

England and Wales
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Introduction

“The underlying factors that increase the risk of offending clearly need to be addressed as early as possible. There is significant national evidence that early intervention is effective, and is the best way to prevent offending and to improve other outcomes for children”¹

There are strong moral, criminological, and financial reasons to pursue strategies that limit young people’s contact with the criminal justice at the earliest possible stage. Indeed, numerous international studies have shown that the greater a young person’s contact with the courts, the greater his or her risk of re-offending. Criminologists have sought to explain this correlation through various theories, ranging from the negative effect of association with other criminal elements and the disruption incarceration causes to children’s education and family lives, to the self-fulfilling nature of ‘labelling’ individuals as criminals.² For example, the 2010 Edinburgh Study of Youth Transitions and Crime found that “the deeper young people who were identified as the usual suspects penetrated the youth justice system, the more likely it was that their pattern of desistance from involvement in serious offending was inhibited.”³

From a cost-savings standpoint, many would argue that there are strong financial incentives to promote effective diversion measures and early prevention strategies. With youth custody amounting for 65% of youth justice expenditure in England in Wales in 2011/12 (a figure of

¹ Justice Committee’s report on ‘Youth Justice, Seventh Report of Session 2012-13’, published 14 March 2013 (hereafter referred to as the “Justice Committee Report 2013”) at para 30, citing evidence of Wendy Poynton, Head of Leicester Young Offender Service (‘YOS’).

² McAra L and McVie S, “Youth justice? The impact of system contact on patterns of desistance from offending”, *European Journal of Criminology*, 4:3, 2007, pp315–45; Farrington D, “The effects of public labelling”, *British Journal of Criminology*, 17:2, 1977)

³ McAra L, McVie S (2010). Youth Crime and Justice: Key Messages from the Edinburgh Study of Youth Transitions and Crime. *Criminology and Criminal Justice*, 10: 211-230.

£245.5million)⁴ and almost 80 per cent of the yearly average cost of first-time entrants to the justice system there are arguably considerable cash savings to be made. Indeed in 2009 the Audit Commission estimated that over £113 million per year could be saved if one in ten young offenders was directed towards effective support.⁵

⁴ Youth Justice Board annual report and accounts 2012/13

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/246506/0520.pdf.

⁵ Audit Commission (2009), 'Tired of hanging around: Using sport and leisure activities to prevent anti-social behaviour by young people'.

CHAPTER 1: OVERVIEW OF YOUTH SYSTEMS

1. Background Summary⁶

The criminal justice system in England and Wales did not distinguish between adult and juvenile offenders until the early twentieth century, when the Children Act's 1908 established the principle of dealing with juvenile offenders separately from adult offenders. In the same year the Crime Prevention Act 1908 also set up the first young offender's institution. Later, the Children and Young Persons Act 1933 introduced a statutory principle that courts must have particular regard to the welfare of the child and in 1963 the age of criminal responsibility was raised from eight to ten years old.

Between 1989 and 1991 the systems for dealing with children in need of care and those charged with criminal offences were split, with the creation of youth courts. During the 1990s the numbers of young people 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 in England and Wales and highlighted a number of deficiencies. This prompted a fundamental change to the structures and framework for responding to offending by under-18s, most notably through the Crime and Disorder Act 1998 ('the CDA 1998'). This Act defined the principal aim of the youth justice system as 'to prevent offending by children and young persons'. It placed a duty on every local authority to establish and fund a multi-agency youth offending team for their area (YOT), to coordinate youth justice provision. At national level, a Youth Justice Board (YJB) was established to monitor and advise the Secretary of State in relation to the youth justice system; monitor steps taken to prevent offending by young people; identify, spread, and make grants to develop good practice; and enter into agreements for the provision of secure accommodation for the detention of under-18s in custody. The CDA 1998, and subsequent legislation, also made significant changes to the types of sentences and out-of-court disposals

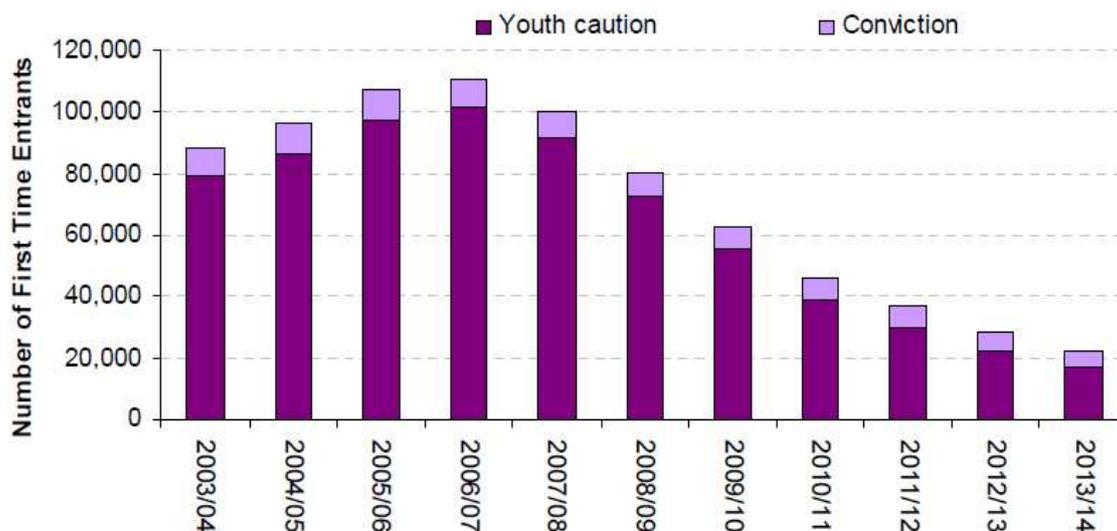
⁶ This summary is largely taken from the Justice Committee Report 2013 at para 4, p.7.

available for young offenders. More recently, England and Wales has seen a renewed enthusiasm for diversion and early prevention strategies.⁷

2. Data and trends

Over the past ten years there has been a significant decline in then number of young people coming into contact with the youth justice system. In 2013/14 there were 22,393 first time entrants to the Youth Justice System, which was down 20% on the previous year, and 75% lower than in 2003/4.⁸ The average number of young people in custody in 2013/14 was 1,216, a 21% reduction on the previous year and 56% less than the average in 2003/4.⁹

Trends in first time entrants, 2003/04 to 2013/14



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Fewer young people are also being convicted of offences, with the number of youths sentenced at court down by 23% on the previous year to 33,902 in 2013/14 (a 65% decrease

⁷ Justice Committee Report at p8.

⁸ Youth Justice Statistics 2013/14, Youth Justice Board Executive Summary, 29 January 2015 at p.3

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/399380/youth-justice-stats-exec-summary-2.pdf.

⁹ Youth Justice Statistics 2013/14 Executive Summary at p.4.

¹⁰ Youth Justice Statistics 2013/14 Executive Summary at p.3.

since 2003/4).¹¹ This decline has apparently had a greater impact on the white population than ethnic minorities. For example, studies have shown that young black people are more likely to receive additional days in custody following breaches of prison rules than their white counterparts.¹² It has been argued that this overall decrease is due to a combination of reasons, most notably a reduction in offending by young people, a renewed government commitment to diversion strategies, and changes in police targets.¹³ In particular, there is a growing body of evidence that “diverting children from formal criminal justice processes is ‘a protective factor against serious and prolonged reoffending’.”¹⁴

However, whilst the number of children entering the youth justice system has declined, conversely the average number of previous convictions and likelihood of reoffending has increased among young people entering the system (the overall (binary) re-offending rate for young people was 36.1 % in 2013).¹⁵ This ‘thicker soup’, as it has been described, means that there is now a greater concentration of children in the system with a higher level offending behaviour.¹⁶

¹¹ Youth Justice Statistics 2013/14, Executive Summary at p.4.

¹² Youth Justice Committee Report 2013 at para 54.

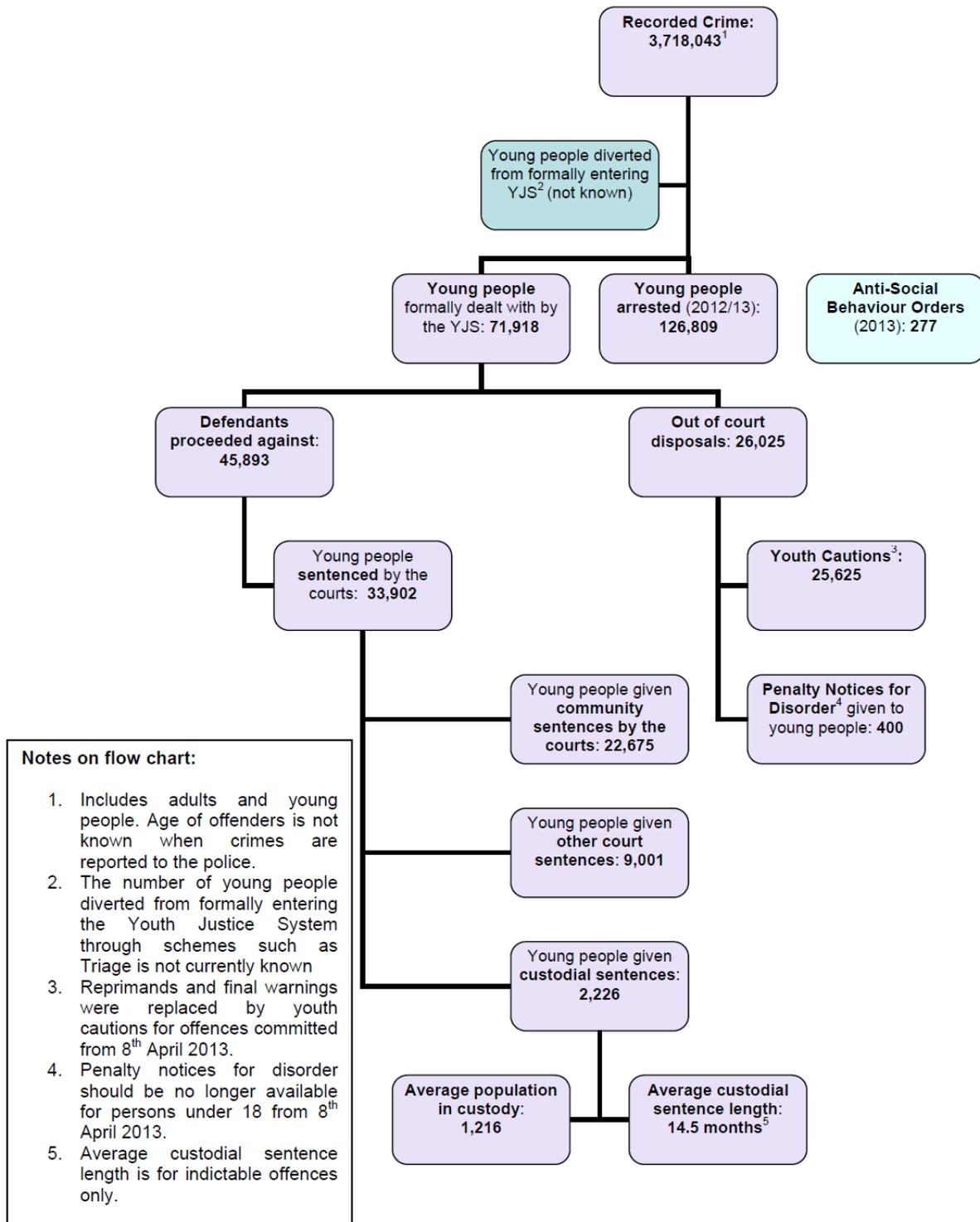
¹³ Youth Justice Committee Report 2013 at p.1

¹⁴ Youth Justice Committee Report 2013 at p8.

¹⁵ Youth Justice Committee Report 2013 at p6.

¹⁶ Ben Estep, New Economics Foundation, ‘Youth Diversion Briefing Note’, June 2013.

Flows through the Youth Justice System, 2013/14



(Source: Youth Justice Statistics 2013/14, Executive Summary)

A Youth Justice System

1. Broad Principles of the Youth Justice System

As mentioned above, the Children and Young Persons Act 1933 emphasises that the welfare of the child is of paramount importance. Section 44 sets this duty of care out as followed:

“Every court in dealing with a child or young person who is brought before it, either as an offender or otherwise, shall have regards to the welfare of the child or young person, and shall in a proper case take steps for removing him from undesirable surroundings, and for securing that proper provision is made for his education and training”.

In a criminal justice context, the primary aim of the youth justice system in England and Wales is to prevent youth offending or re-offending (Crime and Disorder Act 1998 s. 37(1)). Further, section 142A of the Criminal Justice Act (CJA) 2003 (inserted by the Crime and Immigration Act 2008) puts on statutory footing the particular factors a court must take into account when sentencing and offender aged under 18 year olds. This requires courts to have specific regard to:

- (a) the principal aim of the youth justice system (which is to prevent offending (or re-offending) by persons aged under 18);
- (b) in accordance with section 44 of the Children and Young Persons Act 1933, the welfare of the offender; and
- (c) the purposes of sentencing, namely:
 - the prevention of reoffending
 - Punishment
 - Reform and rehabilitation
 - Protection of the public, and

- Reparation by offenders to person affected by their offences

Lastly, having ratified the United Nation Convention on the Rights of the Child the UK (and therefore England and Wales) is duty bound to treat the use of custody for under 18 year olds as a last resort.

2. Main bodies/institutions dealing with Juvenile crime prevention

Youth Offending Teams (YOTs) lie at the heart of addressing youth offending in England and Wales. Established by the CDA 1998 to coordinate the provision of youth justice services, these are local authority partnerships made up of representative from social services, health, education, probation and the police. There are currently 158 YOTs in England Wales covering every local authority with responsibility for education and social serves.¹⁷

Since 2013/14 Police and Crime Commissioners have also been given a role in early prevention since funding for youth crime and substance misuse prevention was transferred to them.¹⁸ There are also linkages with care providers as well as numerous charitable organisations working in the field of youth justice. The Government's Ending Gang and Youth Violence programme is a good example of the way that joined up services work together. It is designed to support local areas to respond in the most effective way to their particular challenges, looking beyond enforcement to early intervention, prevention and routes out of violent lifestyles. This support is offered through a network of over 80 people from a range of professional backgrounds, including health, education and the voluntary and community sector. All these people have practical experience of dealing with gangs and youth violence.¹⁹

3. The right of children and young people in conflict with the law (recent reforms)

In England and Wales, the most significant recent reforms to youth justice were made by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO). In particular, this

¹⁷ Ben Estep, New Economics Foundation, 'Youth Diversion Briefing Note', June 2013

¹⁸ Justice Committee Report 2013 at p.13

¹⁹ Government's response to the Justice Committee's First Report of Session 2014-2015 on 'Crime Reduction Policies' (the "Government's response 2014"), September 2014, at p.11.

has dramatically increased sentencer discretion in respect of young people in conflict with the law.²⁰ Whereas previously an escalating system of court disposals existed for young offenders, LASPO introducing a ‘flattened’ system of out of court options (namely community resolutions, youth cautions and youth conditional cautions). Furthermore, unlike under the old system, the severity of the offence and previous disposals are no longer an automatic bar to the use of an out of court disposal in the case of a young person. This new framework “is designed to promote flexibility, encourage joint decision making between police and YOTs, and to facilitate both reparation and diversion to services to address issues underlying offending.”²¹

The LASPO has also introduced provisions regarding alternatives to custodial remands, the use of bail, and how to deliver care to children on remand and looked after children involved in youth justice. Measures designed to reduce the cost of ‘unnecessary remands’ include applying a threshold test where young people must be considered to have ‘a real prospect of receiving a custodial sentence upon conviction’ and by passing a greater share of financial responsibility to local authorities.²² In this way, local authorities are incentivised “to invest in alternative strategies for this group of young people” as reductions in use result in financial gain.²³

4. Diversion measures

In 2011/12 approximately a third of all youth disposals were handled prior to court, albeit this varied considerably from region to region. For example, out of court disposals made up less than 10 per cent of total youth disposals in 15 London YOT areas but amounted to over 60 per cent of disposals in Lancashire and Pembrokeshire. The average for England Wales in 2011/12 was 33.4%.²⁴

Many argue that diversion is attractive not only as an effective means of rehabilitation, but also in terms of the cost savings when set against the financial outlay for custody.

²⁰ Justice Committee Report 2013 at para 35.

²¹ Ben Estep, New Economics Foundation, ‘Youth Diversion Briefing Note’, June 2013 and Youth Justice Board (2013), ‘Youth Out of Court Disposal: Guide for Police and Youth offending services’

²² Ben Estep, New Economics Foundation, ‘Youth Diversion Briefing Note’, June 2013

²³ Ben Estep, New Economics Foundation, ‘Youth Diversion Briefing Note’, June 2013 and Youth Justice Board (2012) ‘Implementation of the LASPO Act 2012: Key Stakeholder Information’.

²⁴ Ministry of Justice, Youth Statistics 2011/12 www.justice.gov.uk/statistics/youth-justice/statistics.

Figure 4: Indicative cost estimates for typical disposals for young offenders

Final Warning	£200–£1,200
Referral Order	£2,200–£4,000
Youth Rehabilitation Order	£1,900–£4,100
YRO with Intensive Supervision and Surveillance	£7,800–£9,300
Detention and Training Order (typically 3 months in custody, 3 in community)	£20,300–£50,500

Data source: National Audit Office

Diversion measures in England and Wales can be divided into two types:

- (1) diversion from the criminal justice system via inform warnings, welfare based and restorative responses (which do not attract a criminal record; and
- (2) through community resolutions, youth cautions, and conditional cautions (which are citable on enhanced criminal records checks).²⁵

While both of these types of diversion require that the young person admits committing the offence in question, only a caution or conviction actually qualifies as a first time entry into the system. Cautions are given by the police and do not need to be authorised by the CPS (unless the offence is indictable only).²⁶ It has been suggested that only the first category of out of the system diversion is truly diversionary as these do not appear on criminal record disclosures. Recent developments in diversionary practice within this category include establishment of the *Triage* diversion scheme, which puts youth offending team workers in police custody suites and the piloting and planned expansion of *Youth Justice Liaison and Diversion Schemes* intended to identify and offer support to vulnerable young people (discussed in more detail in Part II below). Further, the *Youth Justice Reinvestment Pathfinder Initiative* attempts to reduce custody numbers through giving local authorities the

²⁵ It is proposed that all these disposals will be brought under the umbrella of ‘community resolutions’ - this new framework is currently being piloted.

²⁶ Justice Committee Report 2013 at p8.

ability to develop diversion with funding allocated from the central custody budget, arguably reflecting governmental belief in the possibility of savings through up-front investment.²⁷

There is a broad consensus opinion amongst youth justice practitioners that diversionary practices have been effective in reducing in the number of first time entrants into the criminal justice system.²⁸ In this regard it has been noted that:

“In England and Wales, as elsewhere, use of diversion and custody rates appear to be connected – with higher usage of custody found in areas with lower usage of pre-court disposals and vice-versa. For 2011/12, the top five and bottom five users of custody by region exhibited this.¹⁵ Each of the areas with the highest rates of custody usage used pre-court disposals (including police reprimands, final warnings and conditional cautions) at a lower percentage than the national average. Conversely, areas with the lowest custody rates all used pre-court disposals at higher than the national average. These numbers do not necessarily reflect the underlying seriousness of offending, nor variation in local contexts. However, preventing cases from making it to court necessarily lowers the number of candidates for custodial sentences while increasing the opportunity for young people to turn away from crime.”²⁹

Notwithstanding the perceived success such of diversion measures, some have expressed concern that diversion measures may in fact draw certain children into the justice system that otherwise would not have found their way into it, given that there is a lower threshold for diversion than that for reprimand or prosecution through the courts. There is also a worry that too many young people ‘slip through the net’ and end up in court unnecessarily.³⁰

²⁷ Ben Estep, New Economics Foundation, ‘Youth Diversion Briefing Note’, June 2013.

²⁸ Justice Committee Report 2013 at p.9.

²⁹ Ben Estep, New Economics Foundation, ‘Youth Diversion Briefing Note’, June 2013 and Allen R (2011). Last Resort?: Exploring the Reduction in Child Imprisonment 2008-11. Prison Reform Trust.

³⁰ Justice Committee Report 2013 at p10.

B. Youth Care System from the scope of juvenile crime prevention

1. Description of the child protection system

Observers have noted that that young people in the criminal justice system are “disproportionally likely to have high level welfare needs”.³¹ Indeed recent research has shown that, amongst 15-18 year olds in custody, 30% of young men and 44% of young women had spent time in care.³² Further, 39% of children in custody have been on the child protection register and/or have experienced abuse or neglect.³³ YOTs and children’s services in England and Wales therefore serve ‘a similar and overlapping population’.³⁴

In the past few years, however, there has been a reduction in the proportion of children in care receiving pre-court disposals or convictions; from 7.9 per cent in 2010 to 6.2 per cent in 2013. Nevertheless, the proportion of children in care within the justice system itself has increased: “in 2010 they were two and a half times more likely to be sanctioned for an offence, which rose to over three and a half times in 2012”.³⁵ One of the main reasons for this appears to be the over-reliance from care homes on police intervention, meaning that children are reported for behaviour that they otherwise would not have been were they in a family setting. There is concern that “staff in local authority and residential units have often been quick to call for police intervention to help them manage challenging behaviour, without understanding that this is likely to trigger a criminal investigation and an appearance before the youth court.”³⁶ Steps have been taken to address this problem, such as with the issuing of a CPS guideline in 2007 to prevent unnecessary prosecutions and there are currently ongoing discussion about a draft guidance which aims to give police more discretion in dealing with these kids of incidents.³⁷

³¹ Justice Committee Report 2013 at p18.

³² HM Inspectorate of Prisons/Youth Justice Board, *Children and Young People in Custody 2011/12: An analysis of the experiences of 15–18 year olds in prison*, 2012.

³³ Justice Committee Report 2013 p15 (Jacobson et al, 2010: 51)

³⁴ Independent Parliamentarians’ Inquiry into the Operation and Effectiveness of the Youth Court, Lord Carlile of Berriew CBE QC, June 2014 <http://www.icpr.org.uk/media/37698/YOUTH%20COURT%20REPORT%20-%20final%20version%20DK.pdf>

³⁵ Justice Committee Report 2013 at p12.

³⁶ Justice Committee Report 2013 at p12.

³⁷ Justice Committee Report 2013 at p13.

2. Monitoring mechanisms

Since the Children Act 1989 divided the juvenile court into two separate entities dealing with family and youth justice, links between the crime and welfare systems has remained somewhat tenuous. Commentators have suggested that this restricts the ability of the criminal justice system to help monitor the needs of young people:³⁸

“...the youth court, envisaged purely as a criminal court, has no means of calling for a wider enquiry into the child’s circumstances, or of transferring proceedings to the family court. The needs of some children are being overlooked by the responsible authorities as pressure on public spending mounts and some authorities choose to focus, principally, on meeting the needs of younger children, and those to whom a safeguarding duty is owed.”³⁹

However, the Government has emphasised that youth offending teams can and should refer cases to Children’s Services where there may be welfare issues.⁴⁰

3. Criteria for placement or supervision

Section 9 of the Children and Young Persons Act 1969 places a duty on local authorities to carry out investigations into the circumstances of child defendants and also vests the court with the power to request they do so, although this provision is rarely used.⁴¹ In any event, as a result of the LAPSO all children remanded into custody before being sentenced now automatically receive ‘looked after’ status. Furthermore, children appearing in court may be provided with a foster care placement whilst they are on remand (remand fostering), as part of a Supervision Order or Youth Rehabilitation Order (intensive fostering) or post-custody (for example, while on license from a Detention and Training order.; However, commentators note that constraints on children’s services, brought about by growing numbers of child

³⁸ Justice Committee Report 2013 at p25.

³⁹ Justice Committee Report 2013 at p19.

⁴⁰ Government Response 2014 at p.10.

⁴¹ Justice Committee Report 2013 at p19.

protection referrals, cases, children in care and reducing budgets has translated into high thresholds for accessing children's services support.⁴²

4. Promising Practices

In one initiative, children have access to 'Family Group Conferences' (FGCs) which, in line with theories of restorative and problem-solving justice, bring together the child, their family, and the victim to express their views and endeavour to address the offending behaviour.⁴³ There are mixed reactions to these FGCs – academic research from New Zealand suggests that young people find it difficult to engage and understand what is going on, whilst practitioners wax lyrical about their effectiveness.⁴⁴ Within family focused prevention, the following programmes were found to be particularly effective:

Behavioural parent training (BPT) which teaches parents to be consistent in reinforcing helpful behaviour and punishing or ignoring hostile or uncooperative behaviour.

Best practice: BPT is more effective in smaller (more manageable) class sizes, and when aimed at parents of older young children (approximately aged 10 and above).

Multi-systemic therapy (MST) which is an intensive, individualised, home-based therapeutic intervention for high risk juveniles. Depending on the young person's needs MST could include child skills training, parenting training, measures aimed at reducing a young person's association with deviant peers, and measures for improving academic performance and attachment to school.

Best practice: There is evidence of increased effectiveness when there is strong adherence to the original programme design.

⁴² Crossley, A (2012) Rules of Engagement: Changing the Heart of Youth Justice. London (Centre for Social Justice) at p39.

⁴³ Justice Report 2013 at p19.

⁴⁴ Justice Report 2013 at p20.

Family Functional Therapy (FFT) is a clinic-based intervention that includes three therapeutic stages: first, an engagement and motivation phase in which reframing techniques are used to reduce maladaptive perceptions, beliefs and emotions within the family. This then creates the context for a second phase employing behavioural change techniques. Finally there is a ‘generalisations’ phase in which families are taught to apply the learnt skills in various contexts (the school, the justice system, the community).

Best practice: Programme effects were only evident where there was strong adherence to the original design.

Multi-Dimensional Treatment Foster Care (MTFC). Young people are placed in short-term foster homes where they receive individual therapy and behavioural coaching similar to child skills training. At the same time their parents (or guardians) receive weekly family therapy in which they are taught effective parenting and family management techniques.⁴⁵

⁴⁵ Justice Report 2013 at p190.

C. Education system

There a great deal of evidence that a large proportion of children within the youth justice system have problems associated with their educational needs. Most notably, between 65% and 78% of children in custody have had a period of non-attendance at school and one third of young people in custody have identified special educational needs.⁴⁶ Indeed, until 2010 the Department for Education had joint responsibility for the Youth Justice Board, indicating the close ties between the YJS and education.

In this regard, there is a strong body of evidence to show that early intervention with very young children, by schools, children's/social services and healthcare providers, can be successful in reducing persistent childhood behavioural problems, which may eventually lead to offending, and that investment in early intervention can be cost-effective in the long run. Neurological evidence shows that the first years of a child's life are essential to the development of their brain and, especially, their social and emotional capabilities and there is a growing body of evidence that people's life outcomes are heavily predicated on their experiences during this period. Examples of successful initiatives include parenting support, pre-school education, school tutoring, behaviour and 'life skills' strategies, family therapy, treatment foster care, constructive leisure opportunities, and mentoring programmes.

Encouragingly, there is a desire on the part of the government to “make big changes with the way we deal with children who are offenders, with a much greater focus on education in a secure environment.”⁴⁷ The Government recognises that low levels of educational engagement and attainment are also linked to an increased risk of offending and the Ministry of Justice and Department for Education are therefore working closely on the introduction of the Secure College pathfinder under the Transforming Youth Custody programme. Secure Colleges will be a new generation of secure educational establishments which intends to put education at the heart of youth custody and thereby contribute to reducing reoffending.⁴⁸

⁴⁶ Gyateng T and others (2013) Needs and Interventions. London: Youth Justice Board. at p 39.

⁴⁷ Speech made by the Secretary of State for Justice to the Centre of Social Justice on 20 November 2012, <http://www.justice.gov.uk/news/speeches/chris-grayling/speech-to-the-centre-of-social-justice>.

⁴⁸ Government's response 2014 at p10.

Effective school based programmes tend to be those aimed at changing the school environment as opposed to interventions that focus on changing the individual alone. This includes:

Child skills training which aims to teach children social, emotional, and cognitive competence by addressing appropriate effective problem solving, anger management and emotion language.

The reorganisation of grades or classes to group together high-risk or disruptive pupils for periods of the school day, while teaching them with alternative curriculum material and using cognitive behavioural techniques.

Classroom or instruction management interventions emphasising interactive instructional methods using cognitive behavioural techniques.

School discipline and management strategies, particularly those which draw on teams of staff and members of the local community to change the decision-making process or authority structures of the school in order to enhance its general capacity.

Within the community, both mentoring and after school recreation programmes were identified as promising:

Mentoring typically involves a non-professional drawn from the community spending time with an at risk young person in a non-judgmental, supportive capacity whilst also acting as a role model.

Best practice: Mentoring is more effective when applied as part of a programme of interventions, where meetings are at least once a week and five or more hours in duration with an emphasis on emotional support, and where the mentor is motivated by professional advancement.

After school recreation offers young people the opportunity to engage in and learn skills in a range of activities including non-academic ones.

*Best practice: Only effective if the programme is highly structured and includes proper supervision.*⁴⁹

Ultimately, although there are few explicit school-based programmes primarily aimed at reducing youth crime and antisocial behaviour in the UK, the strategies that are employed represent a whole-school approach to tackling behaviour and discipline, aimed at affecting change to the school environment through authority structures and decision-making processes.

⁴⁹ Department for Education report, 'Prevention and reduction: a review of strategies for intervening early to prevent or reduce youth crime and anti-social behaviour' (2011) at p.5
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/182548/DFE-RR111.pdf

D. Health system

There is extensive evidence that “children in the criminal justice system have higher than average mental health difficulties...as well as significant learning difficulties and substance abuse problems.”⁵⁰ For example:

- 60% of children who offend have a communication disability.
- Around 30% of children who have ‘persistent offending histories’ in custody have IQs of less than 70, signifying a learning disability.
- Between 65% and 75% of children in custody have a traumatic brain injury.
- 17% of incarcerated children have a diagnosed emotional or mental health condition, 20% have self-harmed and 11% have attempted suicide.
- 18% of 13–18 year olds in custody had depression, 10% anxiety, 9% post-traumatic stress and 5% psychotic symptoms.⁵¹

However, it has been noted that “young people are generally referred to prevention schemes by schools and the police, and less frequently by health workers, using the onset referral and assessment framework.”⁵²

1. Early screening of mental health and intellectual disabilities

The Asset Risk Assessment is the main tool used by YOTs to determine the level and type of supervision given to young people coming in contact with criminal justice system. The tool looks at the following 12 factors in particular:

- family and personal relationships;
- education, training and employment;
- neighbourhood;

⁵⁰ Justice Committee Report at p.12.

⁵¹ MOJ report, Ministry of Justice/Youth Justice Board, *Developing the Secure Estate for Children and Young People in England and Wales – Plans until 2015*, March 2012, para 82.

⁵² Joint Criminal Justice Committee inspection, *A joint inspection of youth crime prevention 2010* (Justice Committee Report at p.11).

- lifestyle;
- substance use;
- physical
- health;
- emotional and mental health;
- perception of self and others;
- thinking and behaviour;
- attitudes to offending; and
- motivation to change

Although some have criticised the varying quality and scope of the Asset tool⁵³ steps have recently been taken to improve this system. The introduction of a new tool, ‘Asset Plus’, should help to plug this gap as well as address criticisms that assessments are often out of date (as Asset Plus will continually be updated). In addition the Comprehensive Health Assessment tool (CHAT), jointly funded by the Department of Health, hopes to improve identification of the needs of young people. This tool incorporates a health screening within the first two hours of arrival into custody, following by detailed assessment of physical, mental health, and substance misuse issues.⁵⁴ This should ‘begin to improve the systemic health assessment of all young people entering the youth justice system.’⁵⁵

2. Prevention of drugs consumption and support for addicted children

There is evidence that a third of children in young offender institutions (YOIs) had a problem with drugs when they first arrived.⁵⁶ There are certain measures in place that address these needs, such as the government’s commitment to developing and commissioning additional enhanced units within under-18 YOIs. These units have specially trained staff along with more easily accessible mental health and drugs and alcohol services.⁵⁷

3. General health mechanisms and support for vulnerable families and children

⁵³ Justice Committee Report 2013 at para 117.

⁵⁴ Justice Committee Report 2013 at para 118.

⁵⁵ Justice Committee Report 2013 at p24.

⁵⁶ MOJ report, Ministry of Justice/Youth Justice Board, *Developing the Secure Estate for Children and Young People in England and Wales – Plans until 2015*, March 2012, para 82

⁵⁷ Justice Committee Report 2013 at para 83.

Commentators have noted the importance of the family environment in turning young people away from crime and therefore children's "criminality is unlikely to be effectively address in isolation from family considerations."⁵⁸ Family buy-in is clearly important to ensure crime prevention strategies stand the best chance of long-term success after the intervention itself has come to an end.

One particular measure that has shown encouraging results, both internationally in the UK is multi-systemic therapy (MST).⁵⁹ MST aims to reduce reoffending and young people coming into contact with the criminal justice system in the first place by pursuing the their goals of keeping children (1) out of custody , (2) out of care, and (3) in school. In order to achieve this, parents are empowered to create a family setting in which clear rules are set about breaking bad behaviour, positive rewards are offered for successful attempts to change, links are broken with negative peer groups, and pro-social activities are encouraged. Evaluation of one such programme run by the Brandon Centre in London found positive outcomes, such as a greater reduction in reoffending for those in the MST group compared with a control group, a decrease in violent offences – 8% compared with 34%.⁶⁰

Ultimately, the Brandon Centre found that "MST appears to reduce the need appears to reduce the need for other youth justice services, to reduce criminal activity and thus the costs associated with offending, and to be cost-saving in comparison to treatment as usual in the youth offending service: You will spend £2420 on MST but you will save £2237 on other services and £2406 on crime reduction: you will recoup what you spent and save an additional £2223 per participant over 3 years."⁶¹

The Troubled Families agenda has been described as "another way of joining up that early intervention agenda." The Troubled Families Programme was allocated £448 million over three years to target the 120,000 most troubled families. Leicestershire County Council described the emerging model as based on a family support worker but with "a team around

⁵⁸ Justice Committee Report 2013 at p.12, para 112.

⁵⁹ Justice Committee Report 2013 at p.12, para 113.

⁶⁰The evaluation covered a period of 4–5 years. Up to 220 persistent young offenders and their parent/carers were randomly allocated either to a group receiving MST with Youth Offending Team services as usual or to a group receiving services as usual without MST (Justice Committee Report 2013 at para 114).

⁶¹ Justice Committee Report 2013 at para 114.

the family”, with more effective integration of key services aimed at reducing duplication.⁷⁶ There is significant cross-over between the target groups for YOT prevention work and the Troubled Families agenda and a number of YOT managers have moved into Troubled Families lead posts. The National Audit Office concluded in January 2013 that: Early indications are that the ‘Troubled Families’ initiative and community budget pilots have catalysed local authorities and other local bodies to work more collaboratively across traditional service boundaries.⁶²

There are also numerous charitable organisations offering support for young people with substance misuse issues.

⁶² Justice Committee Report 2013 at p.31.

CHAPTER 2 : JUVENILE CRIME PREVENTION STRATEGIES

1. Bodies and training

Magistrates and District Judges in youth proceedings must undergo specialist youth training, yet there are no such formal requirements for defence practitioners or Crown Court judges (although it may form part of their general training programmes). In terms of YOTs, there is an expectation that secondees are rotated every few years to refresh their skills. However, YOT may face challenges relating to their localised structure. Although the national Youth Justice Board provides support and guidance, YOTs have historically reported a lack of sufficient support in applying evidence-based practice to their particular local circumstances. The Independent Commission on Youth Crime and Anti-Social Behaviour reported that “adequate mechanisms do not yet exist for spreading best preventative practice and ‘scaling-up’ the most promising initiatives.”⁶³

2. Juvenile Crime prevention strategy budget

Around two-thirds of YOT funding is provided for by local agencies, with the remainder coming from local government. Youth Offending Teams have not escaped the impact of recent financial constraints, experiencing considerable budget cuts. From 2010/11 to 2011/12, the overall level of funding available to YOTs fell from £373m to £330m (down 12%), the lowest level of funding for YOTs since 2006/7. The Youth Justice Board provides about 35% of YOT funding; the rest comes from partnership agencies (of which local authorities provide around 75%, with the rest coming from police, probation and health). Furthermore, funding for prevention programming (21 % of Youth Justice Board funding in 2011/12) is no longer ring-fenced.⁶⁴

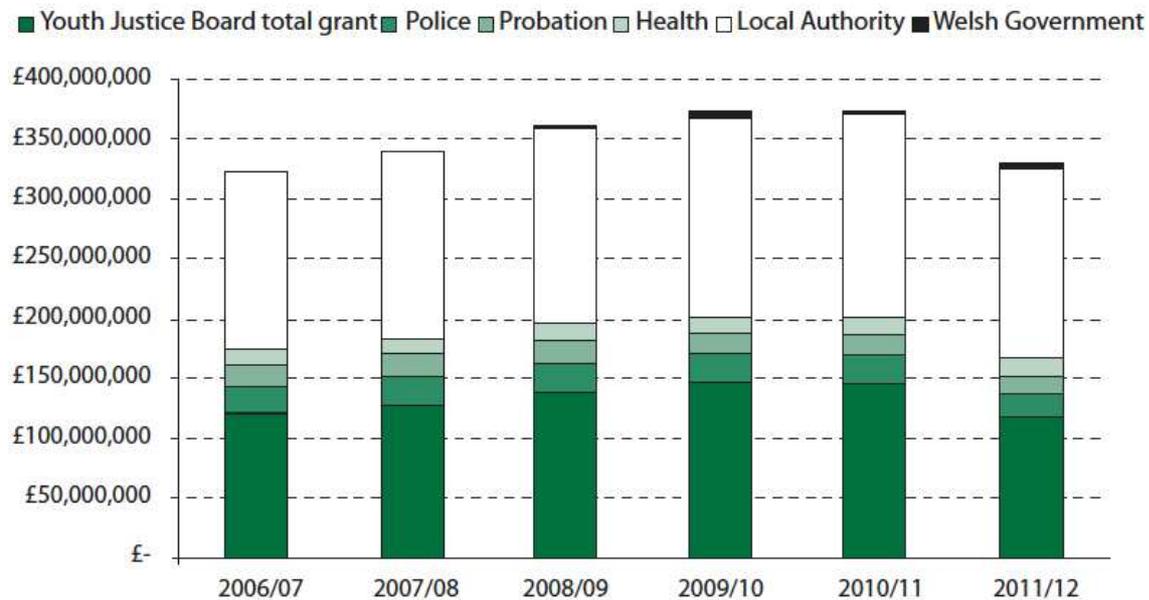
Services outside the criminal justice system have also experienced significant cuts - Children’s services were cut by 13% in 2011/12,⁵⁷ and the National Council for Voluntary Youth Services and Clinks drew our attention to the impact of cuts on the voluntary and community sector, which is “in an increasingly fragile state as a result of funding cuts and a

⁶³ The Police Foundation (2010). Time for a fresh start: The report of the Independent Commission on Youth Crime and Antisocial Behaviour

⁶⁴ Ministry of Justice Youth Justice Statistics (2011/12). Accessed at: <http://www.justice.gov.uk/statistics/youth-justice/statistics> and HC report p 12

simultaneous increase in demand for its services.” A survey carried out by Clinks in 2011 found that over 80% of organisations had experienced a reduction in income.

Figure 2: Total YOT funding over time, 2006/07–2011/12



Data Source: Youth Justice Board/Ministry of Justice Statistics Bulletin, Youth justice statistics 2011/12, England and Wales, 31 January 2013, Chart B.1

3. Promising Practices in Early Prevention

(1) Triage

The Triage scheme intends to assess and divert young people held in police stations following commission of low-level offences. Through involving the YOT at an earlier point than in a standard process, police are advised of factors relevant to the decision to charge (including unmet welfare needs or other underlying problems). Young people who engage with interventions, typically including a restorative justice element, have their cases closed without a criminal record. An evaluation found promising stakeholder perceptions of the scheme, but reported insufficient data to establish effectiveness as consistent measurement was not included in pilot areas. Triage currently operates in 69 localities.⁶⁵

⁶⁵ Alternatives to custody for young offenders – developing intensive and remand fostering programmes, Christos Christophides, British Association of Fostering (2012) www.baaf.org.uk/ourwork/developing-intensive-and-remand-fostering-programmes.

The Ministry of Justice cited promising early findings from Triage initiatives, which bring YOT workers into police custody suites to assess young people and ensure information is shared between children's or social services and the police, to help inform charging decisions and ensure that appropriate support is provided by agencies outside the criminal justice system.⁶⁶

(2) Youth Justice Liaison and Diversion (YJLD)

YJLD aims to identify under 18-year-olds with mental health issues, learning disabilities, speech and communication problems, or other vulnerabilities as early as possible in the youth justice system and to divert them to supportive services outside the system or ensure that their needs are known and addressed within the system. An evaluation of the pilot schemes reported significant reductions in time to reoffending and improvements in mental health outcomes. YJLD operates in 36 pathfinder sites. The government has committed to make liaison and diversion services available nationally for all ages from 2014. For both of these schemes, there is no national model – operational details, importantly including the nature of the partnership between police and YOTs, are determined locally.³⁴ While they appear to be promising, more outcomes evidence will be necessary to encourage and shape their development across the country. Meanwhile they may already be serving to advance a consensus that, where a young person's offending is caused by underlying unmet needs, it can be more effective to address these needs than to take the case forward.

(3) Youth Justice Pathfinders (YJP)

The YJB is exploring means of further reducing the use of custody via the Youth Justice Reinvestment Pathfinders schemes, which commenced at the end of 2011 in Birmingham, North-East London, West London and West Yorkshire, to explore robust and credible alternatives to custody, thereby reducing its use. Under the scheme, the YJB invests a proportion of the central custody budget in local authority schemes, on the basis that those authorities reduce their use of custody by an agreed amount over a two-year period. Submissions to our inquiry were positive about the aims and designs of the schemes. For example, the Howard League praised the fact that they draw together agencies locally from both within and without the criminal justice tramlines. By their nature, they focus on the

⁶⁶ Justice Committee Report 2013 at p.8.

most difficult children in the system, which mitigates the risk of cherry-picking inherent to some of the payment by results models in the adult system.

4. Evaluation mechanisms for early juvenile crime prevention programs

A recurring criticism is that “adequate mechanisms do not yet exist for spreading best preventative practice and ‘scaling-up’ the most promising initiatives. Indeed, compared to research on adult offenders, there does appear to be a lack of evidence on what works with young people in the justice system. As noted by the National Audit Office in 2010, “very little is known about the relative effectiveness of interventions. Although the youth justice system has been operating in its current form for over a decade, and in spite of the variety of approaches, Government stakeholders and academics have published little research recently into which interventions work best and there is almost no information about relative cost practitioners in the youth justice system do not know which interventions have the most impact on reducing reoffending.”⁶⁷

In a broad ranging meta-analysis examining interventions for reducing youth reoffending, four key characteristics were associated with programme effectiveness:

(1) **The methods used to evaluate early intervention programmes.** Generally this is a forewarning against reliance on poorly designed evaluations which tend to overstate programme effectiveness.

(2) **The Intervention type and mode.** Interventions that embody ‘therapeutic’ philosophies aimed at nurturing a positive change in young people, and in particular those employing cognitive behavioural techniques, are the most effective overall. Those based on strategies of control or coercion – on surveillance, deterrence, and discipline – are far less effective and in some cases can actually make matters worse.

(3) **Quality of programme implementation.** This was so important that a less effective but well implemented programme could out-perform a more effective programme that was poorly implemented.

⁶⁷ National Audit Office, *The youth justice system in England and Wales: Reducing offending by young people*.

(4) **The characteristics of the juveniles being treated.** Interventions targeted at individuals already manifesting problematic behaviours or demonstrating many of the risk factors associated with the development of offending behaviour are more effective than universally applied programmes.⁶⁸

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⁶⁸ Department for Education report, 'Prevention and reduction: a review of strategies for intervening early to prevent or reduce youth crime and anti-social behaviour' (2011) at p.3
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/182548/DFE-RR111.pdf

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