occasions of children at all courts for indictable offences by type of sentence, years ending March 2008 to March 2018^{*141}



*Other sentences include absolute or conditional discharge; fine; suspended sentence; and otherwise dealt with

However, in terms of the children who are given custodial sentences, the data suggests a slight toughening of sentencing practice. While the proportion of children receiving custodial sentences has stayed the same, the length of custodial sentences has generally increased, particularly for sexual, criminal damage, and violence against the person offences (although that is partially offset by shorter sentences for possession of weapons and public order offences).¹⁴² However, Crest’s modelling of sentencing data suggests that this is likely to be a reflection of a more serious case mix (and more severe offending) than was the case a decade ago.¹⁴³ It is also possible that the courts have cut out the “low hanging fruit” from the more severe end of sentencing, i.e. with those on the cusp of custody no longer receiving custodial sentences, meaning custodial sentences are being given for what are on average more serious offences, resulting in higher average custodial sentence lengths.

¹⁴¹ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 5 - Sentencing of children, Table 5.3

¹⁴² MoJ, Criminal justice statistics quarterly: December 2018. Court outcomes by police force area tool

¹⁴³ See Annex C for more information.

A close relationship between magistrates and YOTs

A key finding from Crest's fieldwork is that the relationship between magistrates and YOTs is more developed than is the case within the adult system (see box below).

The disconnect between probation companies and magistrates

A number of reforms have contributed to an increasing disconnect between (adult) probation companies and magistrates, including *Transforming Rehabilitation*, the introduction of targets relating to court process and timeliness, and the significant number of court closures since 2010.

¹⁴⁴

The growing fragmentation between the probation service and the courts, coupled with targets on the timeliness of court cases, have resulted in a long-term decline in the quality/ depth of advice provided by probation to guide sentencing decisions in the form of pre-sentence reports (PSRs). Fast delivery oral PSRs made up 58 per cent of all PSRs in 2018, compared to 12 per cent a decade previously.^{145,146}

A review of the relationship between probation and the courts by the Centre for Justice Innovation also found that sentencers do not receive adequate information from CRCs about what community sentence options they offer, and what each sentence entails.¹⁴⁷ Sentencers also receive little to no information about how people progress following a sentence.

In May 2019, the MoJ announced that the split private/ public probation model would be reversed, and that all offender management would return to the NPS.

In particular, youth magistrates we interviewed were keen to stress that there is a good level of dialogue with YOTs, contributing to magistrates' high confidence in pre-sentence advice (via PSRs), reflected in the high proportion of community sentences. This is corroborated by research carried out by the YJB in 2017, who found that overall, a good quality report was provided to the courts in 94 per cent of cases.¹⁴⁸

¹⁴⁴ Transforming Rehabilitation refers to the government's reform of the probation service in 2014 which split the probation service into privately run Community Rehabilitation Companies (CRCs) and the National Probation Service (NPS).

¹⁴⁵ Offender Management statistics quarterly: January to March 2019. Probation: January to March 2019 - Table 4.10

¹⁴⁶ Offender management statistics (quarterly) - October – December 2013 and Annual. Offender management annual tables 2013, Probation tables 2013 - Table A 4.25

¹⁴⁷ CJI (2019). *Renewing trust: How we can improve the relationship between probation and the courts*. Available at: https://justiceinnovation.org/sites/default/files/media/documents/2019-02/cji-renewing-trust-2018-d-sw_1.pdf

¹⁴⁸ HMIP (2017). *The Work of Youth Offending Teams to Protect the Public: An inspection by HM Inspectorate of Probation*. Available at: https://dera.ioe.ac.uk/30410/1/The-Work-of-Youth-Offending-Teams-to-Protect-the-Public_reportfinal.pdf

“Generally, PSRs were of good quality. They made sentencers fully aware of the risks of harm that a young person posed while at the same time offering a constructive option for managing them in the community. Some reports outlined previous trauma in the young person’s history.”
- HMIP, 2017

By comparison, in the adult courts, oral, short format and standard delivery PSRs were found to be of sufficient quality to assist the sentencing process in 91, 71, and 85 per cent of cases respectively.¹⁴⁹

Case study: a ‘deep dive’ into two contrasting YOTs

Discussions with the two YOT management teams involved in the ‘deep dive’ analysis highlighted the importance of the relationship between the YOTs and the courts – in both areas, a member of the YOT attends the local youth court every day.

We analysed the proportion of cases heard in youth and Crown courts in each area, and the percentage heard locally versus out of area. The two YOT areas showed a similar breakdown of cases heard in the youth court and Crown court, with a roughly 7:3 split in both (youth : Crown court), indicating a similar breakdown of severe cases.

There was a difference however in the proportions of cases heard in local courts. In 2018, the YOT that had seen high rates of child custody had 70 per cent of their youth court cases heard in the local youth court, and 39 per cent of their Crown court cases heard locally. In the area that had seen lower rates of child custody, 91 per cent of the youth court cases were heard in the locally compared to 30 per cent of Crown court cases.

Though this is one of many factors that could influence custody rates, and the analysis is correlational, these findings could suggest that the proportion of cases heard in local youth courts can impact the area’s rates of child custody, with a higher level of locally heard cases correlating with a lower rate of child custody.

Civil society pressure

Change is rarely driven solely by Whitehall. In the case of child custody, the government and YJB were aided in their efforts by a wide range of campaigning groups and charities, who built the evidence base and public consent for the goal of reducing child imprisonment. Of particular note was the ‘Out of Trouble’ initiative of the Prison Reform Trust, which supported practice-based

¹⁴⁹ HMIP (2017). *The work of probation services in courts*. Available at: <https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2017/06/The-work-of-probation-services-in-courts-report.pdf>

initiatives particularly in those areas that made disproportionately greater use of youth custody than others.¹⁵⁰

How well prepared is the system to cope with current/ future challenges?

Declining specialist expertise amongst magistrates

The reduction in numbers coming before youth courts was perceived as a double-edged sword by magistrates interviewed during this project. Despite unequivocally positive views from magistrates on fewer children being prosecuted in court, and smaller caseloads as a result, this was not said to have necessarily contributed to more time per case, and may have instead led to a decline in magistrates' experience of dealing with children. Lower court demand has led to the closure of half of all magistrates' courts in England and Wales between 2010 and 2018.¹⁵¹ As such, magistrates' experience of dealing with children has decreased, to a differing degree across the country – for example, Highbury youth in London courts sits every weekday, whereas Newcastle's youth court only sits twice per week.

“There is considerable regional variation – when you see many less youths, there does begin a question of competencies for all involved, because if you're doing something on a regular basis, obviously you build a body of knowledge between all of you. If you're seeing less cases, there would be a natural correlation that some of your competencies may diminish.”
- John Bache, Chair of Magistrates Association

This has come at a time where greater experience and specialism is arguably required from youth magistrates. As the cohort has shrunk, magistrates reported that the mix of children coming before them are now on average more complex and serious, both in terms of their offences and their needs.

The growth in serious violence and the government's response

The growth in proven knife and offensive weapon offences since 2014 present a threat to the gains observed in terms of the reductions in custody. The courts hand immediate custodial sentences in 11.5 per cent of possession of weapons cases (compared to 6.4 per cent overall), meaning an increase in children committing such offences will likely impact the numbers in custody.¹⁵²

The introduction of knife crime prevention orders (introduced into the Offensive Weapons Act 2019) may also end up contributing to a reversal in the reductions of the child custody population. Police can apply for knife crime prevention orders in the courts, which can be given to any child over the age of 12 believed to routinely carry a knife/ blade. The orders can place restrictions on children

¹⁵⁰ See more here:

<http://www.prisonreformtrust.org.uk/WhatWeDo/Projectsresearch/Childrenandyoungpeople/OutOfTroublepublications>

¹⁵¹ House of Commons Library (2019). *Constituency data: Magistrates' court closures*. Available at:

<https://commonslibrary.parliament.uk/home-affairs/justice/courts/constituency-data-magistrates-court-closures/>

¹⁵² MoJ, Criminal justice statistics quarterly: December 2018. Court outcomes by police force area tool

including curfews, geographical restrictions, and limiting their social media use. Breaching the order is a criminal offence that can lead to imprisonment for up to two years.

Lack of incentives to invest in alternatives to custody

There remains a perverse incentive in the system: local agencies, who hold many of the levers to prevent youth offending, are not responsible for the costs of custody (which are picked up by central government) and thus have no financial incentive to invest in intensive and preventative alternatives in the community.

In 2013, the government experimented with a very limited form of financial devolution – funding responsibility for children held in custody on remand was devolved to local authorities, with the aim of incentivising local areas to invest in alternatives to custody, and thus reduce the number held on remand. This has been met with limited success; though use of remand has continually fallen since April 2013, there is no evidence that local authorities have increased their investment in alternative remand places, and the proportion of children in custody who are held on remand has increased since 2013.^{153,154}

Arguably, the formula for the delegation of the remand budget was flawed from the outset. The amount of money involved (£17.5 million for the remand budget in 2013/14, averaging £109,675 for each local authority) was never likely to be enough to incentivise a change in behaviour, particularly given the size of local authorities – many do not cover a large enough geographical area to achieve economies of scale and do not contain a secure establishment.¹⁵⁵

The ‘Youth Justice Reinvestment Custody Pathfinder’ on the other hand resulted in reductions in child custody rates that exceeded those seen nationally. Pathfinder, commissioned by the YJB, provided £1,500,000 of funding to a suite of five local authorities in the North of England and £300,000 to four London boroughs, to reduce the use of custody for 10 to 17 year olds. The first and second site saw reductions of 40 and 42 per cent in custody bed nights respectively in year two of the pilot, compared to a reduction of 33 per cent nationally.¹⁵⁶ An evaluation of Pathfinder found that effective use of data to identify key points in the system where improvements would have the most impact. forecasting custody bed night demand and planning accordingly, and focusing on ‘marginal gains’ such as ensuring children did not miss appointments, were key factors in the success of the project.¹⁵⁷

¹⁵³ Transform Justice (2018). *Path of little resistance: is pre-trial detention of children really a last resort?* Available at: http://www.transformjustice.org.uk/wp-content/uploads/2018/12/TJ-December-2018-PRINT_V2-December.pdf

¹⁵⁴ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 6 - Use of remand for children, Table 6.1 & 6.2

¹⁵⁵ MOJ (2013). The new remand framework for children: Allocation of new burdens funding to local authorities [Funding allocation for individual Local Authorities \(2013-14\)](#)

¹⁵⁶ MoJ (2015). *Youth Justice Reinvestment Custody Pathfinder: final process evaluation report*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/414123/youth-justice-reinvestment-custody-pathfinder-final-evaluation-report.pdf

¹⁵⁷ Ibid.

Implications for policy

Recommendation: the early termination of Community Rehabilitation Company (CRC) contracts is an opportunity to reset the relationship between the probation service and the judiciary, learning from the approach taken within the youth system, whereby YOTs and magistrates show a high level of concordance and mutual trust.

One of the distinctive features of the youth justice system is the closeness of the relationship between YOTs and magistrates, which has helped to strengthen magistrates' confidence in alternatives to custody. This is evidenced by the fact that magistrates spoken to during our research reported a high level of confidence in PSRs provided by YOTs, which have been shown to be on average of a higher quality than PSRs produced for the adult courts, in which fast delivery oral PSRs outnumber standard and fast delivery written PSRs.¹⁵⁸

YOT workers and magistrates interviewed during our research stated a high level of concordance between sentences proposed by YOTs and sentences given by youth magistrates, whereas in the adult courts, in 2017 the outcome matched the proposed sentence in only 65 per cent of cases.¹⁵⁹ Furthermore, in both 'deep dive' YOT areas, we were told that a member of the YOT was present at the local youth court every day. This is in stark contrast to the adult system, where sentencers' confidence in court orders run by the CRC is "undermined" by a lack of information sharing about the activities offered, and a lack of regular communication.¹⁶⁰

There is a clear case for extending the YOT-court relationship more broadly into the adult system. Compared to the adult system, there is a lot more liaison and information flow between the courts and the YOT, and the YOT hold and present a lot more information about the child in court. Increasing information flow between the courts and probation services (e.g. by increasing the amount of time probation officers spend in court, or increasing the proportion of full PSRs) could help increase sentencers' confidence in alternative sentences to custody, and increase concordance between the recommendations in PSRs and the ultimate outcome. In addition, extending the approach taken in the youth system could take the form of increasing engagement between magistrates and offenders in the adult courts – in youth courts, magistrates communicate with children directly, whereas in the adult court this tends to be completed through a solicitor or barrister.

¹⁵⁸ Offender Management statistics quarterly: January to March 2019. Probation: January to March 2019 - Table 4.10

¹⁵⁹ HMIP (2017). *The work of probation services in courts*. Available at:

<https://www.justiceinspectors.gov.uk/hmiprobation/wp-content/uploads/sites/5/2017/06/The-work-of-probation-services-in-courts-report.pdf>

¹⁶⁰ Ibid.

Recommendation: PCCs and probation to co-fund a bespoke community sentence specifically tailored to 18 – 25 year olds committing high volume, low harm offences, which would provide a more effective alternative to short prison sentences.

It is clear that one of the key differences between the adult and youth justice systems is the level of confidence that magistrates have in community sentences. Community sentences make up 68 per cent of total youth sentences, compared to six per cent of adult sentences.^{161,162} That is why Crest advocates a beefing up of alternatives to custody within the adult system.

This could be based on the successful intensive alternatives to custody (IAC) model, whereby sentencers can apply a more intensive community-based sentence to those young adults deemed to be at risk of a custodial sentence of less than 12 months, i.e. 18 – 25 year olds committing low harm, high volume offences (e.g. repeat shoplifting offences). Based on the experience of the Manchester IAC, sentencers could choose from a menu of intensive supervision requirements, enhanced monitoring requirements, 30 hours per week of required activity, curfew requirements, accredited programmes, unpaid work requirements, as well as tailored interventions for each young adult, with reviews of progress in court and swift sanctions for non-compliance. Typically these IAC orders will involve intensive work and numerous relationship-building meetings in the first few weeks, with the level of contact with the probation officer/ key worker tapering off over time as confidence that the young adult is on the right path grows.

The IAC pilots were estimated to cost on average £5,000 per offender, with the cost varying between £4,000 and £7,000 in different areas.¹⁶³ However, the direct resource cost to the IAC team (excluding referrals to other agencies) in the Manchester pilot that dealt specifically with young adults was estimated to be just £3,500 per offender, roughly equivalent to the cost of a place in prison for one month.^{164,165} A cost benefit analysis demonstrated that providing IAC orders for all eligible young adults who offend instead of a custodial sentence would save £500 million over the next 5 years.¹⁶⁶

Recommendation: remove the ability of youth magistrates to issue custodial sentences of less than six months to children.

Custody should always be a last resort for children, but too frequently it is used because all other sentencing options have been exhausted, rather than because the seriousness of the offence

¹⁶¹ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 5 - Sentencing of children, Table 5.3

¹⁶² MoJ, Criminal justice statistics quarterly: December 2018. Court outcomes by police force area tool

¹⁶³ MoJ (2011). *Evaluation of the Intensive Alternatives to Custody pilots*. Available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/217372/intensive-alt-custody-research-summary.pdf

¹⁶⁴ Matrix (2012). *Final Report: An economic analysis of alternatives to short term custody*. Available at:

https://www.makejusticework.org.uk/wp-content/uploads/Matrix-MJW_updated-Final-Report_June-2012-2-1.pdf

¹⁶⁵ MoJ (2018). *Costs per place and costs per prisoner by individual prison*. Available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/750185/costs-per-place-costs-per-prisoner-2017-2018-summary.pdf

¹⁶⁶ Matrix (2012). *Final Report: An economic analysis of alternatives to short term custody*. Available at:

https://www.makejusticework.org.uk/wp-content/uploads/Matrix-MJW_updated-Final-Report_June-2012-2-1.pdf

merits immediate detention. In 2018, almost half of children sentenced to immediate custody were given a sentence of six months or less.¹⁶⁷ These short custodial sentences break vital links with family, education, and support services, and provide little opportunity for secure establishments to tackle the child's problems. Children fail to settle in secure provision and do not feel it is worth investing in the regime or building the relationships with staff members that would help them to make progress. In future, we recommend that if children are to be sentenced to custody, it ought to be for a period of time in which there is a realistic chance of changing their behaviour.

Therefore, we recommend that the government should remove the availability of short custodial sentences from magistrates. If a child is to be sentenced to custody, the minimum amount of time they should spend in detention is six months. This change will need to be monitored and reviewed to make sure that children who would have received a short custodial sentence are not instead sent to custody for longer periods of time (i.e. that there is not any identifiable up-tariffing).

Recommendation: devolve custody budgets for the youth custodial estate to Metro-Mayors, where appropriate.

So-called 'justice reinvestment' involves creating a financial mechanism whereby resources currently locked into the prison estate can be recycled into intensive and preventative alternatives in the community. This cannot take place while custody places are funded and commissioned nationally, when the work needed to reduce the use of custody through community-based alternatives needs to be funded and commissioned locally. To incentivise local agencies to invest in alternatives to custody for children, the budget for youth custody should be devolved to the local level as well. This should facilitate a transfer of resources out of custody and into more effective interventions in the community.

We recommend making Metro-Mayors in areas with high populations (such as London, Greater Manchester, or the West Midlands) responsible for the cost of all detention and training orders for children and young people (including remands).¹⁶⁸ Budgets for the forthcoming year could be devolved to the combined authority, then charged back for each place used. They should be able to keep any surplus from the budgets that have been devolved to them, which they could then reinvest in alternatives to custody. If these budgets were sufficiently long-term, this would provide local areas with the confidence to bring money forward to invest in measures such as IACs, on the understanding that this will pay off significantly once they are in a position to close institutions or wings.

¹⁶⁷ MoJ, Criminal justice statistics quarterly: December 2018. Court outcomes by police force area tool

¹⁶⁸ The scale of these areas combined with the large catchment areas of many youth custodial institutions may pose challenges that would need to be considered. For example, Feltham YOI houses children from a large number of local authorities across the south of England, the majority (but not all) of which would be in London.

5. How effective is the youth justice system: outcomes for children in custody

Overview

It is extraordinary that despite the youth custodial population having fallen by 70 per cent, the conditions within prisons have, if anything, become less safe and rehabilitative. Recent inspection reports paint a grim picture, suggesting that the youth custodial estate is not fit for purpose for the children it holds, whose needs are more acute and concentrated compared to the larger cohort in custody a decade ago. Not one YOI was given a ‘good’ assessment for safety in 2017/18; incidents of self-harm, assault and use of restraint are rising year-on-year; and HMIP stated in its 2017/18 annual report that youth custody was “dangerous, counterproductive and will inevitably end in tragedy unless urgent corrective action is taken.”^{169,170,171} This negative view of youth custody was corroborated by our research in a number of stakeholder interviews, and via the YOT manager survey:

“Prisons have become more dangerous and damaging to children. The offer within custody has got worse and the liaison is weaker.”
- YOT Manager

With outcomes having worsened, this chapter seeks to explain why the youth justice system appears not to have ‘cashed the gains’ of a falling prison population, and also aims to assess the current state of the custodial estate, given prevailing headwinds.

Why have outcomes for children in custody worsened?

Consolidation of the estate has been piecemeal, rather than as part of a broader vision for reform

The decrease in the youth custodial population has resulted in a rapid contraction of the youth custodial estate, with the closure of seven establishments between 2012 and 2015 (from 11 YOIs and four STCs to five YOIs and three STCs).¹⁷² Many opportunities to reconfigure the custodial estate in a way that would benefit the remaining cohort of prisoners (smaller, but more vulnerable/complex) have been missed.

¹⁶⁹ HMIP (2018). *HM Chief Inspector of Prisons for England and Wales: Annual Report 2017-18*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/761589/hmi-prisons-annual-report-2017-18-revised-web.pdf

¹⁷⁰ MoJ, Safety in custody quarterly: update to December 2018

¹⁷¹ HMIP (2017). *HM Chief Inspector of Prisons for England and Wales: Annual Report 2016-17*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/761589/hmi-prisons-annual-report-2017-18-revised-web.pdf

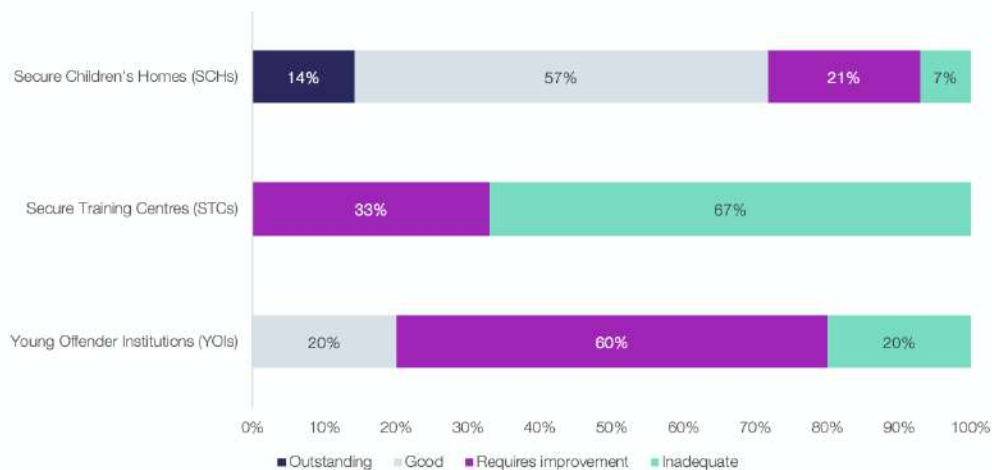
¹⁷² HMIP (2016). *The impact of distance from home on children in custody: A thematic review by HM Inspectorate of Prisons*. Available at: <https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2016/09/The-impact-of-distance-from-home-on-children-in-custody-Web-2016.pdf>

Firstly, the reconfiguration of the estate has resulted in children in custody being on average held further away from home. A thematic report by HMIP looking at the impact of distance from home on children in custody found that the average distance from home for children held in custody had increased from 45 to 49 miles in the ten years prior to publication, and in the year ending March 2018, 12 per cent of children in custody were held over 100 miles from their home.^{173,174} The report also found that for each 25-mile interval that a child was held from home, they received one less visit from a family member or friend. Fewer visits from family have a negative impact on rehabilitation and resettlement – a sentiment echoed in Crest’s YOT manager survey responses:

“Young people being placed further from home places stresses on family visits.”
- YOT Manager

Secondly, consolidation has not led to a re-balancing of the estate, with the vast majority of children still locked up in large establishments. Secure Children’s Homes (SCHs) typically provide a much safer, more therapeutic environment compared to Young Offender Institutions (YOIs), providing a very high level of intensive help, with a lower staff to child ratio.¹⁷⁵ Inspections of each type of custodial institution for children in 2017/18 demonstrate clearly that SCHs offer a more effective type of intervention compared to YOIs (see figure 32). Nevertheless, the pattern of closures has meant that children in YOIs continue to make up the biggest proportion (70 per cent) of the youth custodial population in 2017/18.¹⁷⁶

Figure 32. Difference in custodial placement effectiveness rankings in Ofsted and HMIP inspections (2017/18)^{177,178}



¹⁷³ HMIP (2016). *The impact of distance from home on children in custody: A thematic review by HM Inspectorate of Prisons*. Available at: <https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2016/09/The-impact-of-distance-from-home-on-children-in-custody-Web-2016.pdf>

¹⁷⁴ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 7 - Children in youth custody, Table 7.7

¹⁷⁵ <http://www.securechildrenshomes.org.uk/>

¹⁷⁶ HMPPS Youth Custody Statistics. Monthly Youth Custody Report, March 2019 - Table 2.4, Accommodation type

¹⁷⁷ Ofsted (2018). Local authority and children's homes in England inspections and outcomes autumn 2018

¹⁷⁸ HMIP (2018). *HM Chief Inspector of Prisons for England and Wales: Annual Report 2017-18*

The failure to rebalance the estate is a reflection of a system that remains overly centralised and short-termist. A falling custodial population should, in theory, have released significant financial savings, which could (and should) have been spent on improving outcomes for those remaining within the system. But rather than those savings being reinvested back into commissioning a greater number of smaller, more therapeutic institutions, they have been swallowed by the Treasury. The fact that nearly three quarters of children continue to be locked up in YOIs is a consequence of a short-termist approach to calculating costs and benefits – SCHs cost three times as much as YOIs (£210,000 vs. £76,000 per child per year).¹⁷⁹ Yet the long-term economic and social cost of locking children up in institutions that are too large, unsafe, and far from home, remain unaccounted for.

Failure to adapt the workforce

The fall in the prison population has also not been matched by the necessary workforce reform. A smaller youth custodial population made up of the most persistent and troubled children demands enhanced and integrated services and skilled staff. During the course of this project, we have witnessed an impressive level of dedication, determination and courage from staff who work in extremely challenging circumstances to make their institutions safer and more productive places for children. The reality is, however, that many staff working in YOIs have neither the skills nor the experience to manage the most vulnerable and challenging children in their care, nor have they had sufficient training to fulfil these difficult roles.¹⁸⁰ This has been compounded by staff shortages and a high staff turnover in public sector YOIs (resulting in a more inexperienced workforce), which both contribute to children spending too much time in their cells (impacting access to education, rehabilitative services, or purposeful activity), or being looked after by members of staff with whom they have been unable to forge positive or meaningful relationships.¹⁸¹

How well prepared is the system to cope with current/ future challenges?

Lack of a coherent estates strategy

In a frank and damning report published in 2017, the Youth Custody Improvement Board (YCIB) reported that there was “no national vision for the youth secure estate.”¹⁸² In particular, ministers could not clearly define what they believed the youth custodial system was attempting to achieve, and there was no single body accountable for leading and taking responsibility for overseeing the youth secure estate and no plan for driving reform. These findings – specifically, the lack of

¹⁷⁹ Houses of Parliament (2018). *Youth Custody: Costs: Written question - 144303*. Available at: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2018-05-15/144303/>

¹⁸⁰ YCIB (2017). *Findings and Recommendations of the Youth Custody Improvement Board*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/594448/findings-and-recommendations-of-the-ycib.pdf

¹⁸¹ YJB (2019). *Children in Custody 2017–18: An analysis of 12 – 18-year-olds’ perceptions of their experiences in secure training centres and young offender institutions*. Available at: https://www.justiceinspectorates.gov.uk/hmiprisonswp-content/uploads/sites/4/2019/01/6.5164_HMI_Children-in-Custody-2017-18_A4_v10_web.pdf

¹⁸² YCIB (2017). *Findings and Recommendations of the Youth Custody Improvement Board*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/594448/findings-and-recommendations-of-the-ycib.pdf

strategic vision and coherence – were replicated in Crest’s field research, particularly with regards to moving responsibility for youth custody away from the YJB (see following section for more information), and the lack of consideration given to the reorganisation of the youth custodial estate.

“We’ve seen reorganisation at the centre, which may or may not be a good thing, but sometimes distracts from improving outcomes on the ground.”
- Angus Mulready-Jones, HMI Prisons youth lead inspector

Many of the stakeholders spoken to as part of this research told us that the youth custodial estate was counterproductive to the aim of rehabilitation and not responsive to the needs of the cohort. For example, it was stated that housing the majority of children in custody in YOIs is “back to front,” as those children who are most entrenched in their behaviour and consequently most in need of intensive support end up incarcerated in YOIs, which receive the smallest amount of funding per child compared to SCHs and STCs.

“The general flow is from children’s homes, to training centres to YOIs. If a children’s home at around £600 per night can’t deal with you, what hope does the STC have with around £400 a night to spend, and then the YOI with less resource still? We have a system where the resource doesn’t seem to follow risk – in fact you couldn’t make a coherent argument for the fact that resource is taken away from the most needy who predominantly reside in YOIs. If you break down the resource, you’ll see that roughly half the resource is spent on 25% of the children.”
- Angus Mulready-Jones, HMI Prisons youth lead inspector

Within YOIs, the number of hours that children spend out of their cell is low, as limiting time spent outside cells is one of the methods used for behaviour management in custody. This runs counter to the aim of rehabilitating children, which requires positive relationships with staff, generally built over time and thus requiring time spent out of cells (as well as a stable workforce). Furthermore, it was stated during a stakeholder interview that conflict resolution within YOIs is done on an individual basis, leading to a ‘violence - keep-apart - lockup’ cycle, without considering the negative effects of such an approach. The shrinkage of the estate has increased these counterproductive conflict resolution methods, as a result of gang conflicts becoming more acute within fewer institutions. This view was echoed by the YOT manager survey responses:

“Fewer institutions available mean that management of local tensions and conflicts around gangs within the institution has made the regime offer less manageable in terms of safety and harm reduction.”
- YOT manager

“Less custodial units means high levels of risk management, impact of county lines/ gangs in units, reduction in YOT case management teams in units.”
- YOT manager

Following the Charlie Taylor review, the government explicitly endorsed his vision of changes to the secure estate and the reconception of youth custody as a place of learning by announcing plans to establish two new ‘secure schools’ (see box below) and committing itself to the eventual abolition of YOIs and STCs. Initial progress towards this objective was slow. However in October 2018, following widespread consultation, the Ministry of Justice published guidance for would-be providers of the first school, while in March 2019 the announcement was made that this school would be located on the site currently occupied by Medway STC.¹⁸³ Finally, in June 2019 the MoJ announced that the OASIS Charity Trust, which runs 52 academies across England, had been awarded the contract to run the school in question.

Secure schools: STCs by another name?

Despite the generally negative perception of the youth custodial estate, and the possible impact that this has had on sentencing decisions, there is potential for this perception to be reversed. In 2018, the government announced plans to run the UK’s first secure school, which will cater for 70 boys and girls aged 12 – 17 years old. Many of those we spoke to expressed concern that secure schools would simply act to ‘rebrand’ an area of the youth custodial estate, and to make what is still effectively a custodial institution seem more palatable. These fears were compounded by the decision to re-purpose Medway STC, an institution with a chequered and troubled history, rather than to commission a new institution.

The introduction of secure schools was compared by some of those we interviewed to the introduction of detention and training orders, which was considered to be just another label for custodial sentences. In 2000, detention in a YOI and the secure training order were replaced by the detention and training order. Following this, between 2001 and 2003, the average child custody population increased by 15 per cent.¹⁸⁴ Therefore, it was argued that there is a risk that by creating a new form of custodial institution, sentencers may see it as a more appealing option, which may undermine the reduction observed in the youth custodial population.

Inability to share (and scale up) good practice

An overarching observation made on the state of youth custody was that good practice was rarely identified, shared, or acted upon. Examples of effective practice include the forging of positive staff-child relationships, meaningful activity, and rewards for good behaviour, all of which are lacking in the current system. This is partly due to the way the system is structured. Since 2017, the youth custodial estate has been overseen by the youth custody service (YCS), an arm of the prison service. The prison service is indisputably an adult-focused service, given that the children it

¹⁸³ Medway STC will close in April 2020.

¹⁸⁴ Youth custody data: Youth custody report: January 2019

now cares for only make up around one per cent of the overall custodial population. This creates a difficult environment for improving practice effectiveness, as staff may well have a child-first outlook, but are unable to implement this effectively in a context that is overwhelmingly built around adults. Having the YCS in charge of the custodial estate also fragments the youth justice system (compared to when the YJB oversaw youth custody), breaking up what is supposed to be an end-to-end service.

Nevertheless, there have been some positive developments in the training of prison service staff, including the launch of the Youth Justice Foundation Degree, which the YJB launched in 2017 with the ultimate aim of every YOI and STC staff member undertaking the course within five years.^{185,186}

Inability to build meaningful relationships

A further issue that impacts effective practice is staff turnover, which is an issue for both public and private sector providers, including at governor and director level as well as for frontline staff. Furthermore, staff in custodial institutions are often not involved in sentence planning or assessing children's needs, so they will often lack the knowledge about the child that they should possess:

"I think that we need fewer reports, more stability in the sector, more frontline staff who are empowered to do those jobs and want to help children move on, and fewer episodic professionals who assess the child one week, or meet with them once a week (or something similar), and aren't involved in the day-to-day care of these individuals – this is left to the residential staff who are excluded from the process and don't know about the assessments."

- Angus Mulready-Jones, HMI Prisons youth lead inspector

Lack of locally commissioned alternative secure placements

A number of stakeholders spoken to as part of this project stated that devolving the budget for the youth secure remand budget had not had the desired effect. Though there has been a decline in the number of children held in secure remand since the budgets were devolved in 2013 (but not in the proportion), YOT managers told us that this had not led to an increase in community-based locally commissioned alternatives, such as local authority accommodation, secure welfare placements, or intensive fostering.¹⁸⁷ As a result, in many parts of the country there is a notable lack of local available remand places, meaning a greater proportion of children are held under remand in prison service secure estates, and are therefore likely to be placed further from home.

¹⁸⁵ YJB (2018). *Annual reports and accounts 2017/18*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/726302/YJB_Annual_Report_and_Accounts_2017-18.pdf

¹⁸⁶ HMPPS (2019). *Youth Custody Service Safeguarding Review*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/836753/YCS_Safeguarding_Review.pdf

¹⁸⁷ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 6 - Use of remand for children, Table 6.1 & 6.2

Implications for policy

Recommendation: government to review the suitability of provision for all children held in secure accommodation – with a view to reconfiguring the youth custodial estate. As a first step, we recommend an immediate moratorium on the closure of secure children’s homes and an explicit commitment to the closure of all Young Offender Institutions by 2025.

At the later end of the youth justice system, we have argued that the custodial system is “back to front.” The more entrenched children are the most vulnerable, and are the most likely to be in need of the most intensive work to prevent them from entering into the adult system. However, these are the children who end up being placed in custodial estates with the lowest child to staff ratio, and therefore receive both less support and more exposure to the highly damaging environment of YOIs. We believe that this is linked to the shrinkage of the youth custodial estate, which in some respects is a positive change as it means there are fewer children held in custody. Nonetheless, it has also resulted in fewer opportunities to make welfare placements, in the face of increased needs within the cohort and a growing recognition of the impact of adverse childhood experiences and exploitation. It has also resulted in an increase in children being kept in cells during the day, as a result of gang-related conflicts becoming more acute within a smaller number of institutions. The potential gains of contracting the estate have not resulted in improved outcomes – standards in YOIs in particular have shown a marked decline in a number of safety and child wellbeing measures over the past few years, resulting in poorer outcomes for the children held there.

The government’s response to the Charlie Taylor review implied that it was sympathetic to the idea of rebalancing the estate in favour of smaller, more localised establishments.¹⁸⁸ We recommend that the government now instigate a root and branch review of the youth custodial estate, with the explicit objective of closing down YOIs, so that in future all children in custody are instead incarcerated in smaller specialist institutions, such as secure children’s homes. As a first step, we recommend that the government issue an immediate moratorium on the closure of secure children’s homes and an explicit commitment to close down all YOIs by 2025.

Recommendation: government to ensure that a proportion (at least ten per cent) of the capital budget allocated to upgrade prisons is spent on expanding secure children’s homes.

The government has announced up to £2.5 billion will be spent on creating 10,000 new prison places within the adult system by 2023.¹⁸⁹ We recommend that a proportion of that budget is directed towards reconfiguration of the youth custodial estate, enabling the expansion of smaller specialist institutions, such as secure children’s homes, which are more expensive than YOIs.

¹⁸⁸ MoJ (2016). *The government response to Charlie Taylor’s Review of the Youth Justice System*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/576554/youth-justice-review-government-response-print.pdf

¹⁸⁹ <https://www.gov.uk/government/news/10-000-extra-prison-places-to-keep-the-public-safe>

6. How effective is the youth justice system: reducing reoffending

Overview

It is notable that despite the reduction in first time entrants and the numbers of children in custody, as well as the increased focus on resettlement within the youth justice system, the rate and frequency of reoffending are both higher compared to ten years previously. This chapter will explore what lies behind this trend, as well as looking at the current state of the rehabilitation and resettlement of child offenders in England and Wales.

What explains the increase in youth reoffending?

As the cohort of children in contact with the youth justice system has shrunk, the most prolific have been left in the system

The reduction in first time entrants has not been uniform across different offence types, with particularly dramatic reductions seen in theft and criminal damage offences, as shown in chapter two. As a result, the mix of children left in the system has changed as the numbers have fallen, leaving a smaller cohort committing more serious offences. Adding to this changing mix has been the recent increase in proven knife and offensive weapon offences, in the face of continued falls in first time entrants.

On top of the changing offence mix, the needs of the children left in the cohort appear to be becoming more acute, along with a general increase in offending severity. As a result, perhaps it comes as no surprise that the children remaining in the system are more likely to reoffend, and are more prolific when they do so. At the very least, significant changes to the child offending cohort mean direct comparisons of reoffending rates over time and the extent to which the trends have been driven by changes to the work of YOTs cannot easily be made.

Changes to the cohort size and make-up have coincided with decreases in YOTs' staffing, funding (particularly from the YJB grant), and caseloads – these trends need to be considered in tandem when attempting to explain the stubbornly high levels of reoffending seen in children involved in the youth justice system. A stocktake of YOTs conducted in 2015 found that the reduction in frontline staff levels was less than the reduction in demand.¹⁹⁰ However, YOTs reported that a higher proportion of their caseload was made up of high risk and high need individuals, a finding echoed in more recent publications and Crest's own research.¹⁹¹ As a result, and due to the fact that YOTs continued to dedicate resources to prevention and early intervention despite staff decreases, the reduction in demand has not resulted in YOTs spending any more time with the highest risk individuals, or those with the most serious sentences.

¹⁹⁰ Deloitte (2015). *Youth offending team stocktake*. Available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/445641/yot-stocktake-report.pdf

¹⁹¹ HMIP (2017). *The Work of Youth Offending Teams to Protect the Public: An inspection by HM Inspectorate of Probation*. Available at: https://dera.ioe.ac.uk/30410/1/The-Work-of-Youth-Offending-Teams-to-Protect-the-Public_reportfinal.pdf

Crest's analysis of the unit cost for a child supervised by a YOT in 2018 (see pp. 51 – 52 for more detail) was an estimated £1,530, compared to an estimate of £1,469 per child a decade earlier (as calculated by the National Audit Office (NAO) using a similar methodology).¹⁹² This increase is significantly below inflation, further supporting the assertion that YOTs are doing more with less.

Resettlement has become less effective

As mentioned in previous chapters, YOT managers have reported that resettlement efforts have become more difficult as a result of children being placed on average further from home when sentenced to custody. For each 26-mile interval that a child was held from home, they received one less visit from a professional. This has a negative impact on rehabilitation and resettlement, as fewer professional visitors mean less support for a number of issues known to impact reoffending, such as substance misuse, offending behaviour, and employment and education post-release.¹⁹³ The increased difficulty in linking community services with the youth custodial estate (as a result of its contraction) has come at a time when strong links are arguably needed more than ever, given the increased levels of complex needs within the youth custodial population. The negative impact of a smaller and more spread out youth custodial estate on resettlement was echoed in Crest's YOT manager survey:

“Joint working with the secure estate has been more difficult in recent years with the demise of formal case management teams. Our young people are placed up to three hours away from their home area.”

- YOT Manager

A joint inspection report published in 2019 looked at the experience of 50 children who were released between October 2018 and April 2019 from all five YOIs, and found that little had changed since the last inspection in 2015, with children not being effectively prepared to return to their communities. Some children had no services in place for them at all, as they did not know where their accommodation would be until the day of release (or shortly before).¹⁹⁴ The poor outcomes of the children may therefore come as no surprise; three months after release, ten of the 50 children had been reconvicted and six had gone missing. See figure 33 for the interventions delivered to the cohort of 50 children post-release.

¹⁹² NAO (2011). *The cost of a cohort of young offenders to the criminal justice system*. Available at: https://www.nao.org.uk/wp-content/uploads/2010/12/1011663_technical_paper.pdf

¹⁹³ HMIP (2016). *The impact of distance from home on children in custody: A thematic review by HM Inspectorate of Prisons*. Available at: <https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2016/09/The-impact-of-distance-from-home-on-children-in-custody-Web-2016.pdf>

¹⁹⁴ CJI (2019). *Youth resettlement – final report into work in the community: A thematic inspection by HM Inspectorate of Probation and HM Inspectorate of Prisons*. Available at: <https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2019/10/Youth-resettlement-%E2%80%93-final-report-into-work-in-the-community-4.pdf>

Figure 33. Work the YOT had done with the 50 children after their release on specific issues relevant to them¹⁹⁵



The dilution of the YOT model

As previously mentioned, YOTs have become increasingly embedded within children's services, to a varying degree across different YOTs. Some stakeholders, such as Ben Byrne (previously of Surrey YOT/ Family Services), argued that the creation of YOTs had encouraged other agencies to relinquish responsibility to them:

"In the boom years in public service, we saw an expansion of the youth justice system with lots of youth being drawn in. When the money stopped we saw a deflation, with kids being pushed out of the system."

- Ben Byrne, former Surrey YOT manager/ Head of Family Services; YJB (2018-present)

Our research indicated that multi-agency and partnership working were generally viewed in a positive light by stakeholders. However, many also pointed to the way in which YOTs had been continually restructured since Charlie Taylor's review, which had negatively impacted upon their stability and leadership:

"[The] YOT moved three or four times [from] being dispersed within the youth service; to a move to social care assessment services as a distinct YOT; to family support service until arriving back into early help and prevention (youth offer) as a distinct YOT."

- YOT manager

"[The YOT has] moved from attempting to manage youth justice orders within a generic youth service offer, to return to a youth justice system-specific service offer linked to a wider children's and youth service."

- YOT manager

Furthermore, conflicting aims of different services can also cause issues when attempting to work in a more integrated manner. The YJB highlighted concerns that by integrating with other services,

¹⁹⁵ CJI (2019). *Youth resettlement – final report into work in the community: A thematic inspection by HM Inspectorate of Probation and HM Inspectorate of Prisons*. Available at: <https://www.justiceinspectors.gov.uk/hmiprobation/wp-content/uploads/sites/5/2019/10/Youth-resettlement-%E2%80%93-final-report-into-work-in-the-community-4.pdf>

YOTs may lose their capacity for delivering “specialist, risk-based services” to children who are high risk, by having to strike a balance between safeguarding and youth justice or public protection – a view echoed by some of those we interviewed.¹⁹⁶

The restructure in Surrey, which resulted in a full integration of the YOT’s work with broader children’s services in 2012, offers a case study of the risks involved in entirely doing away with the traditional YOT model and the specialism this offers (notwithstanding the benefits of multi-agency working and the integration of specialists). Prior to the restructure, Surrey received a positive core case inspection in 2011.¹⁹⁷ However, an inspection in 2019 rated Surrey’s youth offending services as ‘inadequate’, placing it in the bottom ten per cent of youth offending services.¹⁹⁸

The inspection’s findings often centred around the negative effects of losing the specialism of YOT workers, which affected the service’s ability to adequately safeguard and manage risk:

“We were not satisfied that staff had the level of knowledge, experience or understanding required to respond to issues of safety and wellbeing and risk of harm to others. Work to ensure the safety of children and young people and to manage any risk of harm to others was inadequate.”

- Surrey YOS inspection, 2019

“The cases inspected were not always allocated to staff who are appropriately skilled or experienced in youth justice work or in managing complex, high-risk cases.”

- Surrey YOS inspection, 2019

All but one of the six of the recommendations made to the youth offending service manager related to improvements to risk management and safeguarding, or to staff training and support in youth justice work. Overall, the example of Surrey highlights the potential dangers of eroding the YOT model.

A continuing reliance on risk-based assessment

There is a growing evidence base around the importance of strength-based assessments as a tool to encourage desistance in child offenders.^{199,200} However, the youth justice system’s assessment models still result in an overall focus on risk factors (i.e. those that have been shown to be associated with an increased likelihood of reoffending), with interventions designed to address

¹⁹⁶ YJB (2015). *Youth offending teams: making the difference for children and young people, victims and communities*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/445271/Board_Visits_Final_Report.pdf

¹⁹⁷ CJI (2011). *Core Case Inspection of youth offending work in England and Wales. Report on youth offending work in Surrey*. Available at: <https://www.justiceinspectors.gov.uk/probation/wp-content/uploads/sites/5/2014/03/Surrey-CCI-report.pdf>

¹⁹⁸ HMIP (2019). *An inspection of youth offending services in Surrey*. Available at: <https://www.justiceinspectors.gov.uk/hmiprobation/wp-content/uploads/sites/5/2019/08/Surrey-YOS-inspection-report2.pdf>

¹⁹⁹ Barry M (2009) ‘Promoting desistance amongst young people’ in: *Youth Justice Handbook, Theory, Policy and Practice*. Milton: Willan Publishing.

²⁰⁰ Fitzpatrick E, McGuire J and Dickson J (2015). ‘Personal Goals of Adolescents in a Youth Offending Service in the United Kingdom’. *Youth Justice* 15(2) 166–181.

those factors.²⁰¹ It was argued by numerous stakeholders during our research that this has led to a system that is overly deficit-based, and that does not consider children’s strengths to a sufficient degree.

“We focus so much on criminal justice but it’s actually focusing on other things in people’s lives and what makes a difference and getting on with normal life. When you speak to kids in custody and you ask then what they want, what they focus on is never about criminal justice and offending but things that are normal but we haven’t been focusing on that.”
- Neal Hazel, University of Salford; YJB

The youth justice system has made some steps to go beyond a strict view of risk management, incorporating findings from research on desistance theory, and particularly secondary desistance, which focuses on people’s identity and their personal narrative.²⁰² For example, the YJB’s 2019 standards include the following principle:

“Build on children’s individual strengths and capabilities as a means of developing a pro-social identity for sustainable desistance from crime. This leads to safer communities and fewer victims. All work is constructive and future-focused, built on supportive relationships that empower children to fulfil their potential and make positive contributions to society.”
- YJB, 2019²⁰³

Furthermore, the development of AssetPlus (an assessment tool used by YOTs which replaced the previous version, Asset) was based on a literature review of research relating to desistance theory. The foundation of AssetPlus’ framework was based on ideas such as: focusing on how different aspects of a child’s life interact with each other to influence their behaviour, and the significance of these; identifying risk as an important component of assessment but balancing that against the child’s needs and strengths, and; repeating assessments to reflect the continual nature of the desistance process.²⁰⁴

Despite these limited reforms, the system is still fundamentally based on actuarial, risk-based assessments. This represents a missed opportunity for criminal justice agencies to use positive and strength-based approaches that have a strong evidence base to support their effectiveness.

²⁰¹ Hampson, K. S. (2018). ‘Desistance approaches in youth justice—the next passing fad or a sea-change for the positive?’. *Youth justice*, 18(1), 18-33.

²⁰² Whereas primary desistance refers to a temporary cessation from criminal behaviour in an offender’s life, secondary desistance refers to a positive change in how an ex-offender identifies himself or herself, or the development of a new personal narrative. Source: Maruna, S., & Farrall, S. (2004). ‘Desistance from Crime: A Theoretical Reformulation’. *Kölner Zeitschrift für Soziologie und Sozialpsychologie*, 43, 171-94.

²⁰³ YJB (2019). *Standards for children in the youth justice system 2019*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/780504/Standards_for_children_in_youth_justice_services_2019.doc.pdf

²⁰⁴ YJB (2014). *AssetPlus: assessment and planning in the youth justice system - AssetPlus Rationale*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/367782/AssetPlus_Rationale_revised_October_2014_1_0.pdf

Clearly, the youth justice system will always need to have a focus on risk management, due to its accountability for the safety of the wider community. However, we believe that the balance is not yet right between risk and strengths.

How well prepared is the system to meet current/ future challenges?

Growing emphasis on resettlement through partnership working

The majority of respondents to the YOT manager survey claimed that their YOTs had a significant and increasing emphasis on resettlement. When asked about the changing ways YOTs deal with children serving custodial sentences and post-custody supervision, the following responses were given:

“The focus on resettlement has shifted to the forefront of services provided.”
- YOT manager

“More attention [is] paid to ensuring a clear plan for post release supervision is provided.”
- YOT manager

Rather than citing specific YOT programmes that had been shown to improve reoffending rates and resettlement, interviewees and respondents to the YOT manager survey focused on an increase in partnership working between YOTs and other agencies. This was generally viewed positively in terms of its effects on outcomes, as it broadened the scope of YOTs’ work with the children on their caseloads, in a way that better responded to their needs:

“Information sharing, including sharing of plans, network planning, genograms [family maps] and attending strategy meetings.”
- YOT manager

“Gradually improving links between YOS and other parts of children's services, particularly the care services.”
- YOT manager

While responses were generally positive about the impact of greater partnership working, there is little concrete evidence to substantiate whether it has had a quantitative effect on reoffending rates. In addition, interviewees also stated that falling funding for constituent agencies had undermined resettlement partnership work.

Child-first and trauma-informed approaches

As well as partnership working becoming more prevalent, our research also showed a clear consensus that child-first and trauma-informed approaches were becoming increasingly

mainstream within the youth justice system, and that this was viewed as an integral determinant for improving reoffending and resettlement, particularly in the face of what was generally perceived as an increasingly complex cohort:

“We adapt to changing circumstances i.e. complexity and have been more child focused and less restrictive where appropriate.”

- YOT manager

“[YOT] is taking a more trauma informed approach to young people on the YSO [young sex offender] caseload.”

- YOT manager

As well as improving the responsiveness of YOT staff to the children on their caseload, trauma-informed development is also important for improving support for YOT staff themselves:

“Workforce is at the core of transformation. I think the trauma informed development is both skilling staff and giving them a professional supervision model which in some cases has been weak – given the vicarious trauma staff deal with every day.”

- Graham Robb, Independent Chair of Lambeth and Lewisham Youth Justice Partnership Boards

One example provided of how an increased awareness of trauma and vulnerabilities has affected YOT practice was an increased adoption of the National Referral Mechanism (NRM). The NRM is a framework used to identify victims of human trafficking, and is used by the police and YOTs if they suspect the exploitation or trafficking of a child. If trafficking or exploitation is confirmed, then the case becomes a child protection issue, and the child may not be prosecuted. The increased awareness of the role of trauma, neglect and exploitation in children’s offending, particularly drug-related offending that may be connected to county lines operations, was said to mirror previous shifts in practice observed for girls affected by child sexual exploitation. The number of referrals of children to the NRM increased by almost half between 2017 and 2018, to 3,137.²⁰⁵ However, there is still much room for improvement, with reports of child victims of human trafficking still being prosecuted by the CPS despite receiving a positive decision from the NRM.²⁰⁶

²⁰⁵ NCA (2019). *National Referral Mechanism statistics - End of year summary 2018*. Available at:

<https://nationalcrimeagency.gov.uk/who-we-are/publications/282-national-referral-mechanism-statistics-end-of-year-summary-2018/file>

²⁰⁶ The Guardian (2019). *Child victims of human trafficking prosecuted despite CPS rules*. Available at:

<https://www.theguardian.com/uk-news/2019/sep/17/child-victims-of-human-trafficking-prosecuted-despite-cps-rules>

Implications for policy

Recommendation: central government to clarify that the YOT model should be retained by local authorities.

In 2016, Charlie Taylor's review of the youth justice system sought to water down the YOT model, praising local authorities like Surrey, where the YOT had been effectively removed and swallowed into the local authority's wider youth services. He recommended that "the government should legislate to remove the requirement for local authorities to establish a YOT" as well as the removal of a ringfence on the YOT grant.

While the government never formally acted on this recommendation, they expressed sympathy with the direction of travel.²⁰⁷ A number of local areas have subsequently sought to replicate the Surrey model. Clearly there are benefits to be gained by embedding YOTs more closely within children's services, including better access to social care, education, housing, and health services, particularly as children involved with the youth justice system are increasingly likely to also be children in need. However, as the recent inspection of Surrey illustrates, where that entails the removal of the YOT altogether, the net effect can be extremely damaging. Not only does such an approach risk losing the unique expertise offered by YOTs, it can also mean that children who offend no longer receive the sort of personalised support that has been common under the YOT model. We therefore recommend that central government makes explicit its intention to retain the distinctiveness of the YOT model.

Recommendation: a stronger role for the courts in rehabilitating children.

Despite the positives mentioned above, magistrates still frequently report that they rarely know whether their sentence has been effective. It is possible for the bench to hear about breaches or further offences, but only if one of their number happens to be sitting on the day when that child is brought back to court. There is little scope for the courts actively to manage a child's sentence and rehabilitation, to reward success, to amend the terms of the sentence where the child is not responding, or to hold agencies to account for providing the necessary support. This very limited role for the court is in contrast to other jurisdictions where judicial oversight is considered an essential part of making sure that sentences are responsive and effective. In Spain, youth court judges monitor the progress of the children they have sentenced, including visiting them and checking on their progress in custody. They also have the ability to vary the terms of the sentence depending on the child's progress and specific needs.

²⁰⁷ MoJ (2016). *The government response to Charlie Taylor's Review of the Youth Justice System*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/576554/youth-justice-review-government-response-print.pdf

There is greater potential for youth magistrates to take on an increased role in rehabilitating children compared to the adult system, as a result of their specialist knowledge and the lower demand within youth courts. We therefore recommend that the government legislates to enable magistrates to:

- monitor and review progress of individual offenders in completing their sentence; and
- receive feedback from YOTs on the outcome of sentences, including the ability to request information on the success rates of specific sentencing options and visiting sentences in action.

Recommendation: tightening up existing YJB targets around resettlement, so that every child is guaranteed a personalised resettlement and transition plan, signed off no later than a month before release (and subsequently checked within a week of leaving custody). Government departments should pool budgets in order to ensure suitable accommodation is fully funded for children released from custody.

Effective resettlement when children are released from custody is essential if they are to continue their rehabilitation and reduce reoffending. This requires a coordinated approach from the secure establishment, education, health, housing, social care, and youth offending services. Too often, this is not the case. For example, children frequently do not know where they are going to live until days before they are due to be released. This can be for a number of reasons, including uncertainty about whether their families will take them back, insufficient preparation by the local authority to find suitable accommodation, and reluctance on the part of the local authority to pay in advance to retain accommodation for children for when they are released.²⁰⁸ We also heard that whilst initial reviews in custody do tend to happen in the timeframes that they should, and that in general staff from the community such as social workers do tend to be in attendance, planning tends to focus on managing behaviour while in custody as opposed to considering what is going to happen after the child is released. The impact of deficiencies in the resettlement process is made abundantly clear by the stubbornly high reoffending rates for children in the youth justice system.

To tackle high levels of reoffending, a cross-government approach should be taken to reduce children's reoffending rates. We recommend that:

- a personalised resettlement and transition plan is developed for each child in youth custody within two weeks of their arrival, which should cover both their time within custody, and at/ after release, signed off no later than a month before release, and subsequently checked within a week of leaving custody by the YJB;
- accommodation retainers are provided by the Ministry of Justice, Department for Education and Ministry of Housing, Communities and Local Government to ensure suitable

²⁰⁸ CJI (2019). *Youth resettlement – final report into work in the community: A thematic inspection by HM Inspectorate of Probation and HM Inspectorate of Prisons*. Available at: <https://www.justiceinspectors.gov.uk/hmiprobation/wp-content/uploads/sites/5/2019/10/Youth-resettlement-%E2%80%93-final-report-into-work-in-the-community-4.pdf>

accommodation is put in place and kept available for children a minimum of one month before release, ensuring that the child knows well in advance where they will go upon release – as recommended in the 2019 joint inspection report on child resettlement;²⁰⁹ and

- the YJB collects data on work completed by YOTs with all children released from custody to do with accommodation, education training and employment, substance misuse, and physical and mental health, and targeting work towards those YOTs with low levels of engagement across these resettlement factors.

There is an obvious case to be made for agencies to come together to better streamline children's resettlement; providing the necessary services and safeguards to ensure stability upon release and a proper opportunity to desist from offending would lead to significant cost savings to the youth justice system in the first instance, with longer term savings to be made for the adult system. However, putting retained accommodation in place would require upfront costs – placements at a local authority home come to an average cost of £2,964 per week, meaning retaining a place for a month would cost £12,702.²¹⁰ However, custodial sentences are associated with a particularly high reoffending rate in children – 64.6 per cent according to latest statistics – which would result in further cost burdens, including a monthly cost of around £6,300 per child who reoffended and returned to a YOI.²¹¹ Given evidence that suggests the point at which a child is released from custody is a key opportunity to encourage behavioural change and desistance from offending (which often gets hampered by disjointed resettlement), we argue that investing resources at this point of the system is particularly needed.²¹²

Recommendation: the YJB should dedicate more of its budget to researching and disseminating best practice about the comparative effectiveness, and cost, of interventions to reduce reoffending.

As mentioned earlier in the report, though the YJB has produced evaluations of 'what works' in terms of reducing reoffending and improving resettlement, in general the findings are limited as they tend to focus on general practice principles with little to no evaluation of cost comparisons, as opposed to quantitative comparisons of different interventions. Our research has shown that there is a huge amount of innovative and worthwhile work occurring across the country. We therefore recommend that the YJB builds on its current evidence base by dedicating more of its budget to producing robust evaluations of programmes focused on reoffending, so that specific examples of good practice can be shared and replicated across YOTs.

²⁰⁹ CJJI (2019). *Youth resettlement – final report into work in the community: A thematic inspection by HM Inspectorate of Probation and HM Inspectorate of Prisons*. Available at: <https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2019/10/Youth-resettlement-%E2%80%93-final-report-into-work-in-the-community-4.pdf>

²¹⁰ DfE (2014). *Children's homes data pack*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/388701/Childrens_Homes_data_pack_Dec_2014.pdf

²¹¹ Youth Justice Statistics: 2017 to 2018. Chapter 9 - Proven reoffending by children and young people in England and Wales, Table 9.7

²¹² Bateman, T., Hazel, N., & Wright, S. (2013). *Resettlement of young people leaving custody: lessons from the literature*. London: Beyond Youth Custody.

7. Conclusions and recommendations

Since its inception in 1998, the youth justice system has achieved a number of formidable successes, in particular by reducing the number of first time entrants as well as the number of children in custody. The contraction in the size of the system should have been used as an opportunity to improve outcomes for those children left within it. Unfortunately, the government has failed to 'cash the gains' of these successes. Conditions within custody have if anything deteriorated, and there has been little progress in reducing the proportion of children who reoffend.

Key findings

- The majority of the decline in children in custody can be attributed to the fall in first time entrants, which was itself mainly down to changes at the pre-court phase, including the diversionary activity of YOTs and the police
- The continuation of these declines has been sustained by a shift towards a more child-centred approach, including a much closer relationship between YOTs and magistrates than exists within the adult system
- The trends in first time entrants and custody have left behind a smaller cohort that is more complex in terms of vulnerability/ needs and more serious in its offending.
- The observed declines are not immune to change – this report outlines a number of threats at each stage of the youth justice system which could threaten the positive gains seen over the past decade
- The 'YOT model', consisting of a multi-agency approach, the existence of a key worker and greater personalisation, has been an important driver of the successes achieved by the youth justice system, and we believe the specialism of YOT practitioners should be protected
- The government has failed to 'cash the gains' of a falling custodial population: in particular, the contraction of the youth custodial estate presents a missed opportunity to ensure a greater number of children are incarcerated in smaller, more localised institutions, rather than Young Offender Institutions (YOIs)
- As a result, outcomes for children held in custody today are worse than was the case a decade ago
- Despite an increase in emphasis on resettlement, structural changes have negatively impacted resettlement and rehabilitation, particularly for children leaving custody
- There is significant local variability in the performance of YOTs, particularly with respect to rates of FTEs and youth custody – a strengthening in the evidence base of 'what works' is needed to understand the key determinants of success and failure

With the adult criminal justice system in crisis, there is an opportunity to learn lessons from what has occurred within youth justice. In particular, the early termination of rehabilitation company contracts provides an opportunity to rethink the form, function, and direction of the probation service. This report makes a number of recommendations for central government, local authorities, police and crime commissioners, and other services. They are divided into two broad categories:

- Areas of the youth justice system that are ripe for extending into the adult system
- Areas of the youth justice system requiring reform

These are listed below.

Key recommendations

Areas of the youth justice system that are ripe for extending into the adult system

Recommendation 1: extend the YOT model up to age 25. Multi-agency teams should be responsible for preventing first time entry through effective triage and rehabilitating young adult offenders by providing holistic support both in the community and in prison.

Recommendation 2: the early termination of Community Rehabilitation Company (CRC) contracts is an opportunity to reset the relationship between the probation service and the judiciary, learning from the approach taken within the youth system, whereby YOTs and magistrates show a high level of concordance and mutual trust

Recommendation 3: PCCs and probation to co-fund a bespoke community sentence specifically tailored to 18 – 25 year olds committing high volume, low harm offences, which would provide a more effective alternative to short prison sentences.

Areas of the youth justice system requiring reform

Recommendation 4: make prevention one of YOTs' statutory functions and monitor the impact.

Recommendation 5: central government should dedicate greater priority and resources to strengthening the evidence base regarding diversion and children at risk of contact with the youth justice system, including the drivers of racial disproportionality, with a view to establishing new national principles for effective diversionary practice.

Recommendation 6: remove the ability of youth magistrates to issue custodial sentences of less than six months to children.

Recommendation 7: devolve custody budgets for the youth custodial estate to Metro-Mayors, where appropriate.

Recommendation 8: government to review the suitability of provision for all children held in secure accommodation – with a view to reconfiguring the youth custodial estate. As a first step, we recommend an immediate moratorium on the closure of secure children's homes and an explicit commitment to the closure of Young Offender Institutions.

Recommendation 9: central government to clarify that the YOT model should be retained by local authorities.

Recommendation 10: a stronger role for the courts in rehabilitating children.

Recommendation 11: tightening up existing YJB targets around resettlement, so that every child is guaranteed a personalised resettlement and transition plan, signed off no later than a month before release (and subsequently checked within a week of leaving custody). Government departments should pool budgets in order to ensure suitable accommodation is fully funded for children released from custody.

Recommendation 12: the YJB should dedicate more of its budget to researching and disseminating best practice about the comparative effectiveness, and cost, of interventions to reduce reoffending.

Annex A: Policy and legislative timelines relating to the youth justice system

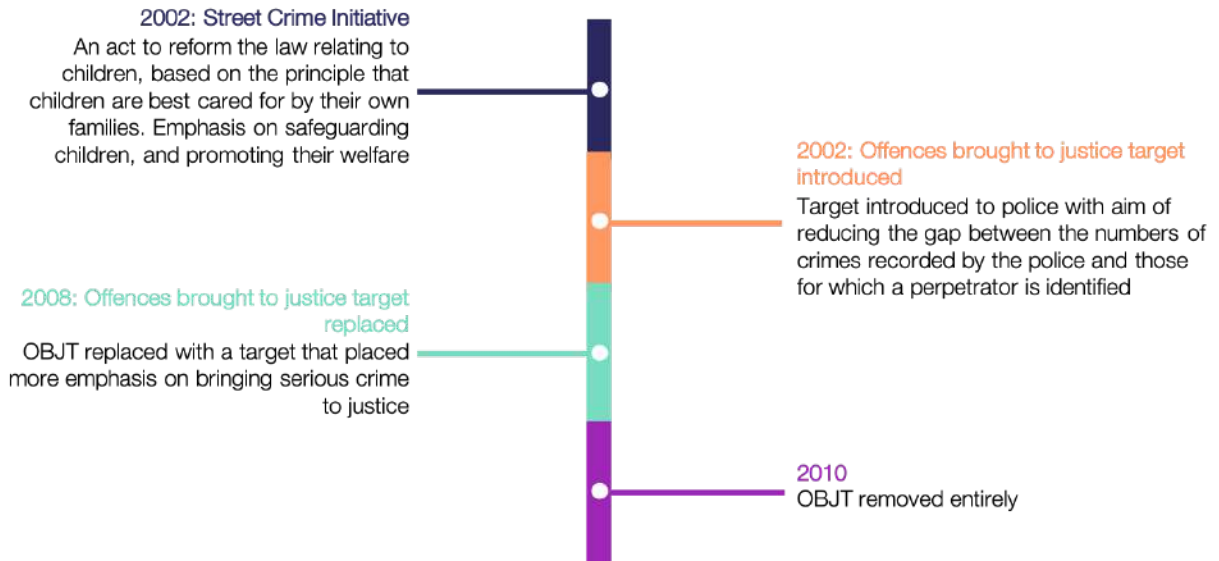
Timeline of key white papers and reports



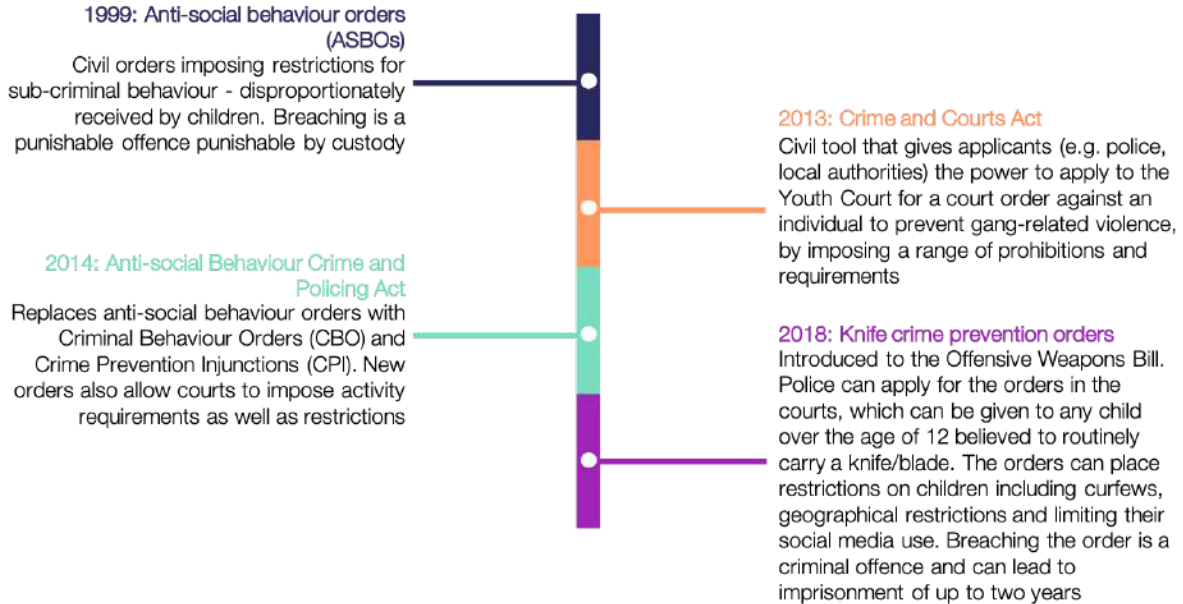
Timeline of key early intervention and prevention initiatives



Timeline of key changes to policing



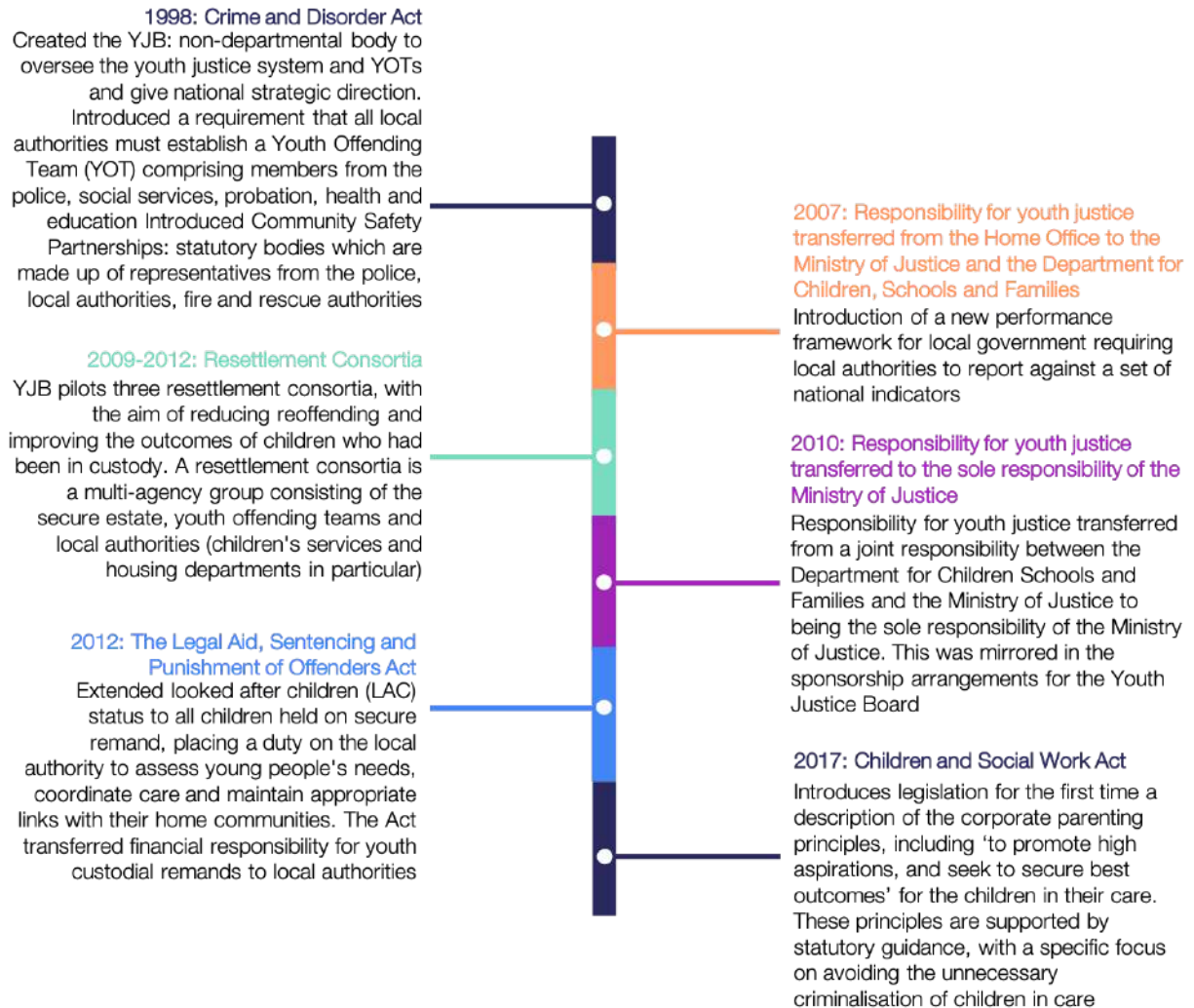
Timeline of key changes to civil orders



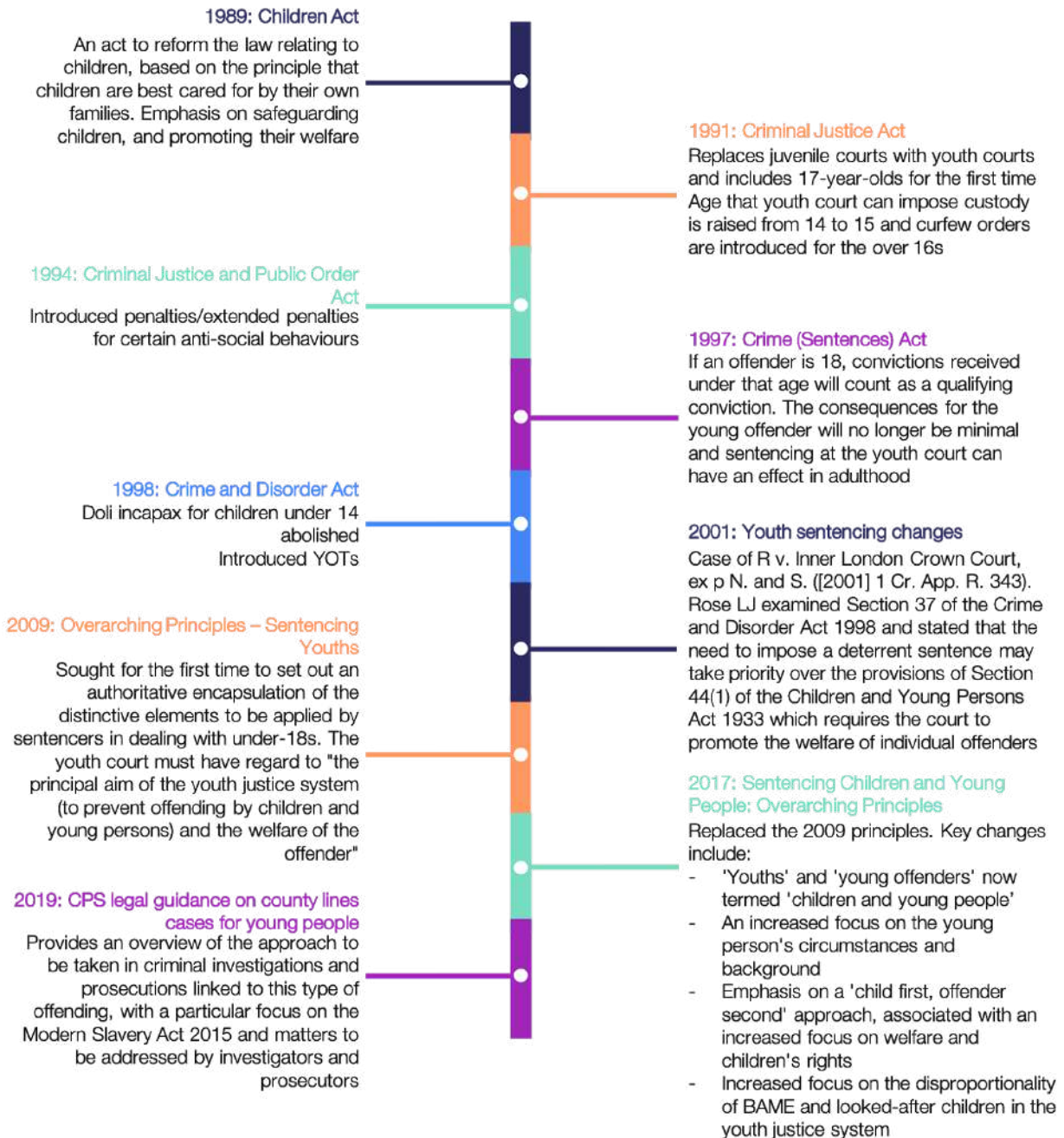
Timeline of key changes to out of court disposals



Timeline of key changes to multi-agency working



Timeline of key changes to the prosecution and sentencing of children



Timeline of key changes to custody and cusp of custody interventions



Annex C: Methodology

There have been a number of studies – mainly academic – that have attempted to explain the trends observed in the youth justice system over the past decade.^{214,215,216} Existing studies of the shrinking system have commonly cited diversion, driven by police-related policy changes, as a significant driver of the declines in children being processed through the system.^{217,218,219,220} Policy changes affecting police practice have undoubtedly had a significant effect on the volume of children being processed through the youth justice system; however, Crest recognises that custody and first time entrant rates are driven by a large number of factors, some of which lie within the criminal justice system (e.g. more effective multi-agency working, changes in police practice, changes in sentencing behaviours) and others beyond the criminal justice system (e.g. culture, policy, legislation, funding, and non-criminal justice system bodies such as education and health).

This report therefore aims to add to the findings of existing studies by exploring the interplay between these different driving factors, with the hope of adding to the collective understanding of the role that different agencies play individually and together, and to develop lessons to be taken forward for future practice.

Our methodology included the following four stages:

1. Analysis of publicly available data

Crest undertook an analysis of publicly available data to map the key trends that have occurred in the youth justice system over the past decade. Given more recent changes, such as an increase in the number of children in custody between 2017 and 2018 (see next chapter for more detail), a thorough analysis of the most recent data was considered crucial.

We analysed how the following have changed over time.

- **Flows into the system:** numbers entering the system for the first time; out of court disposals; arrests; convictions and prosecutions
- **Characteristics of children in the system:** age; gender; ethnicity; needs
- **Offences committed by children:** volume and seriousness
- **Sentencing trends:** custody; remand; community orders
- **Profile of children in custody:** offending histories; reoffending; needs and vulnerabilities

²¹⁴ Bateman, T. (2017). *The state of youth justice: an overview of trends and developments*. London: NAYJ.

²¹⁵ MoJ (2017). *An analysis of trends in first time entrants to the youth justice system*. London: MoJ Analytical Series

²¹⁶ Justice Committee (2013). *Youth Justice, Seventh report of session. Volume I: Report, together with formal minutes, oral and written evidence*. London: House of Commons

²¹⁷ Bateman, T. (2008). 'Target practice': sanction detection and the criminalisation of children. *Criminal Justice Matters*, 73(1), 2-4.

²¹⁸ Bateman, T. (2013). *Children in conflict with the law: An overview of trends and developments – 2012*. London: NAYJ

²¹⁹ Justice Committee (2013). *Youth Justice, Seventh report of session. Volume I: Report, together with formal minutes, oral and written evidence*. London: House of Commons

²²⁰ MoJ (2017). *An analysis of trends in first time entrants to the youth justice system*. London: MoJ Analytical Series

- **Regional variability:** a breakdown of trends in proven offences, arrests, first time entrants and custody rates across youth offending teams (YOTs) in England and Wales
- **Potential drivers of local trends:** correlational analyses of potential factors that may contribute to local trends e.g. deprivation, local authority funding, rurality, YOT partnership funding (see Annex D for more information).

2. Modelling of sentencing data

Crest also completed bespoke data modelling looking at sentencing data from 2008 to 2018, to explore whether the reduction in the number of custodial sentences handed out in youth courts over this time are the result of a change in court sentencing practice, the change in case mix coming before the courts, or a combination of these two factors.

Changes in sentencing outcomes between 2008 and 2018 were modelled across year, age, gender, offence, and offence group. The ‘severity’ of the sentencing was modelled by the length of custodial sentences handed out. The distributions of the proportion of cases coming before the youth courts against the length of sentences were compared at different time points – a greater difference between the two time points indicate a larger difference in the overall sentence severity for the particular offence under consideration.

Comparisons in sentencing decisions were made between children aged 15 – 17 years (who make up the majority of children coming before the courts) and young adults aged 21 – 24 years.

3. Stakeholder interviews

The second stage of the research methodology involved in-depth, semi-structured interviews with 24 stakeholders, each lasting for roughly an hour. The interviews aimed to gather the insights of stakeholders working at every stage of the youth justice system, as well as those working in partner agencies. The stakeholders therefore included those who were currently or had previously worked within the youth justice sphere, either in a practice, research or policy capacity, e.g.:

- Youth Offending Teams (YOTs)
- Children’s services
- Troubled Families
- The Association of YOT Managers (AYM)
- The police
- HMI Prisons
- Prevention and early intervention services
- Standing Committee for Youth Justice (SCYJ)
- Think-tanks
- Academia
- Magistracy
- Youth Justice Board (YJB)
- Department for Education (DfE)

The interview schedule can be found in Annex E.

4. 'Deep dive' into two contrasting Youth Offending Team (YOT) areas

To better understand the drivers of trends in first time entrants and custody rates, and different approaches within YOTs, Crest undertook a 'deep dive' into two YOT areas that showed contrasting patterns. One YOT had shown one of the highest increases in custody rates in England and Wales over the past five years, whereas the other had shown one of the largest decreases.

The deep dives involved a thorough analysis of each YOT's data, which was further supplemented by discussions with YOT managers, analysts and other local authority agencies (e.g. Troubled Families).

5. YOT manager survey

Crest conducted an online survey of YOT managers, which was distributed via the AYM bulletin.

The survey aimed to explore the specific factors that have helped to drive declines in first time entrants and youth custody since 2008 in each respondent's YOT area, and to obtain the perspectives of YOT managers regarding what might lie behind the regional variability observed in the first stage of Crest's analysis.

Questions in the survey asked for the participants' opinions on what drove the decline (assuming there had been one) of child arrests, first time entrants and child custody in their YOT area. The survey also included questions on point-of-arrest diversion schemes, how children on court orders are dealt with, prison practice, and multi-agency working in their YOT area, and how these might have changed over the past ten years.

See Annex F for the complete survey.

Summary

The results of the above analyses were used to understand how the youth justice system is performing, and what drivers impact on its efficiency. The results of our research are presented throughout the above chapters.

Annex D: Correlation analyses examining potential drivers of changes in first time entrant and custody rates across youth offending teams

In an attempt to explore the regional variability in the change in first time entrants and custody rates across youth offending teams (YOTs), the following metrics were correlated against the rate of first time entrants and custody across all YOTs in England and Wales.^{221,222}

- Index of multiple deprivation (IMD)
- rurality
- local authority funding
- YOT partnership funding.

For the first three correlations, local authorities were mapped onto YOTs so that IMD, rurality and local authority funding could be compared to each YOT's first time entrants and custody rates.

Index of multiple deprivation

The IMD (average rank) of each YOT (calculated as described above) was correlated against the percentage change in numbers of first time entrants between 2007/8 and 2017/18, as well as against the rate of first time entrants in each YOT in 2017/18.²²³ Neither correlation showed a significant result.

A correlation was seen however when comparing IMD scores against rates of custody. IMD was found to explain 31 per cent of the variance in the rate of custodial sentences across YOTs in 2017/18 (see figure D1) and 38 per cent of the variance in the rates of custody in 2013/14 (see figure D2). The correlation was positive, meaning YOT areas with higher deprivation scores tended to have higher rates of custody in 2017/18.

²²¹ Youth Justice Statistics: 2017 to 2018 supplementary tables. Chapter 2 - First time entrants to the youth justice system, Table 2.8 FTEs per local authority were mapped onto YOTs for the analysis

²²² Youth Justice Statistics: 2017 to 2018. Local level open data, Outcome_Data

The rate per 1,000 population was calculated using the ONS mid-year estimates, and mapped onto YOTs

²²³ Ministry of Housing, Communities & Local Government (2015). English Indices of Deprivation 2015. File 1: Index of multiple deprivation

Figure D1. Correlation between YOTs' index of multiple deprivation and child custody rates in 2017/18

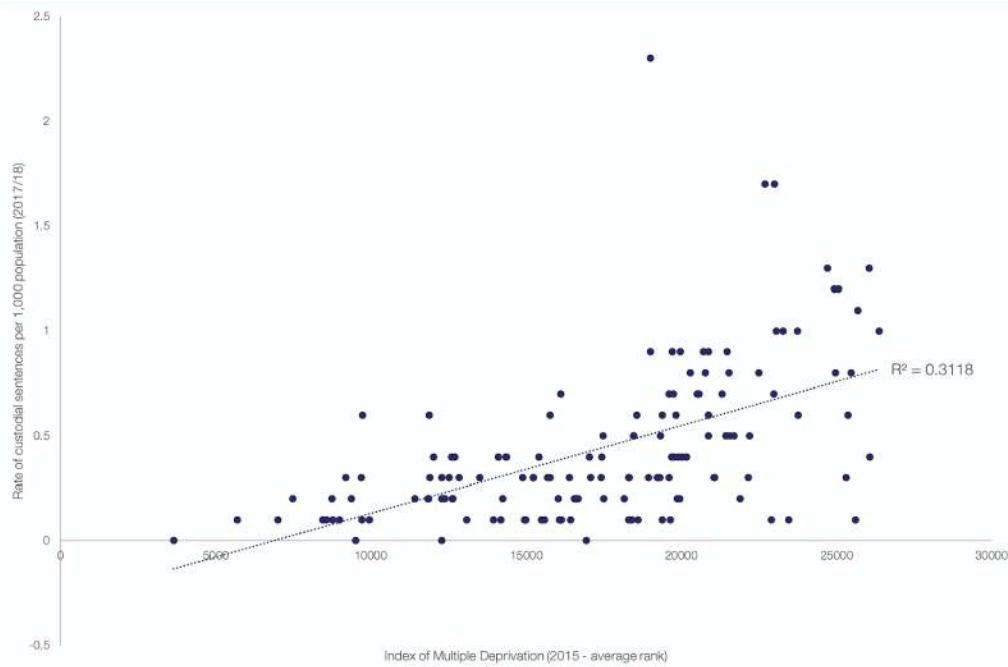
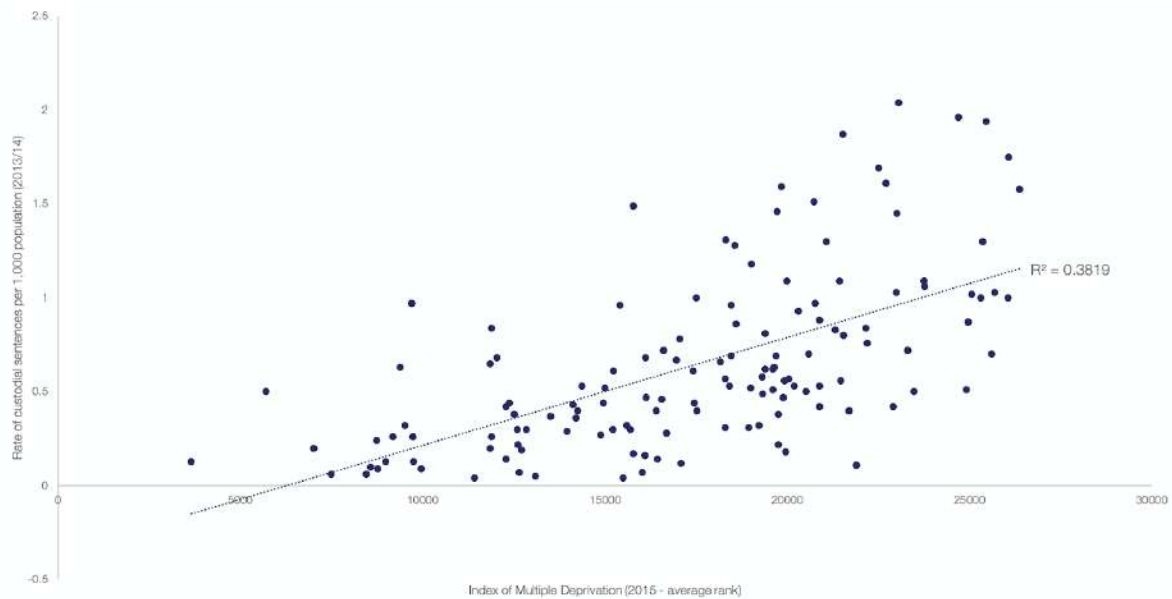


Figure D2. Correlation between YOTs' index of multiple deprivation and child custody rates in 2013/14



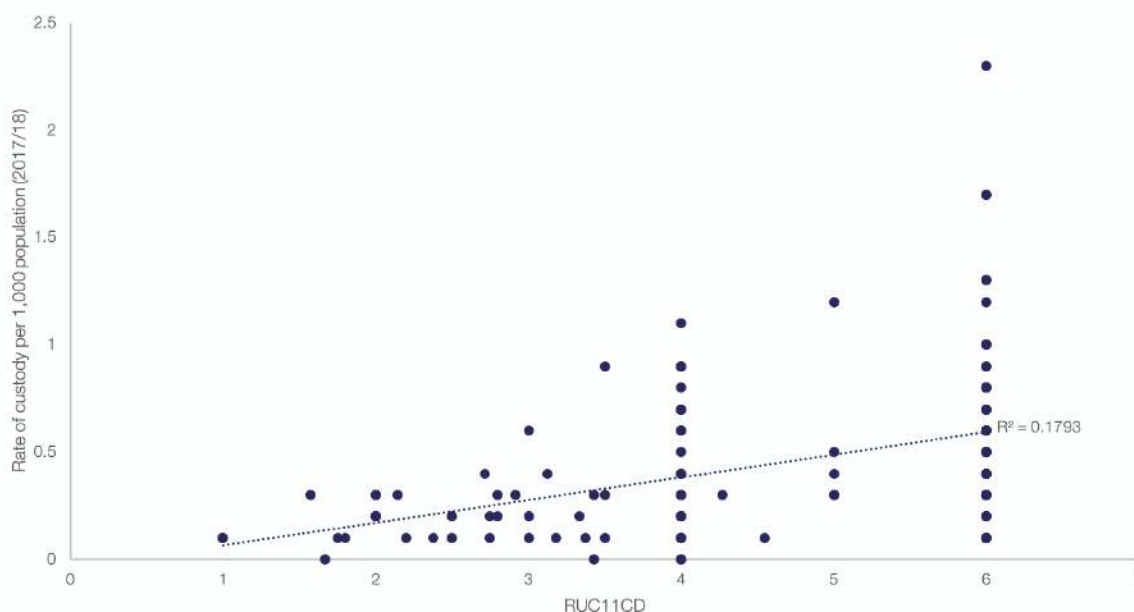
Rurality

Rurality scores for local authorities were mapped onto YOTs and correlated against the rate of first time entrants in 2017/18, and the rate of custody in 2017/18.²²⁴ No correlation was found between

²²⁴ Department for Environment, Food & Rural Affairs (2011). 2011 Rural-Urban Classification of Local Authorities and other geographies: Lookup for 2011 Rural Urban Classification of Local Authorities

YOTs' rurality and their rate of first time entrants. A modest correlation was observed between rurality and the rate of custody in each YOT, with rurality explaining 18 per cent of the variance (see figure D3). The correlation was positive, meaning areas that were more rural tended to show a higher rate of custody in 2017/18.

Figure D3. Correlation between rurality scores (RUC11CD) of YOTs and their rates of custody in 2017/18



Local authority funding

Changes in local authority funding (net current expenditure of local authorities in England) between 2010/11 and 2017/18, were mapped onto YOTs, and correlated against changes in the numbers of first time entrants in each YOT over the same time period.²²⁵ No significant correlation was found. Funding changes from 2013/14 to 2017/18 were correlated against changes in rates of custody over the same period, yet this also found no significant correlation.

YOT partnership funding

Crest also conducted analysis to explore whether YOTs' partnership funding correlated with their rates of first time entrants or use of custody.²²⁶ Neither partnership funding per capita, nor the proportion of YOTs' overall funding that was made up by the YJB's grant, was found to correlate strongly with either first time entrants or custody rates across YOTs.

RUC11CD scores (a measure of rurality) range from 1-6, where 1 = mainly rural; 2 = largely rural; 3 = urban with significant rural; 4 = urban with city and town; 5 = urban with minor conurbation; 6 = urban with major conurbation

²²⁵ House of Commons Library (2018). Local authority data: finances. Table: Net current spending

²²⁶ Youth justice statistics (2014 – 2018). Additional annexes: Table F.4 (2016 – 2018) & Annex B, Table B.4 (2014 – 2015)

Annex E: Stakeholder interview schedule

Introduction to the project:

We are working on a youth justice project, funded by the Hadley Trust, which explores the causes of the decline in first time entrants to the youth justice system, and youth custody rates since 2008. The decline in first time entrants and youth custody figures are historically unprecedented, yet there has been no systematic analysis of what lies behind them. We hope that our work will offer interesting insights for policymakers and practitioners and potentially offer some learnings to the adult system.

We are keen to explore the specific factors that have helped drive the declines in first time entrants (FTEs) and youth custody since 2008. From our side, this requires getting an in-depth and rounded picture through insights from experts, such as yourself, and other practitioners and stakeholders.

Q1. Could you tell us about your work with [youth justice – enter more specific detail]?

- What changes have you observed in the youth justice system since 2008?

Q2. What are your views on the drivers behind the decline in FTEs and youth custody?

- Centrally driven targets (e.g. offences brought to justice)?
- Institutional cultural shift (e.g. improved police activity, treating children as children, child-centered policing, changes to youth sentencing?)
- Public attitudinal shift (e.g. more skepticism and fear of young people)?
- Change in response to low-level and/or high-level offending?
- More flexibility to respond to youth crime?
 - Formal out-of-court disposals (e.g. community resolutions, youth cautions, conditional youth cautions)
 - Diversion schemes outside the criminal justice system (where cases are resolved without a formal pre-court sanction or prosecution):
 - Triage (models 1, 2 or 3)
 - Formal Youth Justice Liaison and Diversion at point of arrest and court in England
 - Welsh Bureau model
 - Range of orders available to the youth court and other agencies (youth rehabilitation orders 2009, anti-social orders 1999, 2014 criminal behaviour orders, Referral orders (youth offender panels and ‘contracts’ with young people, Youth restorative disposals)
- Decline in number of offences committed by young people?
 - Fewer young people in the population

- Fewer young people occupying public spaces (more likely to be inside due to technology)?
- Decline in drug and alcohol misuse?
- Increase in diversion? Or diversion happening earlier than before?
- Austerity? Children not getting picked up? (e.g. have you seen a direct effect on your funding in the last few years?)
 - Do you think youth services have declined in your area? Do you feel this impacts on young people?
- Target hardening?
- Legislative changes?
- If legislative changes have driven the decline in FTEs/youth custody, could the trend be reversed by new legislation?
 - Will new knife possession legislation reverse the declines?
 - What steps could be taken to prevent the potential reversal from happening?
- What might have impacted changes in patterns of offending i.e. trends in types of offences?
 - Target hardening?
 - Changes in police activity?
 - Any other explanatory factors?
- Do you think there are any differences between the causes of the decline in FTE rates down and the causes of the decline in custody rates?
 - Which of the discussed factors may have driven the decline in FTEs specifically?
 - Which of the discussed factors may have driven the decline in youth custody?
 - To what extent do the driving factors (if any) overlap?

Q3. What are the roles of non-criminal justice system organisations in youth justice and prevention e.g. children's services?

- How much joint working is there between YOTs and other agencies such as children's services and Community Safety Partnerships (i.e. representatives from statutory bodies, namely the police, local authorities, fire and rescue authorities, health and probation services)
 - Which of these statutory bodies is represented on the YOT?
- How has this changed over the past few years?
- Where does the YOT sit in relation to these other services?
- Does the partnership between your YOT and [services named by the stakeholder who the YOT is in partnership with e.g. children's services] work well?
- Are young people at risk of crime well supported? How do you define 'at risk'?
- What preventative measures/efforts are there in place? How do you define 'prevention'?
 - Early intervention
 - Prevention

- Preventative provision such as youth clubs
 - Different types of prevention include universal and targeted programmes
- Point-of-arrest diversion
- Out-of-court disposal
- How have preventative measures/ efforts changed since 2008?
 - What are the explanatory factors behind the observed changes in preventative measures since 2008?

Annex F: YOT manager survey

Survey introduction text

Thank you for taking the time to fill in this survey. It should take roughly 20 minutes to complete.

Crest Advisory, an independent criminal justice consultancy, are working on a youth justice project which explores the causes of the decline in first time entrants (FTEs) to the youth justice system, and youth custody rates since 2008. Recent data suggests this trend may be slowing, meaning that a thorough understanding of the reasons behind these trends is particularly timely.

Crest are keen to explore in detail the specific factors that have helped drive the declines in FTEs and youth custody since 2008 in your YOT area. We have found that there are different patterns in different areas, and we are keen to get the perspectives of YOT managers about why this might be the case.

We are aware that custody and FTE rates are driven by a large number of factors - such as culture, policy, legislation, funding, non-criminal justice system bodies such as education and health, population/demographic changes. With this in mind, this survey aims to provide a snapshot across different areas to explore the interplay between these driving factors, so we can take a bottom-up approach in analysing the trends. We hope that this will add to our collective understanding of the role that different agencies play individually and together and lessons to be taken forward for future practice.

If you require any further information about the survey, or any other aspect of the project, please feel free to contact manon.roberts@crestadvisory.com

Quotes provided as part of the survey may be used in the final report, but will remain anonymised. Quotes may cite your YOT area if you consent to this information being shared at the end of the survey.

If you require any further information about the survey, or any other aspect of the project, please feel free to contact manon.roberts@crestadvisory.com

Survey questions

1. Which YOT do you work for?

The following questions refer to trends in child arrests, first time entrants and child custody in your area. We appreciate that some YOT managers may not feel confident commenting on trends of up to 10 years. In this instance, please comment on trends over a length of time you feel comfortable discussing, and specify the timescale you are referring to explicitly in your response.

2a. Did the numbers of child arrests in your YOT area increase or decrease in 2018?

Increase / Decrease / No change

2b. In your view, what has driven the changes in child arrests in your area in the last year?

2c. Did the numbers of child arrests in your YOT area increase or decrease between 2008-2018?

Increase / Decrease / No change

2d. In your view, what has driven the changes in child arrests in your area in the last decade?

3a. Did the numbers of child first time entrants in your YOT area increase or decrease in 2018?

Increase / Decrease / No change

3b. In your view, what has driven the changes in child first time entrants in your area in the last year?

3c. Did the numbers of child first time entrants in your YOT area increase or decrease between 2008-2018?

Increase / Decrease / No change

3d. In your view, what has driven the changes in child first time entrants in your area in the last decade?

4a. Did the number of children in custody in your YOT area increase or decrease in 2018?

Increase / Decrease / No change

4b. In your view, what has driven the changes in child custody in your area in the last year?

4c. Did the number of children in custody in your YOT area increase or decrease between 2008-2018?

Increase / Decrease / No change

4d. In your view, what has driven the changes in child custody in your area in the last decade?

The following questions refer to diversion schemes for children in your area. We appreciate that some YOT managers may not feel confident commenting on trends of up to 10 years. In this instance, please comment on trends over a length of time you feel comfortable discussing, and specify the timescale you are referring to explicitly in your response.

5a. What diversion schemes for children at point of arrest operate in your area? Please provide a short description of each. Would you classify each of these as formal or informal?

5b. Have these diversion schemes at point of arrest changed in any way over the past 10 years? If so, how?

The following questions refer to the ways your YOT deals with children on court orders and who are serving/have served custodial sentences. We appreciate that some YOT managers may not feel confident commenting on trends of up to 10 years. In this instance, please comment on trends over a length of time you feel comfortable discussing, and specify the timescale you are referring to explicitly in your response.

6a. In your view, has the way that your YOT deals with children who are on court orders changed over the past 10 years? If so, how?

7a. In your view, has the way that your YOT deals with children serving custodial sentences changed over the past 10 years (including post-custody supervision)? If so, how?

7b. In your view, has prison practice changed in terms of children in custody? If so, how?

The following questions refer to the partnerships between YOTs and local children's services. We appreciate that some YOT managers may not feel confident commenting on trends of up to 10 years. In this instance, please comment on trends over a length of time you feel comfortable discussing, and specify the timescale you are referring to explicitly in your response.

8a. Where is your YOT located in relation to children's services in your area?

8b. Please provide a short description of the way you work with children's services. Has this changed over the last 10 years? If so, how?

The following questions refer the needs and vulnerabilities of children in contact with the criminal justice system. We appreciate that some YOT managers may not feel confident commenting on trends of up to 10 years. In this instance, please comment on trends over a length of time you feel comfortable discussing, and specify the timescale you are referring to explicitly in your response.

9a. In your view, have the needs and/or vulnerabilities of children who come to the attention of the criminal justice system changed over the last 10 years? If so, how?

9b. In your view, if children's needs have changed in the last 10 years, why have they changed?

Survey concluding text

Thank you very much for taking the time to fill in the survey.

We have asked for your YOT area to enable us to link local practice with trends. We would like to refer to patterns in the data and how they correlate with local practice in our final report. If you would rather we did not refer to your YOT by name, please tick the box below.

If you would like to be kept informed of the research and final report, please enter your email address in the box below.

I do not want the name of the YOT I work for to be included in the final report

Email address: _____