



House of Commons  
Justice Committee

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# The proposed abolition of the Youth Justice Board

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**Tenth Report of Session 2010–12**

*Volume I: Report, together with formal  
minutes, oral and written evidence*

*Additional written evidence is contained in  
Volume II, available on the Committee website  
at [www.parliament.uk/justicecom](http://www.parliament.uk/justicecom)*

*Ordered by the House of Commons  
to be printed 22 November 2011*

## Justice Committee

The Justice Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Ministry of Justice and its associated public bodies (including the work of staff provided for the administrative work of courts and tribunals, but excluding consideration of individual cases and appointments, and excluding the work of the Scotland and Wales Offices and of the Advocate General for Scotland); and administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers).

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### Powers

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The Reports of the Committee, the formal minutes relating to that report, oral evidence taken and some or all written evidence are available in a printed volume. Additional written evidence may be published on the internet only.

### Committee staff

The current staff of the Committee are Tom Goldsmith (Clerk), Hannah Stewart (Committee Legal Specialist), John-Paul Flaherty (Inquiry Manager), Ana Ferreira (Senior Committee Assistant), Sonia Draper (Committee Assistant), Henry Ayi-Hyde (Committee Support Assistant), Frances Haycock (Sandwich Student) and Nick Davies (Committee Media Officer).

### Contacts

Correspondence should be addressed to the Clerk of the Justice Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 8196 and the email address is [justicecom@parliament.uk](mailto:justicecom@parliament.uk)

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## Summary

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The Government has proposed that the Youth Justice Board (YJB) should be abolished, and its inclusion in the Public Bodies Bill is currently the subject of ‘ping pong’ between the two Houses.

The YJB is responsible for: advising the Justice Secretary on the operation of the youth justice system; monitoring the performance of that system; purchasing places for, and placing, children and young people remanded or sentenced to custody; disseminating effective practice; making grants to local authorities and others; and commissioning research and publishing information.

The Government wants to abolish the YJB and transfer its functions to a Youth Justice Division of the Ministry of Justice, arguing that this will restore direct Ministerial accountability. We do not make a case for or against the proposed abolition and transfer of functions, but we point out that if it does happen, the following steps must be taken:

- The new Division must not be part of NOMS, and the proposed Youth Justice Advisory Board should be responsible for assessing and reporting on the independence of the Division;
- The MoJ should consider introducing an additional performance indicator focussing on reoffending rates amongst young people who commit the most serious offences;
- The new Division should continue the work started by the YJB to reduce the “prescriptive” level of oversight of Youth Offending Teams (YOTs), and YOTs should be able systematically to provide feedback on the work of the Division;
- The new Advisory Board should listen to the views of sentencers and make sure that they continue to be informed about the comparative use of custody rates;
- The MoJ should report back to us on the progress of the pathfinder pilots designed to provide up-front funding from the custody budget to put in place initiatives designed to decrease the demand for custodial places, and it should be prepared to adopt this approach more widely;
- The Government should share with us its draft plan for the composition of the Advisory Board, and, that Board should have an independent, voluntary Chairman;
- The dissemination of best practice must be improved.



# 1 Introduction

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1. We intend to conduct a large-scale inquiry into youth justice as one of our next pieces of work in this Parliament. Before undertaking such an inquiry, however, we decided it was necessary quickly to take evidence and report on a time-critical aspect of the system: the proposed abolition of the Youth Justice Board (YJB). We took oral evidence from the Standing Committee for Youth Justice, the Prison Reform Trust, the Association of YOT (Youth Offending Team) Managers, YOT Managers Cymru, the Youth Justice Board itself, and the Ministry of Justice. We are very grateful to our witnesses and to the other organisations which submitted written evidence. The evidence we received ranged beyond the proposed abolition of the YJB and we shall draw on it in our forthcoming work on youth justice more generally. This report, however, focuses on the YJB and the proposals for its work to be taken over by a division of the Ministry of Justice. Our intention is not to argue for or against the abolition of the YJB, but to: highlight those parts of its work which need to be continued, whether they are undertaken by the Board or the MoJ; note some concerns which need to be addressed if the work is to be undertaken by a division of the MoJ; and make recommendations about governance and transparency arrangements.

## 2 The Youth Justice Board

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2. The Youth Justice Board (YJB) was established by the Crime and Disorder Act 1998 to oversee what was then, in the Government's words, "a fractured and immature youth justice system".<sup>1</sup> An influential 1996 report by the Audit Commission, which provided some of the impetus for the creation of the YJB, concluded that the system was inefficient, expensive and failing both young offenders and their victims.<sup>2</sup> The main responsibilities of the YJB are:

- Advising the Justice Secretary on the operation of, and standards for, the youth justice system
- Monitoring the performance of the youth justice system
- Purchasing places for, and placing, children and young people remanded or sentenced to custody
- Identifying and promoting effective practice
- Making grants to local authorities and other bodies to support the development of effective practice
- Commissioning research and publishing information.<sup>3</sup>

3. The YJB is a non-departmental public body, sponsored by the Ministry of Justice (MoJ) and its board members are appointed by the Secretary of State. Its near cash budget for 2011-12 is £404.5m, with £390m provided by the MoJ, and £14.5m by the Home Office. As with most of the public sector, its indicative Near Cash funding is falling over the next few years: with the contribution from the MoJ being £385m in 2012-13, £368m in 2013-14 and £356m in 2014-15. Home Office funding is likely to drop to £12.5m for 2012/13 and to nil thereafter.<sup>4</sup> The largest items of expenditure for the YJB relate to the provision of custodial or other secure places: in 2011 it is spending £176m on Young Offender Institutions, £39m on secure children's homes and £54m on secure training centres, out of total expenditure of around £430m. The YJB employs 271 permanent or seconded staff and 49 temporary staff, down from 286 and 106 in 2010 respectively.<sup>5</sup>

4. Youth Offending Teams (YOTs) were established at the same time as the YJB; they are multi-disciplinary and multi-agency teams, whose statutory partners are local authorities, police, probation and health services. YOTs receive two-thirds of their funding from local agencies, with the remainder being provided by central government (via the YJB). It is a key role for the YJB to provide leadership (as well as funding) for the YOTs, and to work with them to help identify and disseminate good practice. The Government is intending to retain YOTs after the abolition of the YJB.

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1 *Consultation on Reforms Proposed in the Public Bodies Bill*, Consultation Paper CP10/2011, Ministry of Justice, July 2011, p 108

2 Audit Commission, *Misspent Youth*, 1996

3 *The Abolition of the Youth Justice Board, Impact Assessment*, Ministry of Justice, June 2011

4 *Annual Report and Accounts 2010/11*, The Youth Justice Board for England and Wales, July 2011, HC 1354, p 46

5 *Ibid*, p 49



## 3 The proposed replacement of the YJB by a Division of the MoJ

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5. In October 2010, the Government announced its intention to abolish the YJB and transfer its functions into a new Youth Justice Division within the Ministry of Justice. The Government's objective of reducing the number of public bodies meant that all arm's length bodies were assessed against the following three criteria:

- Does it perform a technical function?
- Does it perform a function that needs to be politically impartial?
- Does it need to act independently to establish the facts?

6. Using these criteria, the Government concluded that the YJB's functions did not need to be performed by an arm's length body, and it was included in the Public Bodies Bill, introduced in the House of Lords in October 2010, which aims to give the Government the power to abolish (by order, subject to an enhanced form of the affirmative procedure) those organisations listed in its Schedule 1. At Report stage in the Lords, on 28 March 2011, the House removed the YJB from the Bill by an amendment. However, the Commons Public Bill Committee considering the Bill further amended it on 13 September to restore the YJB within Schedule 1. The Commons completed its consideration of the Bill on 25 October and the House of Lords will have to consider whether to accept the Commons' decision to include the YJB within the Bill when it deals with Commons Amendments on 23 November.

### The Government's case for abolition

7. The Government's evidence to us states that "the proposed change to national governance of youth justice reflects the Government's commitment to localism, and to clarifying lines of accountability. It will restore direct Ministerial accountability for youth justice so that Ministers, not an arm's length body, will be responsible for youth justice. Increasing the Ministerial accountability for youth justice will create a strong impetus for improvement. Ministers are better placed to influence policy across government and they will ensure that other departments play their part in stopping young people from becoming involved in crime and reoffending". The MoJ's evidence also argues that, while there were "good reasons" why the YJB was established at arm's length in 2000, "a decade on, the context in which youth justice is delivered has changed enormously. Local delivery structures are now well established, with a discrete secure estate for young people, and the Government believes that the oversight function of the YJB is no longer required".<sup>6</sup>

8. Crispin Blunt MP, the Parliamentary Under-Secretary, Ministry of Justice, expanded on the reasons for abolition in oral evidence. Specifically, he stated that:

- During the August disturbances, while he was “thoroughly well briefed” in terms of the adult justice system, he was “rather unbriefed in terms of what we were going to do with the under-18s”. This might have been an area of vulnerability had the riots continued as “it took rather longer to get youth justice properly engaged in the operational response than [the Minister] would have liked”. The Minister said this was “one symptom of the fact that they sit at one remove from me”. The YJB disputed this, saying that they worked closely with NOMS throughout the disturbances and that “the YJB’s role in providing information and briefing was praised by colleagues in Gold Command from the first day and the YJB was never informed that the Minister, or other Ministers, felt insufficiently briefed at any point”.<sup>7</sup>
- The management of the 18 to 24 age group presents a special challenge and the Minister does “not think a silo approach with a discrete YJB sitting at one remove from the Ministry of Justice helps here”.
- As the Minister for youth justice, he has to make sure that other Government departments and local authorities “step up to the plate” to play their part in the delivery and funding of youth justice. Working through the YJB, he said that he was “engaged rather late in the process last year” in discussions with other departments about funding and he stated that “I am concerned that I am being engaged later than I would wish... in the process to ensure that there is proper financing for Youth Offending Teams on the ground, to make sure that before the local authority and other departmental budget settlements are cleared, youth justice is getting a proper shout from inside the Government rather than from an arm’s length body”.
- The YJB, although it had now recognised the problem and was changing, had attracted complaints from YOT managers about the “prescriptive” level of oversight it operated.<sup>8</sup>

9. Mr Blunt further stated that it would be possible to “get the best of Ministerial accountability”, via an advisory group of experts who would warn him of potential problems in the system and who would provide a source of external expertise in addition to that provided from within the MoJ.<sup>9</sup>

## Concerns raised about the proposed abolition

10. The Youth Justice Board, unsurprisingly, opposes its abolition, arguing that “the proposed abolition of the YJB poses a serious risk to the progress that has been made in the youth justice system”. It challenges the Government’s argument that, while the YJB was necessary at the time of its formation, it is not needed now. Its evidence states that “The YJB was established as an arm’s length body precisely because there was no effective national co-ordination of the complex youth justice system and its existence has brought coherence to the system. It is clear that the youth justice system continues to need national co-ordination to support the local delivery of services.”<sup>10</sup>

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7 Ev 45

8 Q101

9 *Ibid*

10 Ev 35, para 11

### *Focus on youth justice*

11. The MoJ has told us that its new Youth Justice Division will be a dedicated part of the Department and that it will sit outside the National Offender Management Service (NOMS). It states that this new Division—to be led by John Drew, Chief Executive of the YJB, during the transition to the new arrangements—will ensure that a “dedicated focus” is maintained on the needs of young people in the justice system.<sup>11</sup> However, concerns have been raised that the new arrangements will lead to a loss of focus on youth justice, and a blurring of the responsibilities with NOMS and the adult justice system.

12. The Standing Committee on Youth Justice told us that “there should be a discrete, child-focused body responsible for all aspects of the youth justice system” and noted that the United Nation Convention on the Rights of the Child requires a “distinct and separate” system for children in trouble with the law.<sup>12</sup> They are particularly concerned that the juvenile secure estate should continue to be commissioned and managed completely separately from the adult secure estate and they argue that “even if adult and youth justice functions were led from separate units within the Ministry of Justice, we believe that the strategic priorities of NOMS would dominate and quickly overwhelm youth justice. We fear it would not be long before certain functions were absorbed into the NOMS structure.”<sup>13</sup> The Prison Reform Trust made similar points, and also insisted that “the secure estate team within the Ministry of Justice must be separate from those dealing with adult custody, so they have the independence needed to make custody truly appropriate for the needs of vulnerable children. Without these measures there is a risk that, over time, authority, dedicated budget and single-focus priority on under-18s will be lost and services and outcomes for children and their families will suffer.”<sup>14</sup>

**13. We welcome the Government’s assurance that its proposed Youth Justice Division will have a dedicated focus on the needs of young people in the justice system and that it will sit outside the National Offender Management Service. However, we note concerns that, over time, the strategic priorities of NOMS might dominate and overwhelm youth justice. We think that, were this to happen, it would be a retrograde and dangerous development. We therefore recommend that the new Youth Justice Advisory Board be given a specific responsibility to assess and report on the independence of the Youth Justice Division. If it appears that the demands of youth justice are being subsumed within NOMS or other Departmental structures the Advisory Board must draw that to the attention both of the youth justice Minister and of this Committee.**

### *Performance against objectives*

14. One of the arguments put forward by the YJB to justify its continued existence is the successful performance of the youth justice system against its objectives in recent years. It told us that “it is widely recognised and independently confirmed that improvements have resulted from the YJB’s work, in conjunction with the dedicated work of YOTs and the

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11 Ev 30, para 12

12 Ev 40, paras 4 and 6

13 Ev 40, para 7

14 Ev 32, para 4

secure estate. All the key indicators—first time entrants, frequency of reoffending and the unnecessary use of custody—have shown significant reductions since the YJB was established.”<sup>15</sup> The MoJ’s own evidence sets out the positive trends against the three indicators used to assess the youth justice system:

- First Time Entrants (FTEs) to the YJS are down: Between 2006 and 2010, the number of FTEs has fallen by 56% (from 109,421 to 48,606). Between 2009 and 2010, these large falls have been sustained; the number of FTEs fell by 28%.
- Proven reoffending has fallen: The proportion of juvenile offenders who re-offended (the proven reoffending rate) has fallen since 2000, from 40% to 37% in 2009. Between 2000 and 2009 the frequency of proven reoffending (the number of re-offences committed per 100 offenders) has fallen by 27%, and by 3% from 2008 to 2009.
- Custody numbers have decreased: The number of juveniles sentenced to immediate custody fell by 43% between 2000 and 2010 and by 15% between 2009 and 2010.<sup>16</sup>

15. However, the Department is concerned that reoffending rates within a year from custody and higher community sentences—at 74% and 68% respectively—are still “unacceptably high”.<sup>17</sup> The YJB assured us that reoffending is “immensely important” and at the centre of all that they do, with a particular focus at the moment being the resettlement of young people coming out of custody.<sup>18</sup> However, they also made the point that while there have only been modest improvements in the ‘binary’ measure—a simple yes/no measure of whether a young person has reoffended—there has been more success in reducing the frequency or volume of offences committed overall, where there has been an average reduction of 28% in the volume of offences committed over the last nine years.<sup>19</sup> The YJB did acknowledge, however, that people convicted of serious offences were likely to continue to commit serious offences and that certain high profile crimes remained a “big concern”.<sup>20</sup>

**16. The Youth Justice Board has been an important part of a system which in recent years has produced positive trends in performance against the three indicators used to assess the effectiveness of youth justice: the number of first time entrants; proven reoffending; and custody numbers.**

**17. Despite successful performance against those indicators, reoffending rates for young people sentenced to custody or higher-end community sentences remain stubbornly high, as the Government has highlighted. The Ministry of Justice should consider whether the indicators it uses are sufficient, and whether they should be augmented by a further indicator specifically focused on reducing reoffending rates amongst those young people who commit the most serious offences.**

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15 Ev 36. Para 11

16 Ev 31, para 23

17 Ev 31, para 24

18 Q72

19 *Ibid*

20 Q73

## Supporting Youth Offending Teams

18. We were told that the YJB assists the 158 Youth Offending Teams (YOTs) throughout England and Wales, both by acting as an advocate for those teams with other agencies, and by giving advice and assistance to the YOTs directly. For example, Greater Manchester YOTs told us that the YJB has provided strategic direction for Youth Offending Teams and ensured that local authorities treat youth justice “as a key task rather than an optional one”. They worry that without a national steer youth justice might not be a priority for local authorities and the work of YOTs could be marginalised.<sup>21</sup>

19. Norfolk YOT told us it particularly values the work done by the YJB’s regional tier. The YOT had “received great value from its close ‘critical friend’ links with the existing YJB regional team and would strongly advise that a regional presence be maintained. This is the strongest support a Head of YOT has, the key messages and support from the YJB regional team help considerably to determine how the national agenda can be locally implemented and helps Norfolk YOT to stay ‘on message’.”<sup>22</sup> The YOT was concerned that the current central YJB was too remote and that this might be exacerbated by its replacement by a division of the MoJ: “A centralised YJB is currently perceived as too distant and inaccessible and there is a danger this will be further embedded within a centralised and potentially more remote YJD.”<sup>23</sup>

20. Norfolk YOT also praised the regional tier of the YJB for sharing and disseminating good practice and feared that this would not continue unless regionally co-ordinated.<sup>24</sup> While the YJB emphasised to us the importance of sharing good practice,<sup>25</sup> there is evidence to suggest this has not been happening effectively. A 2010 NAO study concluded that “practitioners in the youth justice system do not know which interventions have the most impact on reducing reoffending. Seventy-six per cent of YOT managers agreed with the statement ‘it is difficult to find evidence on “what works” for certain areas of our work’. There has been little research published in this area by the Board or the Ministry since 2006. With the prospect of resources reducing in the near future, the youth justice system is, therefore, in a weak position to know which activities to cut and which to keep to ensure that outcomes do not deteriorate”.<sup>26</sup>

21. The YJB conceded weaknesses in this area, telling us that “effective practice is probably the area of the YJB where we have met our mandate least satisfactorily”. The Board also pointed out, however, that since its inception it had published 73 research studies, 31 of which were outcome-based, and that in the last six years it had spent about £1 million a year on research. Nonetheless, it described the NAO report and its repercussions as “a real

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21 Ev w12, paras 1.1 and 1.4

22 Ev w10, para 1.5

23 *Ibid*

24 Ev w10, para 1.6

25 Q86

26 NAO, *The Youth Justice System in England and Wales: Reducing offending by young people*, Session 2010-11, HC 663, December 2010

wake-up call to raise our act” and said that it was “in the process of reformulating our entire offer in relation to effective practice so we will be much more focused”.<sup>27</sup>

22. Another aspect of the YJB’s work which has attracted criticism is the extent to which it requires YOTs to report on their performance. The Minister told us that he “was struck on taking over these responsibilities by the level of complaints from YOT managers about the prescriptive level of oversight from the Youth Justice Board. I was told that they were spending more of their time managing the relationship upwards with the Youth Justice Board than on exercising leadership of their Youth Offending Teams downwards”, although he recognised that the YJB was working to change this.<sup>28</sup> The YJB itself told us that its oversight of YOTs will be lighter touch in the future and that it is working to “promote peer support and allow more room for professional judgement”.<sup>29</sup>

**23. If the new MoJ Division is to be successful it will need to provide both leadership and support to YOTs. It will need to know what YOTs are doing locally, and must be approachable and familiar to them, rather than being perceived as a remote entity in Whitehall. It will need to be prepared to pitch in at a regional level, articulating the case for local authorities and others to pull their weight in funding YOTs, as well as advocating such support nationally. It will also need to continue the work being undertaken by the YJB more recently to do away with excessive bureaucratic oversight and to increase the focus on the effective dissemination of good practice which has a practical application. The YOTs will be well placed to know whether the new Division is succeeding and they should be invited to provide regular feedback on its performance. This need not be cumbersome, but could simply involve YOT managers responding to a brief survey, assessing the performance of the Division in terms of its approachability, responsiveness and effectiveness. The new Advisory Board should push for this feedback to be undertaken and monitor the messages coming from it.**

### *Informing sentencers*

24. As we noted above, one of the indicators used to assess the youth justice system is the number of young people sentenced to immediate custody. Rob Allen told us about work undertaken by the YJB with this indicator in mind: “Since 2009 the Board has sought to influence practice in areas with high custody rates, sending joint letters from its Chair and the Chair of the Youth Courts Committee of the Magistrates’ Association to YOT managers and Chairs of Youth Court Panels urging them to meet and discuss their use of custody compared with other areas. A repeat letter was sent out 6 months later with new statistics.... The YJB has also commissioned and published research on why young people are sentenced to custody and issued guidance to YOT practitioners.” However, he cautioned that “once the YJB is wound up, it will arguably be more difficult for this kind of work to continue. The semi independent status of the YJB enables it to engage with the judicial branch more easily than can the executive”.<sup>30</sup>

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27 Q93

28 Q101

29 Ev 37, para 21

30 Ev w15, para 16

25. The Magistrates' Association (which has advocated the retention of the YJB<sup>31</sup>) thinks that the work of the Board in this respect has been valuable. The Chairman of the Association's Youth Courts Committee (YCC), John Bache, told us that his Committee works well with the YJB and said that he vividly remembered "the meeting at the YJB when the YCC was presented with the figures [on use of custody]. We were shocked at the discrepancy between demographically similar cities and demographically similar counties. I am sure we all looked at our own figures and asked ourselves if we could reduce our custody rates... Were it not for the YJB, this valuable information would not be available to magistrates and could not have been addressed". More, generally, he argued that "the present arm's length role of the YJB ensures its political independence, which we believe is essential for the effective management of youth justice in England and Wales".<sup>32</sup> However, the Minister did not think that there would be a problem with the work of informing sentencers being done by the Department, rather than by an arm's length body. Indeed, he hoped that the Department would be able to do this work "systemically and comprehensively" and talked about wanting the Department to "press hard on the accelerator on the work the YJB has done".<sup>33</sup>

**26. We welcome the work which has been done by the YJB and the Magistrates' Association to ensure that sentencers are informed about comparative use of custody rates for young people. This exercise must not be jeopardised by the transfer of the YJB's responsibilities to the Ministry of Justice. We would not want magistrates to be inhibited from making use of information on the effectiveness of sentencing because it came from the executive. The new Advisory Board should, as a priority, listen to sentencers and others and give advice on how this work can be built upon. Such advice will need to ensure that any sensitivities about central government being seen to direct sentencers are addressed and resolved.**

### ***Youth custody—a justice reinvestment approach***

27. The YJB has worked with the Department to establish four 'pathfinders', where the local areas concerned will be provided with an upfront proportion of the YJB-held national custody budget in return for the provision of local services and interventions designed to reduce the need for custody.<sup>34</sup> The pathfinder pilots have only just started, and so it is too early to attempt an evaluation, but this approach was called for by our predecessor Committee in its report on *Cutting Crime: the case for justice reinvestment*, which argued for resources to be moved away from incarceration towards rehabilitation and early intervention.<sup>35</sup>

28. More recently, in our report on the probation service, we noted (in relation to the adult and youth system generally) that the separation of the commissioning of prison places from the commissioning of every other form of sentence has a distorting effect on the options available to sentencers. We called for Ministers to develop proposals to end the

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31 Ev w36 and Ev w37

32 Ev w37

33 Q123

34 Ev 35 and Q124

35 Justice Committee, *Cutting Crime: the case for justice reinvestment*, First Report of Session 2009-10, HC 94-I, p 6

separation and link the commissioning of prison and probation at a level closer to the communities they are designed to protect, with a single local commissioning body responsible for providing for custodial and non-custodial sentences of the court.<sup>36</sup> While it recognised the attraction of combined local commissioning arrangements as “an ideal model”, the Government dissented from our conclusion because they claimed it “underestimates the difficulty of ensuring that custodial places are provided immediately in response to demand” and because attempting devolution to local level would involve “unacceptable risks”.<sup>37</sup>

29. The Minister, however, clearly has sympathy for our approach (at least as it pertains to youth justice) as he told us of his enthusiasm for “trying to transfer the custody budget to local authorities, to hold areas accountable for differential custody rates, to bring it home to them that if you have different sentencer behaviour in different areas and different performance of your YOTs, who fail to divert people out of the justice system meaning they have to go into custody, your local taxpayers are going to be sharing the burden.”<sup>38</sup>

**30. We welcome the pathfinder pilots initiated by the YJB and the Department, designed to provide up-front funding from the custody budget to put in place initiatives designed to decrease the demand for custodial places. We will be monitoring the progress of these pilots and hope that they are successful, and that this approach can be adopted more widely. We also welcome the Minister’s enthusiasm for a transfer of custody budgets to locally accountable bodies, with the impetus this should provide to reduce the inappropriate use of custody.**

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36 Justice Committee, *The role of the Probation Service*, Eighth Report of Session 2010-12, HC 519-I, para 244

37 Ministry of Justice, *Government Response to the Justice Committee’s Report: The role of the Probation Service*, Cm 8176, October 2011

38 Q123



## 4 The new Advisory Board

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31. As noted above, the Department is to establish an Advisory Board “of stakeholders and experts to advise on youth justice issues and to provide expert challenge and scrutiny”.<sup>39</sup> We have already recommended that the Board be given the following functions:

- Assessing and reporting on the independence of the new Youth Justice Division and raising concerns if its work seems to be subsumed within NOMS’s operation;
- Acting as an advocate for, and monitoring the results of, regular feedback from YOTs on the work of the Division; and
- Liaising with sentencers and drive forward work on informing them about the comparative use of youth custody

32. Additionally, the Board should be responsible for:

- Advising Ministers on the objectives and operation of the youth justice system;
- Monitoring and commenting on the effectiveness of the new Division, with particular emphasis on the duties it will inherit from the Youth Justice Board relating to the commissioning of custodial places and the dissemination of good practice;
- Maintaining dialogue with YOTs and others working on the ground, to be able meaningfully to comment on how the system is working at a local level; and
- Reviewing and commenting on the resources available for the operation of the youth justice system.

33. To carry out these tasks effectively, the Advisory Board will need sufficient expertise and independence. In terms of expertise, the Board will need to comprise representatives of all those public bodies working within or alongside the youth justice system—including sentencers, YOT managers, local authority officials, probation officers, prison officers, police officers, health workers, and teachers—as well as representatives of voluntary and private organisations that provide relevant services; or, as Barnado’s put it to us, representatives of “the third sector; those who undertake research into the causes of youth crime; those who can evidence effective interventions and organisations which give a voice to service users.”<sup>40</sup>

34. To have credibility the Board will need to be independent as well as expert. In oral evidence, the Minister recognised this, stating that he wants “as robust a group [of advisers] as possible” and arguing that “it would be pretty hopeless if they were house-trained advisers”. The Minister also assured us that “these will all be people who have some kind of public reputation or expertise in youth justice. Otherwise, what is the point of having them as advisers?”. We were concerned that the Board’s views might be treated as ‘advice to Ministers’ and therefore not subject to public scrutiny. The Minister was clear that he

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39 Ev 30, para 12

40 Ev w1, para 1.4

wanted them to have a public voice, as well as providing advice behind closed doors: “The more public exposure they are open to about what their views are, the better from my perspective...it is in my interests that they are prepared to be publicly accountable.” The Minister accepted that the Board should be able to have a dialogue with this Committee and rightly stated that “I imagine that this Committee would be only too anxious to point out, if I appointed a bunch of patsies, that they were a bunch of patsies who were incapable of giving me independent advice”. The Minister also said that he would look at the possibility of having this Committee consider nominations for the Advisory Board, although he had reservations about whether this would be appropriate.<sup>41</sup>

35. During the report stage of the Public Bodies Bill the Minister again confirmed that he wanted members of the Advisory Board to be able to speak “freely and openly” and be able to inform this Committee of their views.<sup>42</sup> He also said that this Committee was “ideally placed” to ensure that the advisers have credibility and that they are able to present him with a range of views.<sup>43</sup> The Minister also made it clear that he would chair the Advisory Board.<sup>44</sup>

**36. We welcome the proposed establishment of an Advisory Board and call on the Government to confirm that it will have each of the responsibilities we set out in paragraphs 31 and 32 above. We also call on the Government to show us its draft plan for the composition of the Board, before appointments to it are made, so that we may assess whether it has sufficient independence and expertise. While we think it right that the Minister should be a Member of the Advisory Board, and in close touch with its thinking, we believe that there would be merit in the Board having an independent, voluntary chairman who can act as a voice for it. The holder of that post could usefully be subject to a pre-appointment hearing by this Committee. It is important that, in the Minister’s own colourful phrase, the Advisory Board should neither be, nor be seen as, a “bunch of patsies”.**

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41 QQ107 -111

42 HC Deb, 25 October 2011, col 234

43 HC Deb, 25 October 2011, col 236

44 HC Deb, 25 October 2011, col 234

## 5 Conclusion

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37. There are likely to be further debates about whether the Youth Justice Board should remain as an arm's length body or have its functions transferred into the Ministry of Justice. If it survives, it will need to continue the trend towards a less prescriptive approach to local Youth Offending Teams. If the planned transfer goes ahead it will be essential that the new Division:

- Is not part of NOMS;
- Benefits from the establishment of a genuinely and visibly independent Advisory Board;
- Improves the dissemination of best practice; and
- Exercises 'light touch' oversight of Youth Offending Teams.

## Conclusions and recommendations

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1. We welcome the Government's assurance that its proposed Youth Justice Division will have a dedicated focus on the needs of young people in the justice system and that it will sit outside the National Offender Management Service (NOMS). However, we note concerns that, over time, the strategic priorities of NOMS might dominate and overwhelm youth justice. We think that, were this to happen, it would be a retrograde and dangerous development. We therefore recommend that the new Youth Justice Advisory Board be given a specific responsibility to assess and report on the independence of the Youth Justice Division. If it appears that the demands of youth justice are being subsumed within NOMS or other Departmental structures the Advisory Board must draw that to the attention both of the youth justice Minister and of this Committee. (Paragraph 13)
2. The Youth Justice Board has been an important part of a system which in recent years has produced positive trends in performance against the three indicators used to assess the effectiveness of youth justice: the number of first time entrants; proven reoffending; and custody numbers. (Paragraph 16)
3. Despite successful performance against those indicators, reoffending rates for young people sentenced to custody or higher-end community sentences remain stubbornly high, as the Government has highlighted. The Ministry of Justice should consider whether the indicators it uses are sufficient, and whether they should be augmented by a further indicator specifically focused on reducing reoffending rates amongst those young people who commit the most serious offences. (Paragraph 17)
4. If the new MoJ Division is to be successful it will need to provide both leadership and support to YOTs. It will need to know what YOTs are doing locally, and must be approachable and familiar to them, rather than being perceived as a remote entity in Whitehall. It will need to be prepared to pitch in at a regional level, articulating the case for local authorities and others to pull their weight in funding YOTs, as well as advocating such support nationally. It will also need to continue the work being undertaken by the YJB more recently to do away with excessive bureaucratic oversight and to increase the focus on the effective dissemination of good practice which has a practical application. The YOTs will be well placed to know whether the new Division is succeeding and they should be invited to provide regular feedback on its performance. This need not be cumbersome, but could simply involve YOT managers responding to a brief survey, assessing the performance of the Division in terms of its approachability, responsiveness and effectiveness. The new Advisory Board should push for this feedback to be undertaken and monitor the messages coming from it. (Paragraph 23)
5. We welcome the work which has been done by the YJB and the Magistrates' Association to ensure that sentencers are informed about comparative use of custody rates for young people. This exercise must not be jeopardised by the transfer of the YJB's responsibilities to the Ministry of Justice. We would not want magistrates to be inhibited from making use of information on the effectiveness of sentencing because it came from the executive. The new Advisory Board should, as a priority, listen to

sentencers and others and give advice on how this work can be built upon. Such advice will need to ensure that any sensitivities about central government being seen to direct sentencers are addressed and resolved. (Paragraph 26)

6. We welcome the pathfinder pilots initiated by the YJB and the Department, designed to provide up-front funding from the custody budget to put in place initiatives designed to decrease the demand for custodial places. We will be monitoring the progress of these pilots and hope that they are successful, and that this approach can be adopted more widely. We also welcome the Minister's enthusiasm for a transfer of custody budgets to locally accountable bodies, with the impetus this should provide to reduce the inappropriate use of custody. (Paragraph 30)
7. We welcome the proposed establishment of an Advisory Board and call on the Government to confirm that it will have each of the responsibilities we set out in paragraphs 31 and 32 above. We also call on the Government to show us its draft plan for the composition of the Board, before appointments to it are made, so that we may assess whether it has sufficient independence and expertise. While we think it right that the Minister should be a Member of the Advisory Board, and in close touch with its thinking, we believe that there would be merit in the Board having an independent, voluntary chairman who can act as a voice for it. The holder of that post could usefully be subject to a pre-appointment hearing by this Committee. It is important that, in the Minister's own colourful phrase, the Advisory Board should neither be, nor be seen as, a "bunch of patsies". (Paragraph 36)
8. There are likely to be further debates about whether the Youth Justice Board should remain as an arm's length body or have its functions transferred into the Ministry of Justice. If it survives, it will need to continue the trend towards a less prescriptive approach to local Youth Offending Teams. If the planned transfer goes ahead it will be essential that the new Division:
  - Is not part of NOMS;
  - Benefits from the establishment of a genuinely and visibly independent Advisory Board;
  - Improves the dissemination of best practice; and
  - Exercises 'light touch' oversight of Youth Offending Teams.

(Paragraph 37)

# Formal Minutes

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**Tuesday 22 November 2011**

Members present:

Rt Hon Sir Alan Beith, in the Chair	
Mr Robert Buckland	Ben Gummer
Jeremy Corbyn	Rt Hon Elfyn Llwyd
Nick de Bois	Elizabeth Truss
Chris Evans	

Draft Report (*The proposed abolition of the Youth Justice Board*), proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 37 read and agreed to.

Summary agreed to.

*Resolved*, That the Report be the Tenth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Written evidence was ordered to be reported to the House for printing with the Report, together with written evidence reported and ordered to be published on 11 October.

[Adjourned till Tuesday 29 November at 10.15am.]

## Witnesses

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### Tuesday 11 October 2011

	<i>Page</i>
<b>Enver Solomon</b> , Standing Committee for Youth Justice and The Children's Society and <b>Penelope Gibbs</b> , Prison Reform Trust	Ev 1
<b>Lorna Hadley</b> and <b>Gareth Jones</b> , Association of YOT Managers and <b>Eddie Isles</b> YOT Managers Cymru	Ev 8

### Tuesday 18 October 2011

<b>Frances Done</b> , Chair, and <b>John Drew</b> , Chief Executive, Youth Justice Board	Ev 14
<b>Crispin Blunt MP</b> , Parliamentary Under-Secretary of State, and <b>Michelle Dyson</b> , Deputy Director, Youth Justice, Ministry of Justice	Ev 21

## List of printed written evidence

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1	Ministry of Justice	Ev 29
2	Prison Reform Trust	Ev 31
3	Youth Justice Board for England and Wales	Ev 35: Ev 45
4	Standing Committee for Youth Justice	Ev 39
5	Youth Offending Team Managers Cymru	Ev 42
6	Letter from Crispin Blunt MP, Parliamentary Under-Secretary of State, Ministry of Justice to Frances Done, Chair, Youth Justice Board in response to her letter of 19 October	Ev 44

## List of additional written evidence

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(published in Volume II on the Committee's website [www.parliament.uk/justicecom](http://www.parliament.uk/justicecom))

1	Association of Panel Members	Ev w1
2	Barnardo's	Ev w5
3	Local Government Group	Ev w7
4	Norfolk Youth Offending Team	Ev w10
5	Greater Manchester Youth Offending Teams	Ev w11
6	Rob Allen	Ev w13
7	Transition to Adulthood Alliance	Ev w15
8	The Communication Trust	Ev w20
9	HM Inspectorate of Probation	Ev w22

10	Norfolk Constabulary	Ev w24
11	Catch 22	Ev w25
12	Centre for Mental Health	Ev w25
13	Leicestershire Youth Offending Service Management Board	Ev w30
14	Association of Directors of Children's Services	Ev w31
15	Public and Commercial Services Union	Ev w32
16	British Association of Social Workers	Ev w34
17	Magistrates' Association	Ev w36
18	Youth Courts Committee, Magistrates' Association	Ev w37

## List of Reports from the Committee during the current Parliament

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The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

### Session 2010–12

First Report	Revised Sentencing Guideline: Assault	HC 637
Second Report	Appointment of the Chair of the Judicial Appointments Commission	HC 770
Third Report	Government's proposed reform of legal aid	HC 681-I (Cm 8111)
Fourth Report	Appointment of the Prisons and Probation Ombudsman for England and Wales	HC 1022
Fifth Report	Appointment of HM Chief Inspector of Probation	HC 1021
Sixth Report	Operation of the Family Courts	HC 518-I (Cm 8189)
Seventh Report	Draft sentencing guidelines: drugs and burglary	HC 1211
Eighth Report	The role of the Probation Service	HC 519-I (Cm 8176)
Ninth Report	Referral fees and the theft of personal data: evidence from the Information Commissioner	HC 1473



# Oral evidence

## Taken before the Justice Committee on Tuesday 11 October 2011

Members present:

Sir Alan Beith (Chair)

Jeremy Corbyn  
Claire Perry

Yasmin Qureshi

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### Examination of Witnesses

*Witnesses:* **Enver Solomon**, Chair, Standing Committee for Youth Justice and Policy Director, The Children's Society, and **Penelope Gibbs**, Director of Out of Trouble, Prison Reform Trust, gave evidence.

**Q1 Chair:** Welcome. Ms Gibbs, you are the director of the Out of Trouble Project in the Prison Reform Trust and, Mr Solomon, as well as being director of the Children's Society, you are the Chair of the Standing Committee for Youth Justice.

**Enver Solomon:** That is right, yes.

**Chair:** We are delighted to have you with us and very much appreciate your help this morning in our inquiry into youth justice.

**Q2 Jeremy Corbyn:** The indicators used by the Government claim that the effectiveness of youth justice is showing positive trends but that the reoffending rate is still very disturbingly high. Do you think the system works and what do you think you can do to reduce reoffending?

**Enver Solomon:** One needs to look at the system as a whole and give credit where credit is due, particularly in terms of the number of children going into custody in the last couple of years, which is down by about 20%. That is a significant achievement, given the fact that custody levels have been on an upward trend for a number of years. As you point out, reoffending rates have remained stubbornly high for many years. That is a reflection particularly when it comes to custody—reoffending rates tend to be lower for community-based interventions—of how custody has for a long time been failing to turn around the lives of children from very troubled backgrounds with very complex needs. That is often because we are using a system which is primarily focused on public protection to deal with children who have very complex welfare needs. It is not a system designed to deal with that multiplicity of problems.

There are other areas where there could have been improvements that have been recognised by Her Majesty's Inspectorate of Prisons, particularly in relation to resettlement, which remains a cause for concern. There needs to be much better co-ordination of how agencies support young people when they come out of custody. The reality is that many of the children who go into the youth justice system are there because they have a high welfare need as well as a need to face up to their actions and take responsibility for their behaviour, but we have a system which is designed fundamentally to do something other than address the causes of their offending behaviour.

**Penelope Gibbs:** I agree with what Enver has said. The reoffending rates get worse the higher up the tariff one goes. At the bottom level, which is diversion, reprimand, final warning and referral order, which is the least onerous sentence, the reoffending rates are much better. As you get to custody and the step before it, the rates are not good and we would all agree with that. There needs to be a better evidence base for what works for more entrenched child offenders who commit many offences and get those higher level disposals. For instance, there is the Intensive Supervision and Surveillance Programme. In addition, I agree with Enver that the answers for those children are definitely not just in the criminal justice system. I will just quote a bit from a study we did about the population in custody. Of those, 50% have been excluded from school; 50% have run away or absconded; and 30% have witnessed domestic violence. These are the most socially excluded children in our country. Yes, they have offended; yes, those offences need addressing, but these other very major problems in their lives will probably cause them to continue offending unless they are addressed. To me, it is very much about the way the youth justice system interfaces mostly with children's services but also with health services. Until this group is given the highest priority amongst those other services, we are not going to get reoffending down significantly.

**Q3 Jeremy Corbyn:** Do you think that the Youth Justice Board and the YOTs are the right vehicle for doing this and that they work effectively, or do we need something different?

**Penelope Gibbs:** YOTs work quite effectively. They could work better if local authorities worked harder to integrate what they are doing with other services. It is about prioritisation and the way local government works. The idea of a multi-agency team is definitely the right one. I am disturbed by anecdotal evidence that the multi-agency team may be becoming less multi-agency as individual agencies take their workers out of the mix. We only have anecdotal evidence, but it is there. The challenge—I do not have the answer—is to incentivise the agencies to keep putting their resources and interest into these multi-agency teams because it must be better to have a health worker, an education worker or a probation worker in the team, since we know that the problems are multiple.

It will be the beginning of YOTs working worse if the multi-agency model dissolves. The multi-agency model allows at least for the links to be maintained, but one area where it has definitely failed is in children's services, ironically, where the trend has been for children's services not to second social workers to the multi-agency team and, instead, for YOTs to employ youth justice workers who have never worked in children's services. Children's services are the most important agency to have links with YOTs. Somehow that arrangement has broken down, partly because of the crisis in staffing within children's services anyway, but that is something which we should try and improve over the long term.

**Enver Solomon:** There is a fundamental principle here to which the Standing Committee for Youth Justice and the Children's Society subscribes, which is that there should be a discrete, child-focused body responsible for all aspects of youth justice. That was one of the principles behind the creation of the Youth Justice Board. That principle should be the key factor in determining how structures are configured going forward. We firmly believe that there needs to be, as I say, a discrete, child-focused body that is responsible for youth justice. It is particularly crucial in terms of the arrangements for commissioning and placement of children in custody in the secure estates—for it not to be integrated into the adult estate.

**Q4 Chair:** Are you talking about a local or a national body?

**Enver Solomon:** There needs to be a national body.

**Penelope Gibbs:** I would agree with that.

**Enver Solomon:** The Standing Committee and the Children's Society were particularly concerned when the YJB was no longer sponsored by dual Departments, or what was then the Department for Children, Schools and Families and the Ministry of Justice. It moved over to just being sponsored by the Ministry of Justice under the coalition Government. Given the multiplicity of needs that Penelope highlighted—I would add that 4 out of 10 children in custody have been on the child protection register—the Department responsible for the welfare and health of looked-after children needs to have responsibility for the youth justice system as well, because a significant number of children in the youth justice system are looked after.

On the make-up of YOTs, the multi-agency, multi-disciplinary model is the right and most appropriate one, but it is a question of whether it is genuinely multi-agency and multi-disciplinary. Given the current arrangements and changes at the local level, that is at risk and I do not think it has always been effectively delivered. For example, the involvement of health in YOTs has always been quite challenging, and the proportion of funding that goes to YOTs from health has been the lowest out of all the sponsoring agencies. There have been particular issues relating to the integration of health into the multi-agency model.

**Q5 Jeremy Corbyn:** Do you think that the way in which the youth statistics are collected and the indices we are using on studying young offending are the

right ones? Do you think we should be looking at other statistics as well?

**Enver Solomon:** It is important not to just focus on reoffending. Reoffending is important and very significant, but, if you look at all the literature and the academic research, the powerful message that comes out is that children change in a way that is not a simple process. In other words, they will take two steps forward and one step back. We need to capture the progress and the incremental stages of moving away from offending and recognise the importance of softer outcomes, improving relationships with peers and parents, beginning to engage in education training programmes where they have not previously engaged, and engaging in a substance misuse programme and some kind of therapeutic intervention.

As is very clear from the research, children do not just stop offending. Most children grow out of crime. The evidence is very clear about that. Those who are particularly entrenched in their offending behaviour will take steps on the road to moving away from a life of crime. We need to reflect that in the data and how we judge progress for all those who work with these children, who have very complex needs.

**Q6 Claire Perry:** I completely agree with you that these are unbelievably complex individuals, certainly from what I have seen in organisations like the St Giles Trust, which is engaging with young offenders through a lot of its work, particularly with gangs. My problem with statutory multi-agency bodies, certainly in my constituency, is that everybody does that and they cannot speak to each other effectively because of data protection. Who, in your experience, leads these teams best? Is there one agency that gets to grips with a particular offender very effectively and, in your view, delivers the most results? I worry that in multi-agency teams there is not accountability and success is not necessarily achieved by just getting lots of people together to talk about a particular offender.

**Penelope Gibbs:** YOTs are an example of multi-agency teams where it does not just work like that. YOTs consist of staff who stay normally for a minimum of two or three years. Therefore, the multi-agency team has a true meaning in the YOT sense, in that the staff work permanently together as a team, normally all sited within the local authority even if they come from a different agency. They work well where all the team members are seconded for a reasonable length of time and they are led by a good YOT manager within a local authority. They work well where the head of children's services, the leader, the chief executive and all the lead people within that local authority have an interest in what is happening in the YOT and where links with the other services are good. It is the unsung triumph of multi-agency teams in that it is a true team and other people could learn from them.

The fall in child custody of 20% or so over the last two years is interesting in that it has happened against a backdrop of a rise in the adult population in custody. Between these various players, there has been incredible success in working together to achieve this fall in child custody.

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11 October 2011 **Enver Solomon and Penelope Gibbs**

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**Q7 Claire Perry:** So that I understand the team model, these are people seconded from the various agencies who then effectively go native as part of the YOT team.

**Penelope Gibbs:** Yes.

**Q8 Claire Perry:** Why does it matter where they come from? What I am hearing from what you have said is that what determines success is how seriously children's services and the local authority take the problem. That seems to be the thing that opens doors.

**Penelope Gibbs:** It is part of it. It is also the quality of the individuals working within the team. The reason why it matters where they come from is that they come with their expertise into the team, and that continues to be used. For instance, there are some teams where the health professional is an expert in learning disability. There is a very high incidence of children with learning disabilities in the youth justice system. Often, they are undiagnosed until they get into the youth justice system. Where you have that worker in the team, they are tasked with assessing the children coming into the youth justice system, accessing the right services for them and following that through. They do not perform the same role as the youth justice workers who supervise. People in the team retain a role relative to their expertise and they retain some links with their home agency and thus the staff and services, which is crucial to the success of accessing the services.

**Q9 Claire Perry:** Are they on permanent secondment or do they have to leave the teams after a time?

**Penelope Gibbs:** It differs from YOT to YOT. Some enjoy it so much that they stay, which I do not think is ideal. As the model was originally set up, the idea was a two or three-year secondment, at which point the person goes back to their agency and another is sent, so that there is always a refreshing of contact and you keep the links as fresh as possible.

**Q10 Claire Perry:** Is there an attempt made to extrapolate what works for an individual YOT to the broader population? How much do you say, "This is fantastic. This team is really driving down reoffending or helping young offenders to engage with different services"? How much work is done showing other YOTs what works very well?

**Enver Solomon:** This is what the YJB has tried to do, with differing degrees of success. When the Youth Justice Board gives evidence, I am sure it will be able to demonstrate some of the ways in which it has attempted to do that. There is more scope for peer support and peer review, for high-quality YOTs supporting those YOTs that have been performing less well in particular areas and for sharing good practice. Instead of just a top-down approach, there should also be a bottom-up approach. We already have provision now in children's services; the Children's Improvement Board at the DfE is doing a peer support and review programme. That should include youth justice and YOTs.

**Q11 Claire Perry:** What about publishing reoffending rates by YOT and total transparency as to results?

**Penelope Gibbs:** That is available.<sup>1</sup>

**Q12 Claire Perry:** Is it publicly available?

**Penelope Gibbs:** Since the YJB website was swallowed up by the Ministry of Justice website, it is difficult to find any information.

**Q13 Claire Perry:** A recommendation would be to make those numbers extremely exclusive and transparent.

**Penelope Gibbs:** Yes. They are not as transparent as they used to be or as easy to find.

**Enver Solomon:** On a local area they are available.<sup>2</sup>

**Q14 Claire Perry:** It is the comparison. I want to know in Wiltshire that my team is doing a rubbish or a fantastic job relative to Hampshire.

**Enver Solomon:** Yes.

**Q15 Chair:** Are you saying that since the website went over to the Ministry of Justice there has been a loss of information?

**Penelope Gibbs:** It is probably there somewhere. It is incredibly difficult to find.

**Q16 Chair:** It is much harder to find, is it?

**Penelope Gibbs:** Much harder, yes.

**Q17 Claire Perry:** My understanding is that the changes in ownership of YJB mean the bringing back of an unelected, unaccountable quango into the MoJ, running it completely distinctly from NOMS. People recognise the importance of a stand-alone body. Does that separation address some of the concerns that your organisation raised about this being swallowed up by NOMS?

**Penelope Gibbs:** There is an interesting phrase in the consultation on the Public Bodies Bill, which is that the team in the MoJ would continue to drive policy on reoffending in the secure estate. I was worried by that because "continue to drive" is slightly vague to me. That would still allow for all the commissioning of the secure estate places to go over to NOMS. You can have somebody driving something and somebody else commissioning it in NOMS.

**Q18 Claire Perry:** We want our Ministers to drive policy. That is what they are paid to do. Your concern is that the commissioning of services under NOMS would be sub-optimal.

**Penelope Gibbs:** Yes. The UN Convention on the Rights of the Child makes it very clear that policy and practice on offenders under 18 should be separated out from adults for good reason. The needs of children are very distinct. Our concern about NOMS is that their overwhelming expertise is about adults. If you look at the secure estate, the worst places for children to be

<sup>1</sup> *Note by witness:* The local reoffending data has in fact not been available previously though point about information being difficult to find stands.

<sup>2</sup> *Note by witness:* In fact the reoffending rates are not available.

are the juvenile YOIs. I am not saying that they are all terrible, but throughout the SCYJ and children's and penal reform charities we would all say that, ideally, children should not be in YOIs. We do not think it suitable even to contemplate allowing an organisation that is 90% or more involved in running adult establishments to commission places for children.

**Q19 Claire Perry:** At the moment that is not an issue because the Department has said that it will sit outside.

**Penelope Gibbs:** Exactly.

**Q20 Claire Perry:** Let us say that the worst happened and it was swallowed up by NOMS. If it is being let as completely separate contracts and run by a separate team—

**Enver Solomon:** It is not going to happen. History tells us that before the creation of the YJB we had a system that was supposed to have a discrete child focus within central Government and it never happened. The strategic priorities of NOMS would quickly dominate and overwhelm youth justice. This goes back to your original question about YOTs and why they should be multi-agency. We do not want a silo approach, especially given the multiplicity of children's needs. The 1998 Crime and Disorder Act specifically set out the statutory partners of YOTs in order to ensure that there was buy-in from other agencies to turn around the lives of these children. Agencies in health, education and so forth have often failed these children previously. Unless you have buy-in from those agencies to allocate resource and professional expertise, to work with these children, you are not going to reduce reoffending and move them towards a constructive way forward and away from a life of crime. That needs to be mirrored at the centre and at the local level.

**Q21 Claire Perry:** Your worry is that, if this quango is brought in-house, that will impact on the ability to work on a multi-agency basis.

**Enver Solomon:** Ultimately, it will be viewed through the prism of justice, and the Ministry of Justice is not there to deal with children's welfare needs. It is there for other good, proper and right reasons. If you want to ensure a holistic response to children who have holistic needs and are where they are because other agencies have failed them, you need to reflect that in your structure of the system right from the very top to the very bottom.

**Q22 Claire Perry:** The funding for YOTs is still a multiple of sources, despite the move.

**Penelope Gibbs:** Yes.

**Q23 Claire Perry:** All you are really doing is bringing the top layer into the MoJ. The funding remains multi-agency or multi-Department, does it not, going forward?

**Enver Solomon:** The grant that comes from the centre is made up of funds that came from Department for Education, the Home Office and the Ministry of Justice.

**Q24 Claire Perry:** That remains unchanged.

**Enver Solomon:** As it stands, that remains unchanged. It might change because as I understand it—the YJB will be able to clarify—the Home Office element of the funds might move to the local area in the restructured police framework with police commissioners. But there is a principle here that goes back to the UN Convention, which is that there needs to be a discrete, separate focus on children. That needs to reflect the multiplicity of needs of those children.

**Q25 Claire Perry:** I agree with you, but there also needs to be a huge attempt made to drive down reoffending rates, which are still at 74% for the children in custody.

**Enver Solomon:** Indeed.

**Q26 Claire Perry:** We are all about pragmatism, not just principles, and if we are saying that there is still a separate organisation that has multi-discipline funding I do not think we would be in breach of the UN Convention by bringing a quango in-house.

**Enver Solomon:** We know how government works.

**Q27 Claire Perry:** We would like to try and change that, wouldn't we? That is why we are here.

**Enver Solomon:** If we want joined-up government, we need to have arrangements at the centre which will facilitate joined-up government.

**Q28 Claire Perry:** And a huge focus on this problem.

**Enver Solomon:** Exactly. Our concern is that if you just sit youth justice in one Department that has a primary focus on adults, then you will not get that joined-up approach and you will not get the discrete focus that is required.

**Q29 Chair:** Are you saying that it should be moved to a different Department?

**Enver Solomon:** Ideally, yes.

**Penelope Gibbs:** Yes. It should be with the DfE.

**Enver Solomon:** As the main sponsor, but the previous dual sponsorship arrangement was much better.

**Q30 Claire Perry:** The YJB has always been sponsored by the MoJ. It is a quango that is paid for by the Ministry of Justice currently. That is the sponsoring Department.

**Enver Solomon:** When it was set up, it was sponsored by the MoJ. Then it was sponsored jointly during the latter period of the previous Government by DCSF—the Department for Children, Schools and Families—and the MoJ, so it had dual sponsorship.

**Q31 Claire Perry:** Who, in your view, should be on the advisory board of stakeholders that is being talked about, which is an attempt to keep this very important multi-agency focus?

**Penelope Gibbs:** If it is going to be done, it needs to have representatives of local government but also specifically all those agencies that feed into YOTs. It has to have health, expertise in children's services and so on. Equally, there should be representation from

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the voluntary sector. When you are talking about multi-agency models which do not work and people just coming for meetings, that is the danger, isn't it? There are a lot of advisory boards across Government that feel they do not really make any difference. YOTs do make a difference because they have powers, jobs, etc. If this advisory board is going to have any meaning, it needs to be given a very clear remit. It needs to have regular reports which are published and some means of reporting to this Committee or to the Minister. There needs to be a proper framework for what it is supposed to do.

**Enver Solomon:** It is important to recognise that the current board has representation from the voluntary sector and people of academic backgrounds and experts. It has a mixture of people. The chief executive of the Children's Society, my organisation, sits on the board. There has been an attempt to do that and there needs to continue to be an attempt to make sure that there is a reflection of all those who can bring advice from the statutory voluntary sector and academics who have knowledge of effective interventions, the evidence that is required and what works.

**Q32 Yasmin Qureshi:** In the discussion it has been suggested that many practitioners or people involved in dealing with youth offending do not seem to know which interventions work and which do not. The Prison Reform Trust recently said something along the same lines as well. Do you know why so little research has been conducted or why there have been so few discussions about what works for young offenders and what does not?

**Penelope Gibbs:** There are lots of discussions. Good practice is disseminated. What we do not have is a very good body of high-quality research about what works. We know from wider research that the one thing which is difficult to pin down is the fact that the relationship between the main worker and the child makes a huge difference. You can see that in the read-across to the Munro work on social work in children's services. What works is to free up that person to develop a relationship and for that to be as long term as possible.

As to the reason why more work has not been done on the overall programmes that work, you will have to ask other people because I am not sure what the answer is. There are some small-scale evaluations, for instance, of multi-systemic therapy, intensive fostering and so on, which appear to show that it works. The one we would point to again and again is from a different place, Northern Ireland. Their system of restorative justice appears to work better than many approaches with children who offend. There are some very good bodies of evaluation of that restorative justice approach in Northern Ireland, which is one of the reasons why, as the Prison Reform Trust, we would always say, "Why don't we push that a bit harder with children who offend?"

**Enver Solomon:** There are two principles that we know from the research. The first is that the intervention needs to be proportionate. If a child has committed a low-level offence and you give them a high-tariff intervention, it is not going to deliver an

effective outcome. The evidence is very clear that early diversion away from the youth justice system has better outcomes for children in the longer term. Those who are drawn into the system at an early stage tend to go on to have higher reoffending rates.

The second critical principle is fidelity to programme development. There is very clear evidence from overseas, particularly from the States, such as the Blueprints Programme, and from some of the programmes that Penelope has referred to such as functional family therapy, multi-systemic therapy and therapeutic foster care. Such programmes demonstrate good outcomes in terms of reducing reoffending. The key to that is delivery and ensuring that there is fidelity with the programme. That requires effective implementation and ensuring that those implementing the programme are effectively trained, and I do not think that has always happened. It also requires appropriate central direction and a long-term commitment to those programmes.

We have functional family therapy, multi-systemic therapy and therapeutic foster care in this country, but small amounts of money have been allocated to them. They have not been implemented in a systematic way or on a systematic scale. New York State did it in relation to young offenders with those three therapeutic interventions in a much more systematic way and had very effective outcomes in terms of reducing reoffending rates and the numbers going into custody.

**Q33 Yasmin Qureshi:** What impact do you think the cuts are having on the prevention work that is carried out by YOTs? Do you still believe that that is the right body to carry out the prevention work?

**Penelope Gibbs:** Again, it is anecdotal, but our understanding is that a lot of the YOT prevention work is threatened by the cuts because the grant funding has gone, so a local authority in straitened circumstances has to choose how much they invest in it. Prevention is interesting. In general, what one wants is the prevention of offending through a broader focus. It is the same children who are at risk of offending, of being excluded from school, of mental health problems and going into care. There is a range of risk factors. Offending is only one of the possible outcomes to the risk factors. What is important is that that authority and the other agencies prevent very socially excluded children from falling into any of these negative outcomes of which, as I say, offending is only one.

To me, the light at the end of the tunnel is the YJB's very innovative Custody Pathfinder pilots. They are delegating the custody budget to local authorities, whereby the local authority will pay for the bed nights for the children. It is more than one local authority. Birmingham is on its own, but most of the others are in coalitions. That will give a focus for the local authority. They can go in at the top end if they want and concentrate on people who are well into the youth justice system. What they know is that, if you look back, it is the children with very high welfare needs who end up in custody. One would hope that delegating the custody budget will prompt the local authority to look incredibly holistically at the children

and to put money into prevention. That could be a very powerful and effective mechanism.

**Q34 Chair:** This Committee sees that as something of a model for adult provision as well.

**Penelope Gibbs:** Exactly. It is justice reinvestment and it is very exciting.

**Q35 Jeremy Corbyn:** How much effort is put into looking at the needs of young offenders before they leave and working out some sort of path of support, care and so on for them afterwards? You make the very valid point that a very large proportion of young offenders are people who have come out of care anyway, often have no wider family network to go back to and, therefore, are super-vulnerable as soon as they re-enter the community.

**Enver Solomon:** Are you talking about leaving custody particularly?

**Q36 Jeremy Corbyn:** Particularly those leaving custody, yes. I am talking about young-ish people in their late teens and early twenties.

**Enver Solomon:** It is a very mixed picture. This is where it has been particularly challenging and difficult to get agencies to work together. We know from talking to YOT managers, for example, that getting a child back into mainstream education is extremely challenging because often the child has been excluded and has a bad reputation, and no school wants to take them. Getting them back into a pupil referral unit or some kind of training programme is also challenging. Issues have been highlighted by research showing there are problems with finding children stable accommodation on release if their parents do not want them back home, which is often the case. There are also issues about making sure they get an appropriate referral to Child and Adolescent Mental Health Services and subsequent support. Often the help that they had whilst in custody suddenly ends when they leave the prison and there is not continuity of support. What is required is an individual who is going to be the broker for that young person, making sure all the services are in place when they leave custody. That link has not always been there. It is very clear from the recent work on resettlement by HM Inspectorate of Prisons that that is the case. There needs to be better joining up. The resettlement consortia that the YJB are developing are trying to address that. Previously they had the Resettlement and Aftercare Programme, RAP, but that did not sufficiently address it. Unless you have a statutory requirement to support children coming out of custody in the way that there is to support children leaving care, you are not going to get the help and support required.

If I may go back to the point about prevention and early intervention, the Standing Committee on Youth Justice believes that YOTs withdrawing from prevention is not necessarily a retrograde step. I would draw the Committee's attention to the recommendation in the Munro Review of the need for a statutory requirement of early help for all young people. If you do not have that early help in place—and it should be available before they are in the youth

justice system—you are not going to get effective prevention and early intervention.

**Q37 Yasmin Qureshi:** Everyone recognises that a lot of young people end up in the criminal justice system because they have other issues going on. Early intervention at a very young age within families is a good thing. Would you recommend that Parliament should put it on a statutory basis?

**Enver Solomon:** Yes. Munro recommends that there should be a statutory duty of early help placed upon local authorities and agencies to ensure that resources are allocated and early intervention programmes are put in place. We know that the overlap between children on child protection case loads, children on the edge of the child protection system and those in the youth justice system is very great.

**Penelope Gibbs:** Jeremy mentioned 18-year-olds and people in their early 20s leaving custody. They are completely outside the youth justice system. We are now into the adult system. The kinds of services an 18 or 19-year-old receives on leaving custody are not nearly as good as those for under-18s. Even services for the under-18s need improvement.

**Q38 Jeremy Corbyn:** What would you like them to receive?

**Penelope Gibbs:** Young adults should be treated more like the under-18s within the youth justice system because they are not mature and they often have very high educational, welfare and training needs. Quite how that would be achieved I do not know. I want to highlight the fact that, from your 18th birthday, you are shipped into the adult system. At 19 you may be absolutely as vulnerable and immature as a 17-year-old and yet we are talking about what does not work in the youth justice system. It is much better for young people than the adult system.

**Q39 Chair:** There are a couple more points we need to deal with and one is the current financial climate. Given the pressures on public finance at the moment and the fact that the case load of Youth Offending Teams has significantly reduced, it is hardly surprising that the YOTs should have to cope with some financial stringency, is it?

**Penelope Gibbs:** What is important is that children who are at risk of offending and reoffending have both their criminal justice and other needs met. I do not like to isolate YOT funding from the funding attached to the child within the system. What is important is that their needs, which may be the driver to offending, are met as well as their offending. I would not like to comment on exactly where YOT funding should be.

**Q40 Chair:** You mentioned earlier that some agencies might be withdrawing from Youth Offending Teams. This was anecdotal evidence. Is there a real fear that some agencies, in the course of trying to meet the requirement to reduce their so-called back office functions, will end up saying, "We are not seconding anyone to a Youth Offending Team"? Is it sustainable that you could have a Youth Offending Team about which a health department said, "We are not bothering; we do not have anybody spare to send"?

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**Enver Solomon:** It is sustainable in the sense that the YOT would still continue. You just would not have that buy-in or support from health. That is a risk and that is happening in some parts of the country.

**Q41 Chair:** Is it happening?

**Enver Solomon:** It is happening in some parts of the country as we speak, yes.

**Penelope Gibbs:** We understand it is happening. I would ask your next interviewees who are working in YOTs that question again.

**Enver Solomon:** There was a survey recently done by *Children and Young People Now* magazine which suggested that there are a number of areas in the country where the functions of YOTs were being merged or integrated with other local authority services. The support from statutory partners is not coming forward in the way that was expected when it was originally conceived under the 1998 legislation.

**Q42 Claire Perry:** Is there any evidence that that has any impact on outcomes?

**Enver Solomon:** We do not know yet. It is too early to say. If you talked to a YOT manager, they would certainly say that the multi-agency, multi-disciplinary approach has enabled them to draw on resources, expertise and interventions that have radically made a difference to the children they are working with.

**Q43 Claire Perry:** I accept that. Let us say we are a YOT, you are the health person and you are not seconded for whatever reason. What is to stop me picking up the phone and saying, "I have individual X who has a drug dependency. Please can we get him into abstinence programme Y"? Why do you need to be on the team to make that happen if we know that the children's services in Wiltshire local council take this issue incredibly seriously? Why do we have to focus on the inputs and not the outcomes?

**Enver Solomon:** Because, otherwise, they just join a waiting list along with everyone else.

**Q44 Claire Perry:** How do you know that? Is there any evidence?

**Enver Solomon:** Talk to YOT managers about how the system works. My understanding is that that young person will not be prioritised or resources will not be immediately allocated because it will just be another referral along with referrals from everywhere else.

**Q45 Claire Perry:** Then surely I am failing, as the leader of that YOT, to make sure that that child's needs are taken care of.

**Enver Solomon:** No, because the YOT cannot force other agencies to intervene. A YOT cannot force a head teacher to take a child into school once they have come off the YOT case load. A YOT manager cannot force a child and adolescent mental health worker to provide a therapeutic intervention for that child. Unless there is a recognition that they are part of a team that has a common approach to working with that child and it sees it as an integral part of their role, it is not going to happen.

**Q46 Chair:** We will pursue that with our next group of witnesses as well, as you have suggested. There is just one other point I would like to cover so as to give us time to deal with the other witnesses. Essentially, what has led to the year-on-year fall in the number of young people in custody? What is the key factor?

**Penelope Gibbs:** I would draw your attention to Rob Allen's publication *Last Resort*. There is no one factor; there are many. There is the change in the way police targets were done in terms of offences brought to justice, the successful implementation of an indicator on reduction in first time entrants and the leadership of the Youth Justice Board. The sentencing guidance that came out on over-arching principles of sentencing for youths was very helpful. Rob cites about seven factors. He did this for us in a relatively short time. It is an excellent piece of work. It would be worth somebody somewhere doing a more extensive study of all those factors.

**Q47 Chair:** What about the practice of writing to chairs of youth court panels and drawing attention to the fact that they have, perhaps, an above average number of youths in custody? I was intrigued that that process had happened and that you had not had any protests from the judiciary that you were interfering with their independence.

**Penelope Gibbs:** Those data were already published by the previous incarnation of the Sentencing Council. In a sense, they were already doing it. The YJB then went the next step, which was writing a letter and drawing the chairs' attention to it. It was an incremental process. The YJB did it very cleverly. We did it for local authorities as well, so it is the dual process of doing it with both parts. The YJB basically just said, "Here are the stats. There are differences." They did not say, "We are attributing any blame", or anything like that, but it drew the courts' attention to it. Maybe they had a conversation with a YOT or brought it up at the court user meeting. In some places it will have worked and in others not, but I think it was important information for them to know, whether they used it or not.

**Q48 Chair:** Are some youth courts more aware and better informed about the availability and usefulness of alternative disposals than others?

**Enver Solomon:** They are. It depends on the relationships that exist at the local area level, particularly between the YOT and the local court. Those relationships differ across the country. It depends on key personnel and how they have developed over time, but it is a pivotal relationship. The move by the YJB to draw attention to local areas in the way that you refer to was a contributory factor. It is also important to recognise the overall picture in relation to what has happened to the numbers going into the system. The move to reduce the number of first-time entrants and the decision to focus clearly on that has been a contributory factor. What happens at the front end has a knock-on effect on what happens further down the system. Criminologists recognise

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that as being a pattern in declines in the use of custody in different jurisdictions and, indeed, in our jurisdiction. That is a critical factor.

The move away from the offences brought to justice target, which was a key driver for the criminal justice system under the previous Administration and with which you will be familiar, has resulted in agencies not picking off what has been termed by Rod Morgan,

the previous inspector of probation and the previous chair of the Youth Justice Board, as the low-hanging fruit. Therefore, there has been a move to divert, to reduce the numbers of first-time entrants and that has had an overall, significant impact. One needs to look at the whole picture.

**Chair:** Mr Solomon and Ms Gibbs, thank you very much. Your evidence has been very helpful to us.

### Examination of Witnesses

*Witnesses:* **Lorna Hadley**, Chair, Association of YOT Managers, **Gareth Jones**, Head of Service, Halton and Warrington Youth Offending Team and Vice-Chair of the Association of YOT Managers, and **Eddie Isles**, Chair, YOT Managers, Cymru, gave evidence.

**Q49 Chair:** Good morning and welcome to you all. Ms Hadley, you are the Chair of the Association of Youth Offending Team Managers.

**Lorna Hadley:** That is correct, yes.

**Q50 Chair:** Mr Jones, you are head of service at Halton and Warrington Youth Offending Team.

**Gareth Jones:** That is correct.

**Q51 Chair:** Mr Isles, you are Chair of YOT Managers, Cymru, representing 17 of the 18 YOTs in Wales.

**Eddie Isles:** Indeed.

**Chair:** We are grateful to you all for coming to give evidence.

**Q52 Jeremy Corbyn:** Thank you very much for coming. You have heard the evidence we took from the previous witnesses. Seven out of 10 young offenders reoffend within a year of leaving custody and that is a very serious problem. How successful or otherwise do you think YOTs and the Youth Justice Board are?

**Eddie Isles:** That is a very stark figure for reoffending after custody, but the numbers of young people going into custody have significantly reduced over recent years. Percentages around small numbers are very difficult. That does not excuse the fact that it is very high, but it needs to be seen in the context of the total youth justice system. If we look at the bottom end of the system where young people are coming into first contact with the police and the attention that we have paid in recent times to reducing first-time entrants, we are looking at a reoffending rate of 7% after two years. There is a considerable link between that and the reduction in the overall system.

We have some very disturbed, damaged young people who often bring with them a great deal of baggage. Previous submissions will have presented the fact that many of the young people that we see going into custody have come through the looked-after system of local authorities, with very strong links with substance misuse and significant issues of disengagement from broader universal services. All of that makes them very difficult to work with.

**Lorna Hadley:** I would echo that viewpoint. The young people who end up in custody are very complex. We are being more successful in diverting

young people who do not need to be in the criminal justice system, so there are the added complications.

**Q53 Jeremy Corbyn:** You are both saying that the percentages are seriously misleading on this. It seems that the rate is not going down very much.

**Lorna Hadley:** It depends how you are counting the figures and whether you are looking at the frequency and persistency of offending. We have seen a reduction in the persistency of our offending. That was a conversation we were having this morning.

**Gareth Jones:** We need to be really careful with the reoffending rate as a measure because as soon as a young person reoffends once, they are a reoffender. If their rate and seriousness of offending has reduced, that means there are fewer offences and victims within communities. With some of the young people we are dealing with, with huge issues, you cannot just turn offending off like a tap. It does not work like that. This is one of our major concerns in terms of the payment by results on reoffending. If the measure for reoffending is as straightforward as one strike and you're out, there will be a perverse disincentive for people like us to remove services from prolific young offenders because we have already lost them because they have committed one offence, whereas, if they have slowed down from committing 10 offences a month to one and it is less serious, we are on the right track. We have not got there yet and there are still issues. We would prefer they did not commit any offences, but we need to be really careful about this very blunt tool.

**Q54 Jeremy Corbyn:** What do you feel about the effectiveness of the YOT system?

**Gareth Jones:** You have heard submissions before. You have asked questions such as how come we have fewer young people in custody and fewer first-time entrants. That speaks for itself. You could take a more qualitative view and ask some of the partners, particularly about the relationships between Youth Offending Teams and the police, for instance. One of the ironies now is that some of our young offenders are being caught and convicted, whereas previously they probably would not have been because information would not have been shared the way it is now. We work very closely with our police colleagues in Cheshire on integrated offender management as just one approach. They are also very involved in our



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intensive supervision and surveillance programmes. If we find out that a young person is up to things, our information goes into police intelligence. They are then targeted, apprehended and convicted. That can look like it is a negative because the reoffending rates go up, but in real terms and in terms of the populations in Cheshire, Halton and Warrington, where I serve, there are fewer offences. Their quality of life has gone up. They do not always feel that. If you ask them the question, "Is there too much youth crime?" they will always say, "Yes", but if someone is asked, "Are you paid enough?", they will always say, "No", no matter how much they are paid. Premiership footballers are a good case of that. The strength of the Youth Offending Teams can be seen in the local partnerships as well as the national results.

**Q55 Jeremy Corbyn:** Do you feel that we are collecting statistics in the right way or should we use some different indices in measuring all this?

**Eddie Isles:** That is quite an issue. The Reducing the Burdens agenda is played out here. I certainly read that Youth Offending Teams were the most patrolled area of public service in terms of the information that was returned to the Youth Justice Board on a quarterly level. The difficulty is that, unless that information can be analysed and made good use of, we are simply collecting information for the sake of it. Many of us have come to the point where we interpret the information that we send to the YJB and use it for more local purposes, establishing local key performance indicators within our crime reduction partnerships or, in my case, community safety partnerships in Wales.

If you move to what in Wales has become known as results-based accountability, you become much more focused on outcomes and what it is that we are seeking to achieve. Then you can direct the information that you have gathered to a much more precise level and make better use of it.

**Q56 Claire Perry:** This follows on quite nicely from results-based outcomes and funding, because, clearly, a little like Citizens Advice, there is a variety of funding reductions coming to the YOTs from all the various agencies from whom they receive funding. It has been said that this is only reasonable, given the average decline in case load that the YOTs are dealing with. What is your response to that?

**Eddie Isles:** The funding uncertainties that we are facing are very complex. It is not just an issue of the central grants from Government. It is an issue of how our local partners are able to maintain the funding levels coming through to Youth Offending Teams and services as well. The police, probation services and local authorities have all taken budget cuts and are looking at more next year. Then things are passed through to us and the magnification of loss becomes quite an issue.

In Wales, we have looked at the proposals for the new funding arrangements that have been made by the Youth Justice Board and the different options. We are looking at three of the existing 18 YOTs being pushed to the point where they will not be viable in terms of income levels. There does have to be some measure.

I fully accept that we are taking a share of cuts and, with the effectiveness of the interventions, we have managed to reduce the number of young people and the level of crime. In my own area, youth crime has dropped by 75% since 2001. The number of young people coming through the system is down by a third. I have lost posts and I fully expect that that will continue. We do need a basic level of resourcing to maintain these services, otherwise, the success that we have had in reducing and containing lower levels of youth crime will be reversed and it will go back to where it was before.

**Lorna Hadley:** When we initially had the grant funding when YOTs first came into being, there was an expectation that it would be match funded by all the partners together. The partners have found it harder and harder, particularly with the recent cuts, to match fund any grant funding that we get from the Youth Justice Board. Some authorities have this mismatch with the match funding that they get from the Youth Justice Board. There is a loss of posts and it has been greater in some areas than others, particularly in some of the London authorities I can quote, being a London YOT manager. We have struggled. We have seen greater losses and losses in terms of income from partners which would have contributed to the overall YOT—the building and the running of it. That has made an impact.

**Gareth Jones:** I am from a YOT that has been traditionally very poorly funded because of decisions that were made 12 years ago when the partnerships were first set up. Year on year we have had very little, but we have produced some extremely good outcomes. This is one of the issues about cuts in any funding. You do not salami slice. If it is 25%, you do not take 25% from everybody. If you are funding something at a reasonably good rate and getting very good outcomes, why take the funding away when your outcomes may well not be so good?

We all know how expensive it is to put things right rather than keep going things that are working. That does not mean to say that YOTs should be immune from the pain of the economic situation. We are certainly not, but we need to be very careful about removing money at a stroke. That has been happening with partner agencies. If it is 20% from the local authority, it is 20% to the YOT or even more. If it is 20% from the police or 10%, it is 10%. You do not activate a household budget like that because you always make sure that certain things have a priority: i.e. your mortgage, etc.

**Q57 Claire Perry:** We heard from a previous witness that the idea of pushing this accountability down to the local authority was a good thing because clearly there was more ownership of the budget. Given that there are different priorities for different local authorities, presumably it is reasonable to expect different levels of funding for different YOTs across the country. The more accountable you can make local politicians for this funding and the more transparent it can be, presumably the better, because you want to know what your local organisations are spending on this and what the results are.

**Gareth Jones:** There is a danger there, and we have seen it across the country with certain colleagues, where the youth justice grant is seen as children's services or local authority money, not the partnership or the criminal justice side. They think this money can prop up cuts in the youth service or elsewhere. It is not being seen in that whole that you have described. I would agree with that. If the funding does not come with some very specific requirements, there is a danger that it gets assimilated into the bigger pot and then locally who has the power gets the money. That is not necessarily a youth offending service or a youth justice partnership.

**Q58 Claire Perry:** You spoke about your funding level, Mr Jones, and your results. We heard from the previous witnesses that it was difficult to find the data. Is there something somewhere that says, for every pound your YOTs spend, they deter this many custodial sentences or whatever the metric is? Where is that data? That helps local people to hold their local authorities to account if the money is being diverted away from youth offending.

**Eddie Isles:** We have done some work on this in Wales. It is what we term "smart accountancy". It does produce some very interesting responses when we take it to management boards. The major savings made from reducing youth crime are in the amount of police time spent with young people. In other words, police officers are out on the street for longer than if they were booking people in the police station. The costs to the court system are significantly reduced, so there is a clear saving for the Crown Prosecution Service, in defence costs and court time. These do not necessarily show through into immediately observable savings for social services, education or health. In fact those services may be picking up increased costs. The more we do in early identification of associated problems such as non-school attendance or mental health, the more likely they are to incur increased costs rather than to make savings because these are often youngsters that they would not otherwise see. Frequently we find that EWOs—education welfare officers—working within Youth Offending Teams pick up indicators of exclusion which have not been reported to the mainstream service. They work with parents to ensure proper attendance by young people to get them back into school, thereby saving later exclusions.

There is a saving to be made there. There is a benefit from making sure these young people are retained within the universal service, but it is very difficult to track it down and put a pound sign on it.

**Q59 Claire Perry:** The YOTs seem to be going down the food chain in terms of earlier and earlier interventions, which we would all accept is sensible. I am interested because that was not the original mandate, which was to reduce offending and engage with people once they came into the criminal justice system. It is quite difficult from a funding point of view, is it not, to capture that intervention funding?

**Eddie Isles:** The mandate was to prevent offending by children and young people. In following down the food chain, as you put it, that is what we have done.

I have been working in the youth justice field since the mid-1980s. The difference that came in 2000 with the establishment of the YJB and Youth Offending Teams was the multi-agency approach. Having everybody under one roof meant that we could do things that we had not been able to do before. Inextricably, that took us down the line of early intervention and prevention. I draw a distinction between those.

Where we are looking at prevention, as Penelope said earlier, we know that the same risk factors apply to substance misuse and non-school attendance as apply to offending behaviour. If we can stop some of these things early, it is a much better way of dealing with matters.

**Q60 Claire Perry:** That might be showing up in the diversion numbers, but would there be an argument that that is all very well but what we should be doing is focusing on driving down reoffending rates, which remain unacceptably high?

**Lorna Hadley:** A lot of YOTs would say we have lost prevention services within the cuts. Eddie is right. We were seen as a multi-agency service that could get partners round the table so we were leading in some areas in the prevention work. Certain authorities have completely lost all their prevention work and a gap is beginning to show because the local authority cannot pick it up through their youth service or through other safeguarding agencies. Across London, there is a gap in prevention services which causes us concern. We are back to the fact that this is the financial window that we have. What must we do? We have statutory obligations. We are trying to refocus our resources, but our concern is that, if we do not fill that gap, we are going to get more children coming through, which would again put pressure on the services we have.

**Q61 Chair:** What is slightly worrying about this is that there is money that is no longer being spent on youth custody. An entire youth custody institution in my constituency has closed down and been handed over to the adult estate. The ideal would have been the transfer of that money into further preventative services, further reducing the need both for youth custody and for other forms of expensive intervention with young people.

**Lorna Hadley:** Yes. It is a concern. We have been in consultation with the Youth Justice Board about the delegated budgets. One of the concerns we have raised is that, if it is not ring fenced, if it does not have a label on it, we could lose it. If it goes down to the local authority, they could pass the money on elsewhere.

**Q62 Chair:** Don't you have to face the fact—certainly it is the current philosophy and the Government's philosophy, but it is not unique to the Government—that local authorities are democratically responsible bodies accountable to the public who should be allowed to decide what the priorities in their area are and not receive their income in the form of sealed envelopes which can only be used in particular ways?

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**Eddie Isles:** From a Welsh perspective, criminal justice remains a non-devolved matter, whereas most of the other aspects of government that affect young people—education, social services, health—are devolved. In Wales, it is very difficult sometimes trying to get the local authority and those partners to keep an eye on criminal justice matters which they do not see as anything much to do with them. There are some tensions that are being played out at local level, to which devolution has added.

**Q63 Yasmin Qureshi:** Can I explore with all of you the Government's intention to abolish the Youth Justice Board? The idea is to replace it with a body within the Ministry of Justice. A number of people say that it is wrong, in that there should be an independent body looking at youth offending. What do you think the impact will be on the work of Youth Offending Teams if the Youth Justice Board is abolished?

**Lorna Hadley:** We have seen an impact since the Government announced the abolition of the Youth Justice Board. Our concern is that we will lose the discrete service for children. Children are very different from adults. It is a different context and we would not want to get lost in the bigger world of NOMS. Our concern is that local authorities will begin to marginalise the youth justice agenda because it will get taken over with other priorities. We have seen some of that already, with local authorities thinking that the Youth Justice Board has already gone. We are saying, "No, it has not", and the Crime and Disorder Act 1998, which brought in YOTs has not been abolished either. The Youth Justice Board has had some successes. The regional relationship has been very beneficial to Youth Offending Teams. I know Gareth wanted to quote a particular area.

**Gareth Jones:** I am from the north-west and colleagues in Greater Manchester have already mentioned the value of the regional Youth Justice Board. I am part of the Merseyside YOT Managers' Collective, which has another seven managers who would also endorse that. It is one of the things we need to be really careful with. I am saying this every time, but we could throw the baby out with the bathwater. The regional service from the Youth Justice Board has been extremely helpful, particularly where some YOTs and the partnerships behind them have not been serving the needs of the localities. Having some of the improvement plans and the clout and respect of local partners has been extremely helpful. That is not to say that that cannot be provided by another body, but it almost begs the question: why reinvent something if it is working well?

I am not a complete apologist for the Youth Justice Board. It has done many things that I am not too keen on. An awful lot of money over the years could have been spent better, maybe out in the regions with people like ourselves who deliver the service rather than in headquarters in London. Again, that may be a rather regional viewpoint.

**Eddie Isles:** The Youth Justice Board in its current incarnation has learned from some of those mistakes that Gareth is raising. Within Wales, the Youth Justice Board has been working very closely with, first, the

Welsh Assembly Government and, now, the Welsh Government. Tying up those agendas so that we see the two Governments working together has been no mean feat. I respect the work that they have done there. The current arrangements we have through the Advisory Panel for Youth Justice in Wales are a very good model for how we have government working together with Youth Offending Teams and services and with academic institutions in the voluntary sector. If we are looking at a replacement for the YJB, it may be that we need to think about who would be the members of that body. We have not seen much detail. On balance, we believe that YJB has fulfilled a significant function in terms of bringing forward the agenda around youth crime. It has been able to keep the profile of the issues high and it has often dealt with some very difficult issues very well.

**Lorna Hadley:** It has given a presence to youth justice on many agendas, particularly the Sustaining the Success report. That has helped us as YOT managers in terms of our presence on certain important boards like the Crime and Disorder Partnership, the local safeguarding boards and how we balance the two. That was a really significant report. It is unfortunate that it has not been reviewed.

**Eddie Isles:** We are talking from the perspective of Youth Offending Teams and services, but the YJB has had significant responsibilities for the secure estate, and we have seen some very significant improvements in the secure estate regime as a result of their handling of those contracts.

**Q64 Yasmin Qureshi:** Do the Youth Offending Teams have enough knowledge about the effectiveness of their interventions? How do you assess what has or has not worked with a particular individual?

**Eddie Isles:** At local level, the way I have tried to do this is by going into partnership with the university in Swansea and Cardiff. We have a significant amount of research evaluation to try to get down to the level of what works. There is a simple answer. It is such a broad spectrum from early intervention to custody that there is not a single thing you can say, other than that the quality of the relationships between the workers, the young people and the parents seems to be a very significant factor.

One thing that is showing through very clearly is that we seem to have made some mistakes at national level over a number of years. While we have talked about parental responsibility, the intervention of the state has marginalised parents in a way and has made it more difficult for them to exercise their responsibilities. Some of the work we are doing at the moment is much more geared towards engaging parents in taking responsibility and in responsible actions. Confronting young people with the consequences of their actions through restorative justice interventions has been shown to have a very clear educative effect.

We have to think what sort of system we want. Do we want one based on punishing young people or on effectiveness and the reduction of rates of reoffending? If we want the latter, we have to do something very different from punishment.

**Lorna Hadley:** Nationally, possibly more could have been done in terms of what works. Locally, we are all very different. Gareth might use something in his area that I might not use in mine because of different profiles of the borough. In terms of sharing good practice we have done that across YOTs, but more could be done in that respect.

The other problem I would highlight is that the short-term funding of short-term projects has not given us the opportunity to evaluate fully whether something has worked because a year later the money has gone so we are not continuing with projects. That has been a bit of a hindrance to us over time.

**Gareth Jones:** There is also a slight difficulty in that we know what works. The way that sometimes this is requested of us is: “Does that particular programme, which usually has a copyright on it and a financial implication and incentive for somebody, work or not?” Sometimes it does. What we know works is if the young person takes responsibility for their actions. If they can make a human contact with their victim, if the people working with them demand to be respected and are respected, all those things work. We know instantly whether we are going to have problems with a young person from the attitude of the parents, for instance. If they do not give a damn, we know we have difficulty. Even where parents do give a damn, you still may have difficulties but at least you have one eye. We know there are all sorts of things that work. The question that has been asked of us is, “Does X work?”, and you cannot isolate it in that way. I can understand why some people would like us to

**Q65 Yasmin Qureshi:** Everyone has talked about restorative justice and Ms Gibbs mentioned earlier that restorative justice seemed to have worked very well in Northern Ireland. Do you think we should make greater use of restorative justice? If so, how can that best be achieved?

**Gareth Jones:** In a word, yes, but—and this is a big “but”—a lot of people are keen on restorative justice as a way of reducing offending and reoffending. That is a very difficult zone to go into. If we do it the other way round and say, “What is best for the victim? What is the better outcome for victims?”, restorative justice when it is done properly—that is the other caveat—needs to be victim-centred and intensive. If you have suffered an offence, you may not be ready for restorative justice at the point when you are first asked. It might take 10 or 20 times, but we have to keep offering it. That takes time. It is also no mean skill to persuade someone who does not think this is going to be a good outcome for them that it may be.

The research has suggested that, where people have gone into those processes, victim satisfaction levels are phenomenally improved compared to court-based outcomes. I am a member of the Cheshire Criminal Justice Board. Several years ago we decided collectively not to worry about the targets. We are going to concentrate on what was the right thing to do. Cheshire Constabulary has invested a lot in restorative justice training for their staff. One of the things that has changed is the way police officers view young people. Rather than saying, “Is my offence brought to justice?”, which was mentioned before, ticking the

box, or picking the low hanging fruit, they think, “What is the best outcome for the victim and the young person?” You should take that as the basic tenet, but it is not cheap and it is not a panacea.

There is a danger that, if we encourage it too much, people will be investing in the process rather than considering what the outcome should be. The outcome must always be positive for the victim, otherwise you should not do it.

**Q66 Jeremy Corbyn:** You heard from our previous discussion that I and others have concerns about young offenders coming out of custody, particularly where there is not any clear family relationship and they were previously in care. They are young adults and therefore not within the youth justice ambit. Do you have any worries about what happens to them and the danger of them falling into a cycle of more serious crime?

**Gareth Jones:** Absolutely. The evidence is very clear on that. There are different approaches. I will speak about where I am from. Locally, through the integrated offender management process with the police and probation services and other local providers, we have not made a distinction between the youth and the adult side of this. We had one young man who had lots of difficulties who would fit into that category. The probation officer in the youth offending service was supervising his order, even though the young man was 19, precisely for the reasons to which you have referred. When he did inevitably appear in court, the police officers who arrested him knew what the difficulties were, so there was a different approach. The Crown Prosecution Service knew. There were discussions in the court. If there can be such a thing as a vulnerable offender in the same way that there can be vulnerable witnesses, he was one of them.

The way that was managed was a lot less brutal than it would have been. There will be a pay-off from that in terms of reduced costs further down the line. We see young people who have a lot of support when they are 16 or 17. When they are 18 or 19 that disappears and this is one of our major concerns about the removal of the focus on young people. History tells us that when young people are in a more adult-based system they get lost. I was a probation officer from 1990 and one of the reasons I moved into YOTs was that I could see that intervention should be in people’s lives not when they are 45 and 50 but when they are 14, 15 and 16.

**Q67 Jeremy Corbyn:** Would it be practical to have some kind of taper for support? Eighteen is just a cut-off. It is totally arbitrary. It could be 17 and a half; it could be 19 and a half; it could be anything.

**Eddie Isles:** This issue of transition into adult services is a very significant one for us. We have variable age ranges at which young people move between services. In Wales, for instance, in mental health you become an adult at 16, which is inappropriate. Youngsters are suddenly expected to be in adult provision. There is a sense in which, if we do our job properly and reduce

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the custody population, we are going to see custody much more dealing with young people who carry a whole range of different, very complex, long-term problems. That is what we are seeing now. The transition from looked-after status to custody status is very well documented.

Many of these young people may be chronologically 18 or 19 but, emotionally and in terms of their functional abilities, they could be 14, 15 or 16. Some transition arrangement needs to be there which takes account of the ability of the young person to manage the services they find themselves in. At some point we have to transit across to adult provision, but purely arbitrarily, on an 18th birthday, does not seem to make any sense. We have clear evidence of young people who are reasonably co-operative with us, but who persist in going into custody, who suddenly turn 18 and are pleading to come back to work with us because they cannot cope with the reduced frequency of contact and the restrictions which are placed on probation these days in terms of what they can and cannot do by virtue of case load.

**Q68 Chair:** I referred in the earlier session to money saved as result of the decline in the numbers in custody being transferred into other services which will either deal with offenders or prevent them from getting into the system in the first place. There is supposed to be a Pathfinder scheme, is there not, in which exactly that happens?

**Lorna Hadley:** Yes.

**Q69 Chair:** Has that had any impact yet?

**Lorna Hadley:** The Pathfinders have just started. They have only just been launched, officially from 1 October. It is a two-year pilot. I hope we start seeing results after the first year. My authority is one of the Pathfinder pilots. We are part of the East London group of seven boroughs that have entered into Pathfinder.

**Q70 Chair:** Are you getting a sum of money which was previously in the custody budget?

**Lorna Hadley:** We are getting front-loaded grant funding, yes, for the multi-systemic therapy approach

that we are going to take. That is what we are using as an alternative to remands and custodial sentences.

**Q71 Claire Perry:** It is fascinating listening to you. The notion of families has been mentioned, and the fact that it is difficult to get the parents engaged. Do you get multiple youth offending in the same family? I am thinking about the Government's focus on the most troubled families, from whom I imagine your clients are often drawn, and whether that would be of any help. This may be too broad a question to ask here, but do you get multiple children from the same troubled families or is it more the "one bad apple" syndrome?

**Eddie Isles:** It is a combination of both. We should look at the inevitability of adolescence being a very troubled time. Young people will commit crime and they will do things that they do not realise are criminal, but they are then arrested and dealt with. We deal with young people whose parents are often not disengaged but very significantly engaged, from all walks of life. I have had the children of directors of services, a judge's son and various others, as well as young people who come from generationally engaged families. I have been in the business long enough to see some of the children of youngsters I worked with when I was a fresh youth justice worker back in the 1980s.

The surprising thing to me is how few of them we see and how well they engage with us. Even where they have had criminal backgrounds, they do not want the same thing to happen with their children. Engagement with parents is not necessarily difficult. They tend to view youth offending services as very distinct from social services and child and family departments. We seem to get better levels of co-operation from parents. So the answer is, yes, there are inter-generational problem families. They often crop up first when we are looking at anti-social behaviour. This is an area where we have developed early intervention strategies to deal with the behaviour before it finds its way into the criminal justice system, and with some degree of effectiveness.

**Chair:** Mr Isles, Mr Hadley and Mr Jones, thank you very much indeed.

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**Tuesday 18 October 2011**

Members present:

Sir Alan Beith (Chair)

Mr Robert Buckland  
Jeremy Corbyn  
Christopher Evans  
Ben Gummer  
Mr Elfyn Llwyd

Claire Perry  
Yasmin Qureshi  
Elizabeth Truss  
Karl Turner

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**Examination of Witnesses**

*Witnesses:* **Frances Done**, Chair, Youth Justice Board, and **John Drew**, Chief Executive, Youth Justice Board, gave evidence.

**Chair:** Frances Done and John Drew from the Youth Justice Board, welcome to you both. We are going to ask you some questions about youth justice generally but also about the Youth Justice Board in particular. We have in mind that we might well produce a short, interim report to inform the continuing discussion about the Youth Justice Board and its potential abolition. If we are able to do that, we will do it in the next few weeks on the basis of evidence we have already received, evidence we will get from you today and that you have submitted to us already.

**Q72 Elizabeth Truss:** At the moment we are seeing a very high rate of reoffending among youth offenders. What steps are you taking to reduce that? What are the indicators you use?

**Frances Done:** I will hand over to John for the detail on the measures we are taking.

**John Drew:** I will just begin with a point about the measurement of reoffending. There are two ways of measuring reoffending. It is important that you look at both indicators because they tell you slightly different stories. There is the binary measure: has the young person reoffended or not? Yes or no—no ifs or buts. That is the one that is often referred to and the Committee will be familiar with the figures in relation to young people coming out of custody—a 71% binary measure of reoffending. The second measure is also published, which is the frequency or the volume which describes the number of offences that young people in the criminal justice system have committed. There is progress on both measures but it is much more marked on the volume of offences. Over the last nine years, the volume of offences on average has reduced by 28%<sup>1</sup> across the piece with slight variations, depending on where you are in the criminal justice system. In terms of the binary measure—the yes/no measure—the movement has been less pronounced, although we are now at 71%, whereas we were at 74% for young people coming out of custody. So there is some movement.

Coming on to the measures we are taking, reoffending is immensely important to the Youth Justice Board and it is at the centre of all that we do. Our particular focus at the moment is on issues in relation to resettlement of young people coming out of custody, because we recognise that is the biggest challenge in terms of reoffending. We have set up a number of

resettlement consortia centred around each of the YOIs. That brings together all the local organisations, led by local councils—housing authorities, voluntary organisations, employers and the like—to try to make an enhanced offer to young people who come out determined to move away from crime but for whom it is difficult.

**Q73 Elizabeth Truss:** Are people who are reoffending generally committing less serious offences? Are you saying that there is a tailing off of the offences? Has the profile of reoffending changed, if the volume has changed, as well as the level of seriousness?

**John Drew:** No. It is more about the first thing you suggested—the sheer number of offences. Serious offenders are likely to continue to commit serious offences. Young people who have a less serious pattern in their background, if they commit any offences at all, are more likely to commit less serious ones. On other ways of looking at this, there is a general fall in the number of offences committed by young people, but certain high profile crimes, in particular, remain pretty constant and a big concern to us.

**Q74 Elizabeth Truss:** It is obviously cheaper for the overall system if the young person does not commit the offence in the first place, but the people responsible for making sure that does not happen do not necessarily sit within the justice system. For example, an effective intervention by a teacher or a social worker may help a young person not to offend in the first place. What are we doing to make sure that the money allocated to those resources flows in the right way rather than the justice system picking up the pieces of failure to act early on?

**John Drew:** You are absolutely right. Early intervention and prevention have been immensely important to the Youth Justice Board and it is not something that we do alone, though we do have a part to play in it. The current Government have a very strongly held view that local organisations should be responsible for making local investment decisions on where to concentrate their resources. Much of the money spent on early intervention is now concentrated in the Department for Education's early intervention grant, which is one grant to local authorities to be spent as they see fit.

<sup>1</sup> *Note by witness:* the actual figure is 27%.

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We have made sure within the Youth Justice Board that Youth Offending Teams are fully briefed on where prevention resources are and have a seat round the table so that they can help determine where that early intervention money is spent.

In terms of trying to mobilise the whole of the system, as you described—schools, housing authorities and so on—each Youth Offending Team is supported by a management board which consists of that wider range of senior officials and voluntary sector people who bring a broader perspective. The challenge, both from them to the Youth Offending Team and back, is how to mobilise those wider resources.

**Frances Done:** An important aspect of the prevention agenda from the very early days of its existence has been the Youth Justice Board with Youth Offending Teams focusing on prevention, especially around 8 to 13-year-olds, identifying with local police, schools and other partners which young people are most likely to offend. It is not too difficult to find that out.

Then it is focusing on Youth Inclusion Programmes, concentrating on Safer Schools Partnerships, the sort of partnerships we forge with the Association of Chief Police Officers and the work we have done with them, to focus on the group that is most likely to cause the difficulty. The inception of this goes back probably nine years. The effect has been that the number coming into the youth justice system has dropped dramatically, around 45% over the period of the existence of YOTs and YJB. That has fed through to some very specific changes in the number of young people in custody and the number of places we have to commission.

You are absolutely right. It is about cost-effective intervention early. The Government have decided to do it in a different way now, which is fine. That is a different approach to it, but the basic principles of early identification, making sure you focus on families where there are most likely to be difficulties, where the support is needed and where positive activities for young people remain the same. We are supporting the Youth Offending Teams to keep going on that.

**Q75 Elizabeth Truss:** How does the payment by results structure work with that? Do you think the payment and the incentives are in the right place or could there be further reform to further incentivise the relevant authorities to try to prevent young people from committing crimes?

**Frances Done:** That is a very important question. The Youth Justice Board was in a very good position to move quickly when the Government made clear their support for payment by results. For some time we had been leading on the whole idea of reinvesting the custody budget. This is a subject that the Committee has shown a lot of interest in and reported on several years ago.

We have invited local authorities, in groups mainly, to come forward and bid for up-front investment in activity that will reduce the likelihood of young people going into custody. In return, they have committed to reducing the number of beds, which is a first for local government because it is a risk. We have four groups of local authorities: West Yorkshire, Birmingham, which is one authority, East London and

West London groups. They have committed to reducing the numbers in custody by 63 over two years.

That does not sound a lot, but when you multiply it by £80,000 on average per place it certainly pays for itself. This is very much part of something I have been working hard on with local government, the Local Government Association and with individual chief executives since I became Chair, which is to gradually transfer the custody budget to local authorities because that is where it should lie. The responsibility for young people under 18 is fundamentally with them.

When I first started talking to chief executives of the big authorities about this three and a half years ago, when I became Chair, they did not want to touch it with a barge pole. They were quite offended by the idea. "We don't control the sentences. That's for magistrates. How can we have the budget?" Over the years, we have been working with them and the Magistrates' Association and there is now a general understanding that that is the right way to go about it. There are also real advantages for local authorities and when we put out the custody payment by results Pathfinders we had 12 bids for four opportunities. The whole landscape has changed. Local government gets it now and I am confident that with the proposals in the Government's Legal Aid and Sentencing Bill, which include charging local authorities for remand places, we are moving in the right direction.

**Q76 Karl Turner:** The Government have said that Ministers should be responsible for youth justice, not unelected, arm's length bodies. What is your response to that?

**Frances Done:** There has been an argument put forward that somehow, if there is not an arm's length body, the Minister will have greater accountability. I find it difficult to understand that, because as Chair of the Youth Justice Board, I am appointed by the Secretary of State, and so are my board members. My objectives are set by the Secretary of State. Obviously, we are not independent; we are arm's length—a completely different thing. Our whole budget comes from Government Departments, mainly the Ministry of Justice. We report to Parliament in our annual report and accounts. All our major initiatives are agreed and developed with the Ministry of Justice. We advise on policy. We do not make policy. That is for Ministers. John, our chief exec, is an accounting officer appointed by the Permanent Secretary at the MoJ.

It is very hard to see where the accountability deficit is. Arguably, it would reduce accountability: whereas I am appointed by the Secretary of State as Chair, if John were to transfer to being a director of the youth justice division, he would not be appointed by the Secretary of State. It is quite hard to get one's head round that.

This was very carefully looked at by the Public Administration Select Committee. Their conclusion was that there was no case made for better accountability. There is a potential deficit of accountability around our relationships with key stakeholders like the Magistrates' Association and the

Association of Chief Police Officers. Many bodies have said publicly that there should not be a change and that the YJB should be allowed to carry on. There is a huge job to be done and it should be left alone. I struggle with it but that would be a matter for the Minister to answer.

**Q77 Karl Turner:** What do you say to the suggestion that the Youth Justice Board was needed in 2000 but is not necessary now?

**Frances Done:** That has been suggested. Perhaps the Youth Justice Board has made it look a bit too easy, but it has not been easy. You cannot talk about success in youth justice. You can only talk about improvement. How can you talk about success when there are young people still being killed on the streets from time to time or any children seriously offending? It is about improvement and there has been dramatic improvement.

**Q78 Karl Turner:** Do you think you are a victim of your own success?

**Frances Done:** Those who are suggesting that the YJB is not needed have to answer that. It has been a problem for us in that there is a lack of understanding about the key features of an arm's length body that make the difference. We have an absolute focus on youth justice. If the decision is taken to move our functions into the Ministry of Justice, we will be part of a Department with 72,000 civil servants. We will be 0.002% of the operation. However much somebody says now that youth justice will remain a division and a focus, the truth is, compared to all the other things, particularly adult justice, that happen in the Ministry of Justice, it will be very hard to sustain that.

I represent a body where I can get into anyone's diary. I can write to anyone and go to see anyone. I have 10 active board members, senior former police officers, district judges, head teachers, who can operate around the system and we do. We invite chief executives into young offender institutions so that they can see the reality of their young people in custody. This has had a huge, dramatic effect.

Our very direct, frank, open, productive relationship with the magistrates has reduced numbers in custody. That is very difficult to do inside a civil service operation, which is a totally different type of organisation. We are very front line and focused. Those who suggest that it is no longer needed probably do not realise the extent of the leadership role needed, the partnership with Youth Offending Teams and the secure estate. This is not a meeting about secure estate custody, but it is an area where there has been massive improvement and that needs to go on.

**Q79 Karl Turner:** You have probably answered this, but, in simple terms, what can the Youth Justice Board do that the Government cannot do, in your opinion?

**Frances Done:** There are a couple of key things. First, we only focus on youth justice. A Government Department could never say that. That has led to some huge improvement. Secondly, we have a board of members actively operating around the system. We do not just sit in meetings; we are out and about across

the system. We bridge the centre to the front line. We can do practical things, whether it is a district judge on our board helping to train district judges in secure training centres or our former deputy chief constable talking to chief constables about not removing police from the front-line YOTs.

Also, our staff are totally different. They are largely practitioners on secondment or directly employed. They have experience of the front line and they focus on it. The nature of a Government Department is totally different. Over time, the transfer of our functions into a division in a civil service Department in the MoJ will dilute the expertise and the practical focus, and a huge amount of credibility and access to senior people across the system will be lost as a result. It is very hard to prove what those things have delivered, but the truth is they have delivered results. Compared to the adult system, if you look at the custody numbers and the absolute focus on only using custody when necessary and not when it could be avoided by a robust community sentence, the results speak for themselves.

**Q80 Claire Perry:** I applaud what has happened. The focus on the secure estate and the flexibility of commissioning has been absolutely laudable. What we would all like to see is that being done not just by the youth justice system but by groups looking at female prisoners, or groups tasked with reducing crime among certain populations. I understand the concerns about being absorbed within the MoJ, but you will sit outside NOMS if the plan goes through. Is there any reason why that energy and focus necessarily have to be dissipated? Should we not be working to make the whole of the MoJ work and focus on its target populations? Could you not be a force for transforming the Department?

**Frances Done:** I am sorry to hog this, but on these questions it is probably best if I answer. John is in a slightly invidious position obviously. I would absolutely love to think that that could happen. I have come to a conclusion about this whole debate about the YJB. Because it has been so difficult to pin down an argument for making the change, there is a feeling that somehow youth justice can be a guinea pig for showing that a Department can change from the nature of civil service operation. My view is that is too risky for youth justice after all the progress that has been made. I have worked at senior level with the civil service for over 20 years of my career. I have been at work for 40 years now. I have worked in the private and public sector, local government and central. I have seen it change, but not very much. It is very hard for a civil service operation to do what we do.

Can it suddenly transform? How could it? John, for example, has been offered a 12-month contract when he comes into the civil service—if that happens. Within 12 months of the transition, what will happen? Will John be replaced by a practitioner, which, to me, is absolutely essential? John has been involved in youth justice from the age of about 22. Will he be replaced at all? Will that post be downgraded to deputy director? These things are all possible. We are talking to you about this because we are an arm's



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length body. Parliament is interested and able to discuss what happens to us. Once the YJB is abolished, at the stroke of a pen within a departmental reorganisation, that focus on youth justice could be lost. Of course, one would like to think it could carry on, still be vibrant, and have the relationships we have now and the very passionate activity that has made a difference with Youth Offending Teams. It is a partnership that has delivered this. It is not just the YJB. The secure estate, the Youth Offending Teams and the YJB have made things work.

**Q81 Mr Llwyd:** How will the proposed new Youth Justice Division work? Is it going to be entirely independent of NOMS, because that is a concern?

**John Drew:** The Secretary of State and the Youth Justice Minister have made a number of very clear public statements on this point. The proposal is that the Youth Justice Division, if it is to be created, would be entirely separate, reporting to a different director general. NOMS has its own director general. The Youth Justice Division would report to a separate director general. That would create that organisational separation.

We have been running a transition programme for the last nine months, looking at the specifics of how we would deliver all of this, if it happens. All the current functions of the Youth Justice Board would lift into the new division, so it would be kept separate. My Chair has referred to some of the distinctive things that the Youth Justice Board has at the moment, in terms of its personnel, ethos, culture and the like. We would be very keen as part of any transition to take those values into the Ministry of Justice. I have talked to most senior level officials within the Ministry of Justice about what has made the Youth Justice Board distinctive and in particular the points about the source—the recruitment—of staff, secondments from the youth justice system and so on. I know there is a commitment to try to facilitate that but the proof of the pudding will have to be in the eating.

**Q82 Mr Llwyd:** When vacancies arise, are they likely to be filled by internal candidates from the MoJ or NOMS, or will there be a trawl externally for people who have worked in youth justice in other fields?

**John Drew:** We have looked at that as part of the transition. If the Youth Justice Division comes into existence, at that moment, all the staff transferring from the YJB will become civil servants and therefore we will be bound by the usual arrangements for recruiting civil servants. However, as I mentioned before, I know that from the Permanent Secretary down there is an understanding of what has made the work force what it is at the moment. That is this ability to draw in people not only from NOMS and the civil service but also from local government, the voluntary sector, the youth justice world and so on. My understanding is that that fits with the ambitions of the civil service generally to open themselves up more than they have in the past in terms of recruitment. I have been given assurances that there will still be opportunities for secondment and recruiting from outside. All of that is taking place in

the context of the civil service shrinking, so those assurances will need to be tested because there are other pressures at work and I am conscious of what those are.

**Q83 Mr Llwyd:** In response to Ms Truss earlier you said that much of the money in early intervention goes to the Department for Education. It has been put to us that this new division or board—call it what you will—would be better within the Department for Education rather than the MoJ. Otherwise, there might be a tendency to look entirely through the prism of justice, and that could fail young people. What is your view on that?

**Frances Done:** Can I answer that, because of the slightly invidious position that John is in? I read that evidence with interest and I can see the point being made. We take the view that one of the things the Youth Justice Board has been able to do, standing just outside the Departments, is to join up the agendas of the Departments—obviously working very much with the sponsor Department—in a way that is difficult to do across Government Departments, and it has been able to balance out the children and young people agenda and the justice agenda. They are not opposites but they are different perspectives on the same thing. The youth justice system fundamentally has to fuse both those sets of issues. If the YJB were not to exist, there is an understandable case for saying that the sponsorship should not be in Justice. There are obvious links with Justice, but if your biggest concern—and mine is—is that youth justice will be drowned out by adult justice very quickly in the MoJ, then there is an argument for putting it in DfE. There are other arguments for not doing that. Fundamentally, there are youth justice issues across a whole series of Departments. It was one of the reasons why the YJB was introduced because it was very incoherent and was not working. One way or another we have to find a way of making that join-up work. It is not so much a question of which Department it is in; it is about how you effectively join it all up.

**Q84 Mr Llwyd:** Mr Drew, will the Advisory Board be a talking shop or do you envisage that this will have teeth and be hands on?

**John Drew:** The plans are very much in their early stages. There has been no ministerial sign-off and I would not expect that for some months to come. The current thinking is that the Advisory Board should be a small body of permanent people who do not change from one meeting to another. They should be drawn very much from the youth justice and related fields: Youth Offending Teams, the secure estate, children's services, local authorities, the judiciary and other organisations with a direct stake in matters of youth justice.

I cannot describe the precise terms because they have not been agreed as yet, but the particular remit would be to focus on effective practice in youth justice and to advise Ministers directly on how the youth justice system is working and what changes are needed to policy and operations to deliver an effective youth justice system. I cannot emphasise too much that we

are in the very early days in our planning in respect of that.

**Q85 Mr Buckland:** Youth justice is delivered in the main by Youth Offending Teams. You have talked a lot about the board's work in the past in helping to co-ordinate a response to youth offending, but the delivery is actually done by the teams on the ground, is it not? What can you offer in the future in terms of a role in the delivery of youth justice? What more can you give Youth Offending Teams?

**Frances Done:** This is probably the crux of the issue. The improvement over the last 12 years has been very significant, first of all, in establishing YOTs successfully as a multi-agency model. All of those who have lived through it have seen that that model has transferred to other parts of the way we do things locally, which is really good. The relationship depends on the Youth Offending Teams, which are the local delivery element of a national justice system, having a clear framework within which to operate, having guidance and standards, which are set by the Minister on our advice, and having access to effective practice, and being allowed and encouraged to innovate.

Lots of things that have happened in youth justice have been innovations from the grass roots but very much in a framework set by the Youth Justice Board. There are still huge things to do. Many developments that still need to take place require national level overview and support. For example, John mentioned resettlement consortia, bringing local authorities together to work with a young offender institution, as we have done, in a very practical way by opening up the YOIs for chief executives to come in so that they and the directors of children's services get the whole idea and start supporting their teams much better. We have those in the north-west, and one around Cookham Wood and Medway. We have one in West Yorkshire. We have a big event in Wales in a couple of weeks' time when we will have 10 authority chief executives and children's services directors coming in to get the idea of what they need to do. This can only be done by a body like us. There isn't anyone else who can do it. YOTs cannot do it.

If we want to drive further improvement in reoffending from custody and drive the whole development of custody budgets to local authorities and the commissioning of an improved secure estate, which is a national function and always should remain so, you need a body at the centre. The issue is about which body it is rather than whether there is a need for that national framework.

**Q86 Mr Buckland:** More is going to be devolved down to a local level, is it not? That is an inevitable and quite correct process, is it not?

**Frances Done:** The delivery of youth justice is already pretty devolved. It is a national system but delivered locally. There is a fair amount of discretion. We are working with YOTs, and John knows more about this than I do, to make sure that we maximise that discretion and that there is peer support from other areas, but you still need a national framework, support, sharing of effective practice and development of new ideas. What cannot be underestimated are the

relationships we have nationally, which mirror the relationships that the Youth Offending Teams have locally with magistrates courts, police and so on. We do that nationally with the Magistrates' Association and ACPO.

You will have seen, hopefully, that there are letters of support from the Magistrates' Association and the Association of Chief Police Officers very clearly making the point that there is no evidence that this change is going to improve things. They are very confident in the way we have been operating with them. These national relationships with the Local Government Association and so on deliver things that the Youth Offending Teams individually cannot produce. All of that must carry on. If it does not, we will see rising numbers of young people coming into the system and in custody.

**Q87 Mr Buckland:** But it is not just national and local, because you have regional teams as well, do you not?

**John Drew:** We do.

**Q88 Mr Buckland:** What do they do?

**John Drew:** The current situation is that we have 10 regional teams, one covering Wales, and the others the English regions. They work with specific YOTs. Each YOT will have a Youth Justice Board employee, who will cover more than one YOT, but they will be their local contact. They will offer them performance advice if they have particular problems in respect of custody or whatever. More importantly, something we are doing more of is bringing together clusters of YOTs in localities who have common interests, so that one can learn from the other. We have downsized significantly. You are absolutely right. The Government has been very clear that it wants less central direction and more local leadership. We have downsized our regional staff by 30% over the last 18 months. The focus from now onwards is much more about bringing YOTs together to encourage their own learning, one from another, than about directing them to do particular things. But where there are really strong performance deficits, we get engaged. There is a national inspection programme going on and roughly a dozen YOTs have come out of that particularly poorly. They have agreed an action plan with us to work on things that are needed so that when they are re-inspected, they reach an acceptable standard. We will continue to have a function in that regard, but it will be smaller.

**Q89 Mr Buckland:** Could that regional work be done by the new proposed Government division?

**John Drew:** All of this can be done by any of a number of different organisational forms. I do not think the argument about whether there should be an NDPB or whether it should be part of the Department is around the particular tasks. It is around the broader issues that my Chair has described.

**Q90 Mr Buckland:** Youth Offending Teams have streams of funding, local and national. To what extent is ring fencing a factor? What is your view about continued ring fencing?

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**John Drew:** There is one youth justice grant from central Government, which comes via the YJB these days, called the youth justice grant. That is ring-fenced specifically to the purposes of the 1998 Crime and Disorder Act, which is the prevention of offending and reoffending among children. It can only be spent on those purposes. The reason why it is ring-fenced is that the money comes from the YJB and we only have the statutory power to provide money for that purpose under section 41(5) of the Act. I do not know that this is an argument for or against the continuation of the YJB as an NDPB, but if we cease to exist, as things stand, the Government would not have the power to ring-fence that grant for youth justice. It would have to decide if it wanted to continue it.

There is a strong case for ring fencing because I see daily, monthly and annually the benefits derived from that. The youth justice system that existed in the 1990s was a shambles. There is ample evidence in respect of that. The way in which we have managed to turn it into something which is not perfect—there are a lot of areas for improvement—but a lot better than it was is because we have had that degree of focus, both nationally and locally. I really believe that we need to keep the very strong local shape that the possession of the grant enables us to.

**Q91 Chair:** Does your success or improvement locally depend on getting local authorities to use money that might otherwise have been ring-fenced if the system was not changing in the rest of local government work and apply it to things that reduce offending among young people? You are trying to have your cake and eat it; you are trying to keep ring fencing for a slab of money that comes from the MoJ, but depend on local authorities not being ring-fenced to get money out of them for things that help to keep young people away from crime.

**John Drew:** I understand the argument. I am a complete advocate for the youth justice system, so I guess I would want to have my cake and eat it. That is true. A very large part of what we try to do within the Youth Justice Board is around hearts and minds. We have very rarely had many direct levers, even under the old arrangements, over what happens locally, but we have been a very active intervener in trying to make the case for youth justice. From time to time we will do something very specific. For example, we have just given each of the 158 Youth Offending Teams a grant of £4,000 to ginger up their work in restorative justice. It is recognised that more could be done and should be done in respect of that. But you are absolutely right that much of what we do is about hearts and minds.

**Q92 Mr Buckland:** Sir Alan has asked the question I wanted to ask about contradiction. You talked earlier about the need to concentrate more on early intervention, and there is some work going on in Youth Offending Teams, as you said, Frances, with regard to identifying young people who are at risk of ending up on the criminal justice pathway. A lot of work goes on in various communities, including mine, but some of it is done by voluntary not-for-profit

organisations and a lot of them are struggling for funding. They start off with Government funding, but it ends after a couple of years and they are then in a year-to-year struggle for survival. They are delivering the work that you quite rightly praise. How do you see the future of funding in terms of embracing these organisations and making them part of the partnership when it comes to dealing with this early intervention?

**Frances Done:** That is a very important point. One of the more innovative things about youth justice, which it probably does not seem to be now because people take for granted what becomes common practice, is that because of the national framework/local delivery model, we have always encouraged local Youth Offending Teams to use the third sector—the voluntary sector—and they have in very large measure. There are far more intensive supervision and surveillance programmes or prevention schemes going on in youth justice from the third sector than in the adult sector by miles. As soon as there are cuts, it gets very difficult but we are totally in favour of that.

The answer to your question is probably more fundamental. The difficulty I have always struggled with in looking at the future of youth justice and where we need to go next is about strong, detailed family intervention and permanently keeping at the bottom end. You have to deal with all the young offenders going through the system and those who are seriously offending. You have to stop the flow intensively.

Whereas Government—this is any Government—funds schools or hospitals on a permanent basis, for some reason we still fund early intervention on a three-year or sometimes a one-year basis. I am afraid that the question is a bit more fundamental than the current situation. Tomorrow morning at 8.30 John and I will be at a breakfast briefing with chief executives of the leading children's charities. We meet with them regularly to discuss their ideas and share ours. They are organisations such as Nacro and Catch22 working across our system. They need to have confidence in what we are doing and how we are moving things forward with Youth Offending Teams. We encourage our Youth Offending Teams like mad to work with them, and equally in the secure estate, which is not a topic for today but a really important part of what we do.

We completely agree with you but we are at a time of much reduced budgets. We had to reduce our grant to Youth Offending Teams by about 20% last year. Everyone is having to draw back and that puts the third sector under pressure, but we always emphasise the importance of using those local organisations because they are so good. They can be very flexible, useful and innovative, so we are very much in support of that.

**Q93 Chris Evans:** A 2010 NAO study concluded that practitioners in the youth justice system do not know which interventions have the most impact on reducing reoffending; 76% of youth managers agreed with the statement. Why is so little research being done? In the present climate, if you do not know what works and what does not, have you not put yourself at a disadvantage? Is that a fair statement?

**John Drew:** Can I answer that in two ways, first, on the amount of research? Since its inception, the Youth Justice Board has published 73 research studies. We have about another dozen in the pipeline, and 31 of those have been outcome-based, looking at the consequences of interventions and the like. Over the last six years, we have spent about £1 million a year on research. I do not think the contribution to research is negligible, although it is true that there is an immense appetite for this and we could always do more. It is a fine balancing decision to decide what proportion.

Effective practice is probably the area of the YJB where we have met our mandate least satisfactorily. We took that NAO report, the subsequent PAC hearing and the internal review conducted by Dame Sue Street as a real wake-up call to raise our act in relation to that. We are in the process of reformulating our entire offer in relation to effective practice so we will be much more focused. But we know quite a lot about what works. All our major programmes have been evaluated in terms of their effectiveness. We piloted intensive fostering directly on the learning from America in relation to its effectiveness as an alternative to custodial care. Although the numbers passing through the scheme are small, the results are promising.

There is always more that you can do. We would all like to find the silver bullet that if it were applied would stop reoffending. Offending by young people is immensely complex. I am sure you know that. I do not think we will ever find the silver bullet, but we are very committed to improving. We recognise the criticism implicit in the NAO study and in that part of the PAC's hearing in relation to this.

**Q94 Chris Evans:** You are telling me that within a year you have turned it round completely and now 76% of your Youth Offending Team managers do not agree with the statement any more.

**John Drew:** I could not tell you that. If I wanted to split hairs, I would refer back to the question they were asked and their answer, which I believe was that they did not know the complete picture in relation to effective practice, but that is the fine detail of it. You are absolutely right. It does point up that there is more that we can, should and will be doing in relation to effective practice.

**Q95 Chris Evans:** If you do not know what interventions work and what is effective or not effective, if it comes to a point where you have to stand your ground and fight your corner for different parts of the budget, which may be cut, are you not in a very weak position if you do not know what works? That is the point I am trying to drive at.

**John Drew:** It is a very good point, and if it were true, we would be in that very weak position, but it is not true. We know that our intensive surveillance and supervision programme, our intensive fostering programme, multi-systemic therapy and a whole series of interventions will have an effect. We know the connection, for example, between the importance of reducing the number of first-time entrants at the

beginning of the youth justice system and the knock-on two or three years later in terms of numbers of young people in custody. The whole system is geared around those things that we know, but there remain some specific interventions that have not been properly tested and evaluated. Those are our big focus. That was what the youth justice managers were trying to highlight in their answer to that questionnaire.

**Q96 Chris Evans:** It seems to me that the one thing that does work across the board is prevention. Are you fearful in this climate that prevention will fall by the wayside in terms of budget cuts?

**John Drew:** Yes. Our grant reduced last year by 19%. There were cuts also from the local funding sources for YOTs, which account for about 60% of the system. The system as a whole depends on the existence of vibrant housing, vibrant children's services and vibrant early interventions. We are fearful for it.

There are bits of good news in the picture. Because of the successes of the youth justice system, the workload within it has reduced over the last two or three years, which has mitigated to a degree some of the effect of the cuts, but we are extremely fearful. We are trying to make absolutely certain in that climate, therefore, that Youth Offending Teams are linked together better. If we have less resource, where should we be spending it? How do we manage to safeguard some intervention, some prevention money? We know that 60% of Youth Offending Teams were successful in bids that they made for the early intervention grant. That indicates that they are still able to secure some resources.

We have also worked with other finance sources such as the Big Lottery. We have helped them reach a decision that they wish to invest £25 million across five years in a series of prevention interventions. We are always on the look-out for other funding sources from outside the conventional ways that local and national Government find their money, linking them to YOTs and other people to make successful bids for such funding.

**Frances Done:** That is a good example of what the YJB does and needs to keep going on doing. Sometimes things go in a direction you do not want them to go for very good reasons, such as the reduced budgets, but we are always on the look-out for wherever next we can help YOTs carry on.

John talked about the Big Lottery. We are working hard with the Department of Health on getting their money into what was called triage, which is basically diversion, and mental health in young people and so on, which is hugely important because these are some of the most desperate cases. We are ahead of the game already on police and crime commissioners. Parliament has decided there will be police and crime commissioners. Some of the early intervention money is going to head in their direction from the Home Office. We have already been in talks with the Home Office about making sure we secure that until the police and crime commissioners come in. We are already starting to prepare Youth Offending Teams for getting in first with police and crime commissioners as we want them to regard prevention as a top priority.

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This national element is always there. There are some things that Youth Offending Teams cannot do on their own. They need people on the case all the time about youth justice, totally focused on how we can get the best results.

**Q97 Chair:** Given the very high prevalence of communication problems among young offenders, have you done enough to identify that issue and ways of dealing with it?

**John Drew:** We have led a number of particular projects taking best practice in places like Milton Keynes and Newcastle, areas that have a good track record in relation to that, showing other YOTs what they have been capable of doing. Our current work in relation to communication difficulties is on the review of Asset, which is the overarching assessment system.

We are very keen to see, 10 years on, a new assessment system for youth justice introduced—a refined model. As part of that, we would like to see a screening of all young people coming into the youth justice system in terms of their communication difficulties. Our whole system is based on an oral code. If young people are struggling to play into that, not only are our treatment programmes likely to fall down but, in terms of justice, they are not likely to understand what is going on around them.

From the exemplars, it is very clear that a lot of progress can be made that can have a direct, tangible impact on reoffending down the line.

**Chair:** Thank you very much. We have reached the time when we are going to invite the Minister to answer some questions. We are very grateful to you both.

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### Examination of Witnesses

*Witnesses:* **Crispin Blunt MP**, Parliamentary Under-Secretary of State, and **Michelle Dyson**, Deputy Director, Youth Justice, Ministry of Justice, gave evidence.

**Chair:** Welcome. Elizabeth Truss will open the questions.

**Q98 Elizabeth Truss:** There was a very strong point made by my colleague Claire Perry in the previous session about the expertise of the Youth Justice Board when it is brought into the Ministry of Justice. How can we ensure that those strengths of youth justice, the expertise of people who know what they are doing, the focus, the culture and the parliamentary accountability are widened across the Ministry of Justice so that we see the same kind of focus in adult justice? The youth justice representatives were concerned about the culture within the civil service overall. What plans do you have to change that culture so that we can see more of the specialist expertise in every part of the Ministry of Justice?

**Mr Blunt:** Rather in the manner of John Drew, I am going to try and have my cake and eat it. I want to improve accountability significantly by bringing youth justice within my direct purview as the Minister for Youth Justice in the way you have heard explained. With the Youth Offending Teams and the way they work collectively with different agencies on delivery on the ground, there is a significant amount to learn in the adult justice area. I do not want to suggest we are going to be diluting the oversight of youth justice, but we are in the business of creating a much more holistic social justice policy that is focused on early intervention. Some of the weaknesses in our system are around the transition points. Those need to be addressed and they will be addressed more effectively if we have youth justice policy firmly and directly answerable to me, with my responsibility for the whole of the offender management part of the system feeding into a wider social justice agenda.

**Q99 Elizabeth Truss:** Can you answer the specific point about expertise within the youth justice area? A general criticism of the civil service as a whole is that it has tended to focus on generalists rather than

specialists and has, in the past, been reluctant to bring people in from outside. Could you explain what the Ministry of Justice is doing to change that culture so that we can have more subject specialists doing the relevant jobs within the Ministry of Justice?

**Mr Blunt:** The delivery on the ground does not change. Youth Offending Teams remain as they are. We are talking about the future of the board and the people directly employed by it. It is proposed that the board will disappear, but everyone who works for the board transfers and becomes a civil servant and part of a discrete Youth Justice Division within the Ministry of Justice.

We take that expertise as it is now, and one is extremely odd in sustaining a focus on youth justice if you allow that to dilute. You heard John speak about future recruitment into that division. There will need to be a strong weather eye on sustaining the expertise that currently exists on youth justice in the people who deliver it.

**Q100 Elizabeth Truss:** I am talking about beyond youth justice in the other divisions of the Ministry of Justice. Do you think there is too much of a generalist skill-set there? Could there be more done to recruit specialist expertise and learn lessons about why the youth justice element has been successful?

**Mr Blunt:** You are turning to the wider question of the National Offender Management Service, which is discrete from the Ministry of Justice. Sometimes it is quite difficult for me, when officials come to brief me, to identify who is from the Ministry of Justice and who is from the National Offender Management Service. As a new Minister 18 months ago, trying to work out who did what was a rather interesting exercise, because at the policy level to a degree they are interchangeable. There is a very close relationship between the justice policy officials and those leading NOMS at a senior level who are engaged with policy as it affects the National Offender Management Service.

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Those who work for NOMS tend to be subject specialists who have risen through either the Prison Service or the Probation Service to the senior level of NOMS. That does not mean that external people have not been recruited into NOMS at a senior level to bring discrete expertise functions around finance and other management skill-sets. It already exists at the Ministry of Justice. One only has to look at the background of the director general of justice policy. Helen Edwards was not a career civil servant.

**Q101 Yasmin Qureshi:** Good morning, Minister. Thank you for coming to the Committee. You were present when Ms Done and Mr Drew were giving their evidence about the Youth Justice Board. It has been accepted that when it was established there was a need for it and the Ministry recognises that, but you are now suggesting it should be changed because the dynamics of delivery of youth justice have changed. Bearing in mind that it is working and the Youth Justice Board introduced leadership and coherence in the youth justice system, would abolishing it now risk losing all the qualities that it brought in?

**Mr Blunt:** It has to be seen in two ways. First, there is a wider exercise about how Government had changed over the course of 13 years, perhaps longer. The creation of non-departmental public bodies and arm's length bodies was a widely acknowledged feature that dissipated ministerial accountability right across Government. There were then general tests applied to every arm's length body. Are they equipped to perform a technical function? Are they required to be politically impartial? Do they need to be independent to establish facts? Based on those tests, the YJB, along with a significant number of other arm's length bodies for reasons of establishing greater ministerial accountability and exercising Government functions, we felt it appropriate to bring them back within clear accountability to Ministers. In the first instance this is not simply a narrow discussion about the YJB. It is about the function of Government as a whole and ministerial accountability. That is the first point.

However, the longer this debate has gone on, the stronger has become my conclusion that it is appropriate to bring youth justice within my direct ambit as the Minister for Youth Justice. You are quite right; I am on record, as is the Secretary of State and the Government, about the achievements of the Youth Justice Board in transforming the delivery of youth justice on the ground, getting in place the Youth Offending Teams, getting the ground level delivery sorted out and it being much more effective than it used to be, but we are not in the business of just standing still. Having got the framework for the delivery of youth justice right, is it correct to keep the bureaucracy as it is? There are a number of reasons, in my experience, why it is appropriate to make this change, quite apart from the wider issue about ministerial accountability generally.

I would point to the operational response to the August disturbances, for example. It became apparent to me, as we had the first meetings of COBRA to deal with this, that I was thoroughly well briefed on what we needed to do in the adult justice area, but I found

myself rather unbriefed in terms of what we were going to do with the under-18s. There was an immediate area of vulnerability because if there was going to be a major arrest operation on the Tuesday, if the riots in London had continued from Monday into Tuesday, we were preparing the operational response to that. It took rather longer to get youth justice properly engaged in the operational response to that than I would have liked. It is one symptom of the fact that they sit at one remove from me.

In terms of the operational response in circumstances like that, we were contemplating having to re-designate different institutions if we were going to find ourselves with a significant number of under-18s having been the product of a major arrest operation to take the heat out of the riots, had that been required. We would have had to be managing the custodial estate in those emergency conditions collectively. We were slightly behind the power curve on the under-18s side. Fortunately, we were not put to the test because nothing happened in London on the Tuesday night. I raise it as an example of where this differential management of youth justice in one particular silo and the rest of the system can throw up problems. There are others.

There are clear things that have to apply to children, and different duties apply to children, but the delivery of youth justice is a critical part of the delivery of a social justice agenda and I see it as part of Iain Duncan-Smith's Cabinet Committee on Social Justice. The passage of individuals through our system from birth into care, through pupil referral units and all the flags that are then flown in the development of someone who is a likely traveller into the justice system, should be dealt with by a system that is as coherent as possible, so that we are delivering earlier and earlier intervention to try to prevent people from falling into the clutches of the justice system. It should not be managed in isolation.

I spoke in my first answer about the management of transitions. This is where we are weak when someone in the youth system is moving out of custody back into the community. This is an area that needs attention. The management of the age group from 18 through to 24, particularly, presents its own challenge. You have challenges about maturity. We had these discussions in the Committee stage of the Bill. I do not think a silo approach with a discrete YJB sitting at one remove from the Ministry of Justice helps here. You then have, quite importantly, the relationships with other Government Departments. There was a discussion about finance. I have direct accountability for the delivery of youth justice. I am very conscious that part of my role is making sure that other Government Departments and local authorities step up to the plate to play their part in the delivery of this, and that is at its most acute in terms of resources. I need to be engaged much earlier in the process, making sure that other Government Departments are not losing sight of the youth justice priority. I am afraid I was engaged rather late in the process last year. I am concerned that I am being engaged later than I would wish to be now in the process to ensure that there is proper financing for Youth Offending Teams on the ground, to make sure that before the

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local authority and other departmental budget settlements are cleared, youth justice is getting a proper shout from inside the Government rather than from an arm's length body.

Finally, I come to your question about the operation of the Youth Justice Board. I was struck on taking over these responsibilities by the level of complaints from YOT managers about the prescriptive level of oversight from the Youth Justice Board. I was told that they were spending more of their time managing the relationship upwards with the Youth Justice Board than on exercising leadership of their Youth Offending Teams downwards. That has been commented on. The Youth Justice Board has recognised that and is changing in the same way that the Ministry of Justice is changing the way we manage probation trusts, probation officers and prison officers. We are becoming less prescriptive, less target-driven, and the same is applying in the youth area.

If you establish a separate bureaucracy, not directly accountable to Ministers, don't be surprised if part of its exercise is to make sure it justifies its existence. We can get the best of ministerial accountability, making sure there is direct advice to me through an advisory group who will stand on their merits as individuals, who are prepared to advise me and meet formally and regularly with me. Since they will be my advisory group, they would come to me and say, "You, Minister, need to pay attention to this in the system", with the credibility associated with the membership of the existing board to make sure that I have proper access to external experts as well as the expertise sitting within the Ministry of Justice and the expertise that has been transferred across from those who deliver youth justice now.

I am sorry, Mr Chairman, that was much too long.

**Chair:** I do not normally encourage long answers, but that was a statement of case that you needed the opportunity to make.

**Q102 Yasmin Qureshi:** You mention ministerial accountability and the fact that you want to know what is going on. Surely by now your Department would know what the Youth Justice Board is doing and of course you have your advisers. How is ministerial accountability lessened? What is currently unsatisfactory about the ministerial accountability of the youth justice system? Youth justice bodies give ideas, find out what is going on and provide information to the Ministry of Justice and the relevant bodies. You can still direct, as Minister, whatever changes you want to effect in the youth justice system. Why would you necessarily need to bring this system in-house?

**Mr Blunt:** In theory, but it is all at one remove. The effect is that the exercise of ministerial direction is at one remove. As it sits now, there are two sets of youth justice policy advisers. There are mine, sitting in the Ministry of Justice, and the Youth Justice Board, who have their own people producing advice to them. Bringing these two together seems a rather obvious way of better co-ordinating things, meaning that I am directly responsible to this Committee and Parliament for the delivery of youth justice. Ministers are slightly schizophrenic about this. There is some comfort in

there being a sandbag—the Youth Justice Board—between me and practical accountability if things go wrong, but it is plainly the position of this Government and this team of Ministers that we are going to reclaim ministerial accountability and responsibility to this Committee and Parliament.

**Q103 Yasmin Qureshi:** People might also be concerned whether if they are just advisers, and I have respect for all advisers, are those people going to be practitioners? It has been suggested that the youth justice body is composed of ex-police officers, head teachers, district judges, people who really know what they are doing, who often have had 20 or 30 years' experience in these fields. What inevitably often tends to happen in Government Departments is that you get people who may be academically knowledgeable about these things and may have some idea of what is going on, but are they necessarily the best and most effective people to give really good advice and direction to a Ministry as to what it should do with the Justice Department?

**Mr Blunt:** You heard John Drew's answer that we have not exactly set out the terms of reference of this advisory board. The model I am examining and am inclined towards—we have not taken any decisions on it—is that I should have a ministerial advisory group that is a standing group of people who should reflect all the expertise to which you have referred. If that group is not credible because it does not have a proper representation of the necessary skill-sets and experience on it, that will reflect on me as the Minister for Youth Justice. You will be able to draw your own conclusions about whether or not I am getting a satisfactory stream of advice directly, independent of my own officials.

**Q104 Chair:** Will we be able to ask that group in what direction they want to take policy in a particular area, or will you say to us, "These are my advisers. Only I can answer for what they are saying"?

**Mr Blunt:** That is a question we should consider. I do not want to say to people I want to advise me, "By the way, you are going to suddenly be accountable" in a way that might make them hesitant about coming to advise me. I want to look at those questions, but in principle, I am open to that. I want it to be clear that I am getting a stream of advice that stands on the credibility of the people who are my ministerial advisory group, who are separate from the Ministry of Justice stream.

**Q105 Yasmin Qureshi:** It is suggested that one of the reasons the Youth Justice Board is being abolished and a body is being set up within the Ministry of Justice is to save about £250,000. Is that correct? Is that the motivation behind its abolition?

**Mr Blunt:** Savings are not the motivation. It is to deliver ministerial accountability and to do better what is currently done. There will be savings in any event because we are looking at the whole operation of the board and its team of people. If Parliament decides to insist on the board remaining in existence, then it will remain in existence with the costs associated with it. They are not enormous in the scheme of things, but

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in any event we would be looking to make the savings that the Permanent Secretary indicated to the Public Accounts Committee, simply by delivering youth justice more efficiently, whether the board exists or not.

**Q106 Karl Turner:** Is this about saving a few pounds at the expense of breaking something that works very well? I think we would all agree that the Youth Justice Board functions pretty well. Is it not just about saving a few bob, Minister?

**Mr Blunt:** No, it's not about saving a few bob. It is trying to make sure that I am properly accountable for the delivery of youth justice. In making sure that other Government Departments are properly focused on the delivery of youth justice as well, because the execution of this does not just sit in the hands of the Ministry of Justice, as a Government Minister more directly accountable for this, I would hope to achieve more resources for the delivery of youth justice on the ground than are delivered at the moment.

I am conscious that I am making that statement in a time when we are not resource-plenty. The relative judgment about my success or not will be rather difficult to score. I am extremely conscious that one of my responsibilities is to make sure that other Government Departments are stepping up to the plate and that we are intervening early enough in the bureaucratic process around funding and money to make sure that we have a proper focus on youth justice.

**Q107 Jeremy Corbyn:** If the advisory group you have is not open to scrutiny by the Select Committee because they are your advisers, does it follow that their advice to you would be given in private, they would be total employees of the Ministry of Justice, and there would be no publicly independent view being put to you that we could question? In other words, are they going to be house-trained advisers that tell you what you want to hear, or are they going to give the robust advice you get from the Youth Justice Board?

**Mr Blunt:** It would be pretty hopeless if they were house-trained advisers.

**Jeremy Corbyn:** It has happened before.

**Mr Blunt:** It has. Subject to us putting requirements on them that might put them off being my advisers, I want as robust a group as possible.

**Q108 Jeremy Corbyn:** Will that be in public?

**Mr Blunt:** Yes. These will all be people who have some kind of public reputation or expertise in youth justice. Otherwise, what is the point of having them as advisers? Their credibility as a group of advisers to me will be closely associated with my credibility. Will you be confident that I am getting a line of external advice, in addition to what I am getting from my own officials, which carries credibility? The more public exposure they are open to about what their views are, the better from my perspective. I enter the hesitation now because it is in my interests that they are prepared to be publicly accountable.

**Chair:** I welcome what you say on that. We have had a very useful dialogue with the Youth Justice Board.

There might be occasions when we ask them awkward questions about issues in their record. But, like many other bodies, I am sure they find it extremely valuable to have some public dialogue with Parliament about what they consider is important in the direction of policy. On the whole, most public bodies with whom we have a relationship see that there is a lot that is positive and beneficial to what they are trying to achieve in being able to have this dialogue, so I welcome your comments.

**Q109 Ben Gummer:** Minister, to carry on from Mr Corbyn's point, I do not think we, on this Committee, doubt your wish to have independent, robust advice, but in your instance, or your successor's instance, what is stopping us getting to a situation, as with the previous Home Secretary, who selected advisers on drugs policy according to the outcome that she wanted?

**Mr Blunt:** I imagine that this Committee would be only too anxious to point out, if I appointed a bunch of patsies, that they were a bunch of patsies who were incapable of giving me independent advice. As I would be directly held accountable by you and Parliament, it would be clear that I was not getting a stream of advice that has credibility in the field. I can assure you—without wanting to get into the precise parallel that you draw—that if you are not getting good, strong, independent advice, you pay a reputational price for it.

**Q110 Ben Gummer:** Do you know the time scale for naming the advisers that you are likely to have?

**Mr Blunt:** We need to see what decision Parliament takes on the future of the board. It will be part of the transition process.

**Q111 Ben Gummer:** Might there be an opportunity for the Select Committee to look at those nominations prior to their appointment?

**Mr Blunt:** There is a certain threshold one gets to by having witness sessions and your approval of people in the domain. I am not sure it would jump that threshold. I am very happy to look at it because I am conscious that it is quite appropriate. There is real anxiety in the people who deliver youth justice that there is going to be a proper, independent stream of advice on youth justice available to me as the Minister for Youth Justice. This is important. We not only propose to attend to it with this independent ministerial advisory group, or board—whatever it gets called—but also with the oversight we are putting in place. John Drew will be coming across to lead the division, and there will be the initial involvement of Dame Sue Street, who did a review of the operation of the Youth Justice Board and is now a non-executive director of the Department, so she will be engaged with this as well. We have made it absolutely clear that this does not sit within the National Offender Management Service. It is a discrete division within the delivery of justice policy, reporting bureaucratically straight to the director general of justice policy.



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**Q112 Ben Gummer:** On that matter, may I ask Ms Dyson a question? Obviously, the creation of NOMS was not a happy experience, and I think everyone concedes that now. What processes will you be putting in place within the Department to stop the youth justice function being subsumed by the all-powerful prisons element within NOMS?

**Michelle Dyson:** We are absolutely guaranteeing the separateness of the Youth Justice Division outside NOMS. We will bring across all the expertise, and all the functions that are currently performed in the Youth Justice Board will move across. John Drew talked to you about how we plan to maintain the expertise. We will have an advisory body reporting to Ministers which will be looking to protect the youth justice system and the Youth Justice Division. We will have Dame Sue Street whose role is the same. There are a lot of checks and balances to safeguard youth justice in the Ministry of Justice.

**Q113 Ben Gummer:** The Minister has made a fair point for making this decision and has also pointed out one of the inadequacies we have heard about, that YOTs and those running secure units are having to report upwards rather than doing their job. What plans do you have now about pushing power back down to those deliverers once the transfer takes place? What guarantees do you have?

**Mr Blunt:** I cannot give you a guarantee. As part of ministerial accountability, if I was being wilfully destructive to what I thought worked, I could throw the whole thing into reverse and impose targets and performance measures of the kind that I inherited. You can see that the direction we have taken has been absolutely clear both in probation and in prison and would be towards the YOTs as well; it is to free professionals on the ground who are delivering offender management, to give them as much professional responsibility and freedom as possible to deliver our mission, which is to drive down the reoffending rate.

**Q114 Ben Gummer:** People running secure units have complained that they have had their hands tied behind their back in issuing sanctions by very strict guidance from the Youth Justice Board. Under the new regime, will people running secure units be given more freedom to decide what sanctions are appropriate and in what circumstances?

**Mr Blunt:** There is a different set of governance arrangements for the under-18s as opposed to adults. It draws us into a different legal framework with different objectives. I want to be cautious when we talk about sanctions being applied to under-18s in custody. We have a set of duties on us that puts the interests of the welfare of the child first and foremost in our minds. I wish to proceed with very great caution in this particular area.

**Q115 Chair:** The culture of referring upwards tends to be the consequence of direct accountability. You get an attitude where someone says, "What if this innovative, experimental way of looking after this group of offenders goes wrong? How would it look in a ministerial answer in Parliament?" It is referred

upwards to level after level. Everybody is frightened of doing anything because they think in terms of that level of accountability as opposed to being in a situation where a more independent body says, "We want to see innovation tried in this area. We will back you. You have to do it well, but we will recognise that there are some elements of risk of it going wrong politically."

**Mr Blunt:** The entire Department is engaged in an exercise of freeing our professionals of the targets and performance measures to which they have been subjected. The philosophical and practical direction of what is happening in terms of the exercise of responsibility to Ministers is absolutely clear. We wish to enfranchise our people to best work with their services. That is going to apply in the youth area as much as anywhere else. I have a slight hesitation with this additional body to whom the Youth Offending Teams are reporting as well as to me. There is a double lock on them. What does the Youth Justice Board want and require from their accountability? What does the Minister want? It is pretty clear for the rest of the Department what the Minister and the Secretary of State want, which is less rigidity, fewer performance measures and targets, and greater freedom for people to innovate.

Right across the Department we are running pilots to deliver payment by results, which is a classic way of enfranchising the people on the ground, and they are applying to prison governors, probation trusts, local authority chiefs, chiefs of police, the Work programme, and the Department of Health's drug treatment in the community. With the four pilots that are happening within the youth justice area as well, the direction of travel could hardly be clearer.

**Q116 Karl Turner:** Youth Offending Teams are facing very significant cuts from various funding streams. What steps are the Government taking to ensure that local agencies provide adequate support for them?

**Mr Blunt:** This is one of the reasons why I have asked to be alerted considerably earlier in this funding cycle to when problems are emerging. The funding settlement for YOTs in the last cycle was being decided weeks—if it was as much as weeks—before the financial year began, with all the consequent problems you have if you are a YOT manager trying to manage your team. I want to be across all those different funding streams, whether they are coming locally to the YOTs or nationally, making sure that the YJB is properly supporting applications to the early intervention grant. I hope I would be able to do that with the added benefit of being a Minister influencing other Ministers making their spending decisions.

**Q117 Karl Turner:** Have you considered ring fencing so that local authorities are compelled to fund Youth Offending Teams?

**Mr Blunt:** I rather enjoyed the exchange between the Chairman and Mr Drew in your earlier session. In a sense, you can't have your cake and eat it. If we are about a wider social justice agenda that is trying to divert people from the justice system, it does not just involve youth justice. The youth justice element is

part of a wider system. Within the justice reinvestment pilots we have, for example, Manchester and five London local authorities. If they want to move investment from savings they deliver to the Ministry of Justice because there are fewer people needing lawyers to defend and prosecute them and less use of court time and custody and probation supervision, the savings they make there can be invested earlier to divert more people out of the justice system, so that we get ourselves into a virtuous spiral. That investment can come with people who are communications and linguistics teachers to teach kids who have not been properly equipped by their background with the ability to communicate effectively and self-confidently. That is an obvious source of problems as it leads people into trouble. It could be teaching young mums how to make sure their babies are properly and effectively stimulated so that they do not arrive at primary school aged five in a position where their teachers can identify them as quite likely to end up in the hands of the justice system.

**Q118 Karl Turner:** If Youth Offending Teams are squeezed into a position where they can only provide the very basic statutory obligations and duties, would you accept that that is likely to lead to increased reoffending amongst young people?

**Mr Blunt:** I am not going to disguise that we are in a tough financial environment. Funding is going to reduce for nearly everybody in the public sector. We have to try to do more for less. That means attending to our processes, being more efficient and trying to find new ways of getting resources engaged. When we look at the activities of Youth Offending Teams, the same challenge applies to probation, prison, local authorities. Wherever you sit the responsibility, how do we engage particularly with the voluntary sector to make sure that we get cost-efficient voluntary sector engagement with the business of managing our offenders? It does not matter whether they are under 18 or over 18. The challenge is the same.

We have to encourage people to think like that and innovate in this environment, rather than simply wail, "We have lost money. Therefore, that means there will be fewer people with which to do this and it is all going to fall apart." We are trying to enfranchise people to say, "We have to do this better. You are the front line. You have a pretty clear idea as to what works. We are going to trust and back your judgment. You know the local environment and how to get extra people who are prepared to help us because it is the right thing to do."

**Q119 Karl Turner:** That was a very full answer, Minister, but I am not sure it was an answer to the question I was asking. If I accept that there are going to be funding cuts—

**Mr Blunt:** That is why I stated the premise.

**Q120 Karl Turner:** Would you not accept that there is a real risk of youth offending increasing? Is that a risk the Government are prepared to take as a result of the cuts?

**Mr Blunt:** That would be an argument for saying that this is an area of public policy that is of such priority that it would be exempt from the public expenditure envelope that we all face. It would be very tempting to say and do that. Unfortunately, we are not in a position to do that. There has been a significant drop in the case load being run by YOTs, which is pretty much in line with the budget reduction that they have been invited to take in the course of the last year. On a case-by-case funding basis, the funding stream has not changed very much.

**Q121 Mr Llwyd:** We had a debate about restorative justice in this Committee a few weeks ago. There has been a great deal of talk about this by successive Governments who talk the talk. What exactly do you propose to extend the use of restorative justice when appropriate? Would you accept that restorative justice should only be used when there is a tangible benefit for the victim and not as a cheap option?

**Mr Blunt:** I would certainly endorse the latter point. The evidence emerging from Northern Ireland is that the levels of victim satisfaction for victims who engage in the restorative justice conferencing process that they have in the youth area are the biggest strengths of the system. A 14% reduction in the reoffending rate is the figure that springs to my mind, but you have an 85% satisfaction rating from victims, which is a very substantial benefit in its own right. As I made clear in the Standing Committee and on a number of other occasions, I am a huge believer in and enthusiast for the benefits of restorative justice. We are not in a position to mandate a conferencing system in the youth or the adult area, as was mandated in the Northern Ireland Justice Act 2002, which was the legislative base for the conferencing process that they now have in Northern Ireland, because, with a reducing amount of resources, we do not have the resources to train all the restorative justice conference providers.

We want to free up YOTs, the police and all the agencies to engage in restorative justice. The youth referral order should operate in the first instance as a restorative option. I want to encourage youth magistrates to get engaged in that process so our panels are stronger and more committed, which is why we are investing in the training of youth justice coordinators.

**Q122 Mr Llwyd:** That will presumably involve some training in restorative justice techniques as well, will it?

**Mr Blunt:** Yes. That programme has begun. The first course graduated about two weeks ago. It is not just in the justice sector but also in the school sector. There are schools that are turning to a restorative justice process. This is all to be encouraged. It is really good to have a system that is going to bring the offender up sharp with the consequences of what they have done, what that means to the victim and provide accountability to the victim.

**Q123 Mr Llwyd:** One of the reasons put forward for reducing numbers of young people in custody has been the work of the Youth Justice Board in educating

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sentencers about the comparative rates of custodial sentencing. It has been put to us in evidence that the arm's length or semi-independent status of the Youth Justice Board enables it to engage successfully with the judicial branch far more easily than could the Executive. How will a division of the MoJ continue this work without sentencers believing that Government is interfering with their decisions?

**Mr Blunt:** I noticed that in the evidence to you. I rather hope that we would be able to do this systemically and comprehensively. The YJB described their board members making clear to sentencers in particular areas of the country what the data were and seeing what the differential performance was in terms of sentencers about their relative use of custody for under-18s in different parts of the country.

The data for the different behaviour of sentencers around the country are rather stark. That is why I would want to press hard on the accelerator on the work the YJB has done on gradually—slowly, slowly, catchy monkey—trying to transfer the custody budget to local authorities, to hold areas accountable for differential custody rates, to bring it home to them that if you have different sentencer behaviour in different areas and different performance of your YOTs, who fail to divert people out of the justice system meaning they have to go into custody, your local taxpayers are going to be sharing the burden. This would be done better systemically by a Department across the piece than by a board, trying to do it on a slightly ad hoc basis. A Department backed by the chief statistician, with the benefit now of having statistics taken out of the arena of political manipulation, means the statistics are not coming from me. These are statistics that are departmental, with all the independent regulation there now is over the delivery of Government statistics.

**Chair:** The Committee would be very sympathetic towards what you were saying about the local taxpayer needing to hold to account decisions as to expenditure on custody and alternatives to it, but we see that we have some way to go yet in persuading you that this principle should apply across the Department. In your response as Ministers to our report on probation, you seemed very reluctant to extend this into the wider area of adult provision. I am not asking you to comment on that. I am simply welcoming what you said in relation to young offenders and telling you that we shall be fighting another day on that issue.

**Q124 Mr Llwyd:** Could you explain the Pathfinders scheme and how it will work? Do you think it has a potential application throughout England and Wales rather than in discrete local schemes?

**Mr Blunt:** The pilots have only just begun. Obviously, we will have to go through the process of seeing how they go and judging what their effectiveness is, and then learning lessons from them about the most effective way to roll them out across the country, whether one does it on the localist basis that these Pathfinders have been set up on, or system-wide. It

negates the point of pilots if we have only just started and we have already concluded how they are going to go system-wide.

**Q125 Mr Buckland:** Is there any time scale as to when you will evaluate the work of the Pathfinders? Are we looking at next year or the year after?

**Mr Blunt:** There are four Pathfinder areas. It is a two-year youth custody Pathfinder pilot. We are one year into the Peterborough pilot. We do not have the data on that yet because the cohort is a year. The data will not be firm for two years. If the first year's cohort manage to get themselves re-convicted during the second year after release, your data become firmer. I am going to Peterborough in the near future, I hope, to get an impressionistic view as to how it is going and to get a sense of where they are with the project. Equally, I hope the evaluation of all these pilots will be a very important priority for the Ministry across the piece. Getting the research and analysis of what has actually worked with all these pilots will be critical to the terms of the decisions as to what you take system-wide and how. We will devote a proper amount of resource and effort to getting the analysis right. This is all new. It will be a difficult area to get right. We want to avoid people gaining a system and all the threats of which we are aware.

**Q126 Mr Buckland:** Can you assure the Committee that the emphasis you have placed upon funding for schemes that deal with early intervention, identifying pathways into crime and diverting young people from getting into the criminal justice system will continue to be backed up by action? We do not want to end up with a situation where the Ministry of Justice says, "That is not our responsibility. That is an education matter", and we go back to a situation where we are in some sort of turf war with the Department for Education and you could stand on your rights and say, "They have not come into the criminal justice system. It is not a problem for justice yet." Would you agree with me that that would be the wrong approach?

**Mr Blunt:** I would. It is why our memorandums of understanding with the six local authorities, or the police chiefs, depending how they are constructed, precisely allow that kind of justice reinvestment. The challenge we face is not only to deal with offenders who are in the system now; it is to try to do something about the tap so that we turn down the rate at which people come into the justice system. We cannot do that if we do not have a proper social justice agenda looking at people who are on the pathway into the justice system and how we divert them from it.

**Q127 Ben Gummer:** At the risk of sounding like a broken record on integrated commissioning, and to follow what Mr Buckland has just said, I note what the Department said in response to our report about the inability to look at integrated commissioning. This would seem to be the ideal place to find a Pathfinder which looked at early intervention from pre-birth through to 18. Has the Department any plans for instigating a Pathfinder project specifically in this area?

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**Mr Blunt:** The youth area is part of the MOUs with the local authorities on those six pilots. There is not much point allowing them to reinvest savings in the Ministry of Justice if they are not going to reinvest it in the youth area. There will be decisions about whether that is in the youth justice area or the pre-justice part of the potential offenders pathway, which would seem a more sensible use of resources to me.

Those decisions properly are within the purview either of the chief of police or the local authority chief executive who holds the memorandum of understanding with us about reinvesting savings into the Ministry of Justice. We are doing it.

**Chair:** Thank you very much indeed. We are very grateful to the Minister and to Ms Dyson for assisting us this morning.

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# Written evidence

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## Written evidence from the Ministry of Justice

### Executive Summary

1. Recent changes to the national governance arrangements for youth justice have involved a move from joint responsibility between the Department for Children, Schools and Families and the Ministry of Justice, to sole responsibility by the Ministry of Justice. This has had only a minor impact on the Youth Justice Board (YJB) and youth offending teams. The proposed abolition of the YJB will clearly have a significant impact on that organisation, but we do not anticipate a major impact on the youth justice system itself. The key functions of the YJB would be carried out by the Ministry of Justice following abolition and we anticipate the impact on youth offending teams would be minimal.

2. The YJB are including information on the effect of changes to funding arrangements on youth offending teams in their own submission to the Committee, so we have not answered that question here.

3. A range of measures were set out in the Ministry of Justice Green Paper in December, designed to maintain the positive trends we have seen in youth offending indicators in recent times. These include work to prevent young people from offending in the first place, simplifying the out of court disposal regime for young people, using youth custody more effectively, and exploring payment by results approaches.

*What impact, if any, have changes to national governance arrangements for youth justice had on the Youth Justice Board and youth offending teams?*

4. In June 2010, responsibility for youth justice transferred from a joint responsibility between the Department for Children Schools and Families and the Ministry of Justice to being the sole responsibility of the Ministry of Justice. This was mirrored in the sponsorship arrangements for the Youth Justice Board.

5. This resulted in clearer accountability for youth justice and the Youth Justice Board, with a single line of oversight through the Ministry of Justice. For the YJB, it simplified reporting processes as the YJB now only has to feed into one department's reporting arrangements. Links were maintained with the Department for Education and other relevant Government departments through a range of mechanisms. These include the Youth Crime and Justice Strategic Policy Board, a director-led cross government board which meets every two months, a newly formed Ministerial Group on youth crime and anti-social behaviour, ad hoc ministerial meetings as needed and regular contact at official level on a range of issues. The YJB continues to work with other government departments as appropriate on the delivery of youth justice priorities. The impact of this governance change on Youth Offending Teams was minimal.

6. In October 2010, Ministers announced their intention to abolish the Youth Justice Board and transfer its functions into a discrete Youth Justice Division in the Ministry of Justice. A consultation, "Public Bodies Bill: reforming the public bodies of the Ministry of Justice" opened in July 2011. What follows is the *Government* view on this decision, subject to consideration of responses to the consultation.

7. The Government is committed to reducing the number of public bodies and clarifying lines of accountability. All arms length bodies were reviewed by applying the following three tests:

- Does it perform a technical function?
- Does it perform a function that needs to be politically impartial? and
- Does it need to act independently to establish the facts?

8. The Government assessed the functions of the YJB against these three and came to the view that they did not need to be performed by a Non Departmental Public Body. The proposed change to national governance of youth justice reflects the Government's commitment to localism, and to clarifying lines of accountability. It will restore direct Ministerial accountability for youth justice so that Ministers, not an arms length body, will be responsible for youth justice. Increasing the Ministerial accountability for youth justice will create a strong impetus for improvement. Ministers are better placed to influence policy across government and they will ensure that other departments play their part in stopping young people from becoming involved in crime and reoffending.

9. The youth justice landscape has changed immeasurably since the Youth Justice Board was created 10 years ago. There were good reasons why, in 2000, the YJB was established at arms length from the Government. In 1996 the Audit Commission's report "Misspent Youth" found that there was no integrated youth justice system and that the then system for dealing with youth offending was inefficient and expensive. The YJB was established to provide leadership and coherence to a new youth justice system. However, a decade on, the context in which youth justice is delivered has changed enormously. Local delivery structures are now well established, with a discrete secure estate for young people, and the Government believes that the oversight function of the YJB is no longer required.

10. There will be some small direct savings attributable to the abolition, although the transition process itself will incur some costs. These savings relate to the costs of board members and we estimate this to be approximately £250k per annum.

11. The government is committed to maintaining a distinct focus on the needs of children and young people in the youth justice system. The Ministry of Justice will establish a Youth Justice Division to deliver the main functions of the YJB—overseeing the delivery of youth justice services, identifying and disseminating effective practice, commissioning a distinct secure estate and placing young people in custody.

12. The Youth Justice Division will be a dedicated part of the Ministry of Justice and will sit outside of the National Offender Management Service. The structure will maintain a dedicated focus on the needs of young people in the justice system. John Drew, the current Chief Executive of the YJB, has agreed to lead the new Youth Justice Division to ensure continuity during the transition. The Ministry of Justice will look to retain the expertise of YJB staff in the new Youth Justice Division. It will also strengthen its focus on youth justice by establishing an Advisory Board of stakeholders and experts to advise on youth justice issues and to provide expert challenge and scrutiny.

13. In addition, Dame Sue Street, a Non-Executive Director of the Ministry of Justice who brings experience and knowledge of youth justice, will be taking a more active interest in Youth Justice within MoJ, and will have a direct route into the Department through the Permanent Secretary and Secretary of State.

14. Youth Offending Teams deliver front line community youth justice services. They are accountable to the Chief Executive of the local authority (through a multi agency management board) and are in general well embedded in local structures. They will remain in place as will a distinct secure estate for young people. We do not expect the abolition of the YJB to have an adverse impact on the delivery of youth justice and indeed we expect direct Ministerial accountability to be beneficial.

*What impact, if any, have changes to funding arrangements had on youth offending teams?*

15. The YJB are including a response to this question in their submission to the Committee, as they hold responsibility to monitor the performance of the youth justice system.

*How can reductions in the number of young people entering the criminal justice system and being sentenced to custody be maintained most effectively within existing levels of funding?*

16. In December 2010, the Ministry of Justice published its Green Paper on sentencing and rehabilitation, including a chapter on youth justice which set out the Government's approach in this area. The proposals resulting from that consultation exercise, which the Government is now taking forward, are set out here.

17. The Government is clear that working to prevent young people from offending in the first place is the most cost effective and constructive way to tackle youth crime and prevent a pattern of criminal behaviour that could last into adulthood. We know that parents are key to this, and we are encouraging Youth Offending Teams to improve the quality of work with parents including through greater use of parenting orders where parents will not face up to their responsibilities. We are also supporting the Department for Education's Early Intervention Grant approach, which enables Local Authorities to invest in programmes for children, young people and their families according to local need, and community budgets for families with multiple needs.

18. We are simplifying the out-of-court disposal framework for young people and promoting the use of restorative justice. Under the current system, young people are automatically escalated to a more intensive disposal for each future offence, regardless of the circumstances or severity of their offence. This rigid approach can needlessly draw young people into the criminal justice system, when an out-of-court disposal, perhaps involving reparation to the victim, could be more effective. We are therefore simplifying the current framework and giving police and prosecutors greater discretion to use their professional judgement.

19. The Government is clear that custody has a part to play in the youth justice system for those young people who commit the most serious offences. We are pursuing a range of policies to ensure that custody is used effectively for young people. These include addressing the extensive use of remands to custody in the youth justice system by simplifying the remand framework and making local authorities, with financial support, responsible for the full cost of youth remand. We will amend legislation to ensure that secure remand can only be made if there is a real prospect of the young person receiving a custodial sentence upon conviction. We are also amending legislation to ensure that young people who breach detention and training orders can be returned to custody, even if their order has expired. This closes a current loophole in the system.

20. We also set out our intention to test how payment-by-results can be introduced for youth justice to incentivise local areas to reduce youth offending. The changes to remand funding mentioned above are one important aspect of this work. In addition to this, we will shortly be launching a number of "pathfinder" pilots to test how we can enable local areas to share in financial savings and risks resulting from the use of youth custody. We have also included youth measures in the models MoJ is taking forward to test how financial incentives could motivate local areas to reduce the costs of the criminal justice system.

21. In addition, YJB and Ministry of Justice are currently consulting on a revised strategy for the secure estate. This sets out an approach for reconfiguring the secure estate to promote flexibility and value for money while improving work to reduce the likelihood of reoffending. The consultation runs until 11 October.

22. Going forward, we will contribute to the cross government work arising out of the recent disturbances, including the newly formed ministerial group on gang culture and the social policy review.

## Conclusion

23. The three indicators the Ministry of Justice uses to assess the youth justice system are all showing positive trends at the present time;

- *First Time Entrants (FTEs) to the YJS are down:* Between 2006 and 2010, the number of FTEs has fallen by 56% (from 109,421 to 48,606). Between 2009 and 2010, these large falls have been sustained; the number of FTEs fell by 28%.
- *Proven reoffending has fallen:* The proportion of juvenile offenders who re-offended (the proven reoffending rate) has fallen since 2000, from 40% to 37% in 2009. Between 2000 and 2009 the frequency of proven reoffending (the number of re-offences committed per 100 offenders) has fallen by 27%, and by 3% from 2008 to 2009.
- *Custody numbers have decreased:* The number of juveniles sentenced to immediate custody fell by 43% between 2000 and 2010 and by 15% between 2009 and 2010.

24. However, reoffending rates within a year from custody and higher community sentences are still unacceptably high, at 74% and 68% respectively. The events of the recent riots, and the contribution to this by under-18s (estimated at about a fifth of the offenders involved), illustrate that we still have serious work to do to further reduce the level of youth offending. We are confident that the policies set out above will help contribute to this. We will also continue to work with colleagues across Government to develop work to address risk factors for offending, and improvements to the youth justice system itself, particularly responding to intelligence gathered about the recent disturbances.

September 2011

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### Written evidence from the Prison Reform Trust

*The Prison Reform Trust is an independent UK charity working to create a just, humane and effective prison system. We do this by inquiring into the workings of the system; informing prisoners, staff and the wider public; and by influencing Parliament, government and officials towards reform. We welcome the opportunity to make a submission to the Committee.*

#### Summary

The Prison Reform Trust welcomes the Justice Committee's decision to hold a brief inquiry into the future of the Youth Justice Board and youth offending teams and is pleased to be able to respond. The proposed abolition of the Youth Justice Board notwithstanding, the youth justice system has seen significant change in recent months: reductions in funding from both central and local government, coupled with changes to reporting mechanisms and the increasing influence of the localism agenda, have brought with them both challenges and opportunities. At the same time, the focus on reducing the number of first-time entrants and children sentenced to custody has paid dividends, with substantial cost-savings for central government and statutory agencies. The Prison Reform Trust is opposed to the abolition of the Youth Justice Board because we feel it will inevitably weaken leadership and the knowledge base in this important policy area. If the YJB is to be abolished, the Prison Reform Trust would welcome clarification of the framework and safeguards which will replace it.

*What impact, if any, have changes to national governance arrangements for youth justice had on the Youth Justice Board and youth offending teams?*

1. The proposal to abolish the Youth Justice Board (YJB) would mark a significant change to national governance for youth justice—however, changes to date, including the scrapping of youth justice-oriented performance indicators, the split from the Department for Education, and the increasing influence of the localism agenda, have already impacted on youth offending teams and the YJB.

2. Whilst doubtless a bureaucratic tool, the national indicator set (part of the Comprehensive Area Assessment framework) provided a means for central oversight of local performance and helped to focus minds at a local level on priorities. It also encouraged transparency on outcomes enabling some comparison across different areas at a local and regional level. The youth justice indicators, particularly those measuring custodial sentencing, BAME disproportionality and offending by looked after children, helped to shine a light on local practice and went some way to incentivising improvements by enabling central government and other stakeholders to hold local authorities to account. Without them, and with the increasing influence of the localism agenda at a time of fiscal constraint, there is a danger that low-priority and minority groups will not receive the attention and support they need. That there are now fewer levers for holding local authorities to account on the outcomes of children in care, for example, is of particular concern.

3. The proposal to abolish the YJB set out in the Public Bodies Bill would mark a major change to youth justice governance. If the main functions of the YJB were taken over by the Ministry of Justice, it is essential that there remains a unit or directorate dedicated to children. The UN Convention on the Rights of the Child classifies all those under the age of 18 as children and states that the justice system should treat children differently to adults. In order to abide by this, staff, resources and management within the Ministry of Justice must be dedicated to children. This also means that officials should have and have access to expertise and

advice on vulnerable children and be mindful of the importance of meeting the welfare needs and the rights of children involved in the criminal justice system.

4. We are particularly concerned that two current responsibilities of the YJB—commissioning a distinct secure estate, and placing under-18s in custody—should be fulfilled by Ministry of Justice staff working within the Youth Justice Unit/directorate, rather than within the National Offender Management Service. Whilst commissioning and placement in the juvenile secure estate should remain the responsibility of central government, children’s needs are distinct and are not well met by current provision in young offender institutions (YOIs). The secure estate team within the Ministry of Justice must be separate from those dealing with adult custody, so they have the independence needed to make custody truly appropriate for the needs of vulnerable children. Without these measures there is a risk that, over time, authority, dedicated budget and single-focus priority on under-18s will be lost and services and outcomes for children and their families will suffer.

5. The Prison Reform Trust is concerned that the needs of children in trouble may not be best-served by bringing youth justice into central government, given the decision to place responsibility for youth justice solely with the Ministry of Justice (rather than sharing it with the Department for Education as previously) and the lack of traction on women offenders and other distinct groups in the criminal justice system (young adults in particular).

6. Finally, we understand that the proposed abolition of the YJB has also raised concerns with youth offending team managers for its likely impact on workforce development. The YJB has invested heavily in training for YOT staff, sponsoring a professional certificate in effective practice and a youth justice degree through the Open University, as well as interactive learning modules. This focus on creating a skilled workforce is credited with contributing towards reductions in reoffending, first-time entrants and numbers sentenced to custody. If responsibility for workforce development falls to individual YOTs, it is difficult to see how this focus might be maintained consistently across England and Wales.

*What impact, if any, have changes to funding arrangements had on youth offending teams?*

7. Youth offending teams are funded via two main revenue streams—central government (through the YJB) and local authorities. Changes to funding arrangements have had a significant impact on their ability to provide high quality services which deliver on the central aim of the youth justice system: preventing offending by young people.<sup>1</sup> In 2011–12, youth offending teams in England faced average budget cuts of 20%—in London, this rose to 23%, with some YOTs having to contend with cuts of up to 30%. Whilst reductions in funding on this scale are inevitably in and of themselves challenging, they have been compounded by the way in which funding decisions were made and communicated—initially told to expect funding reductions of 10%, decisions on the final funding settlement were delayed, making it difficult for local authorities and youth offending team managers to plan service provision going forward. This financial uncertainty led one local authority to place the entire youth offending team workforce on it’s at risk of redundancy register.<sup>2</sup>

8. Originally set up as multi-agency teams including representatives on secondment from police, probation, children’s services, health and education, the strength of the YOT model has been the involvement of professionals who bring with them (and take back) expertise and learning. It is therefore concerning that the context of wider budget cuts has led seconded staff from some of these agencies to be pulled from YOTs without replacement. In addition, vacancies occurring in the wider youth offending team have gone unfilled, with experienced staff seeking employment elsewhere under the threat of further redundancies. This loss of experience and expertise at a time when YOTs will be expected to do more for less, is worrying. If YOTs are to reduce offending and reoffending, they need financial certainty, continued involvement of partner agencies like health and children’s services, and to be able to attract and retain those practitioners who are best able to work with, and engage, children who offend.

9. In this context, the loss of some funding for prevention work, the move away from ring-fencing and the reconfiguration of central government funding around early intervention have already had a significant impact on service provision:

*“All our preventative work is grant-funded and if the grants end as they are due to in March 2011 we will no longer provide preventative work.”<sup>3</sup>*

10. The Prison Reform Trust is concerned that the sudden withdrawal of whole areas of work will undo much of the progress made on reducing first-time entrants and numbers sentenced to custody. Any increase in the number of children coming into the youth justice system as a result of prevention cuts will have a knock on effect on YOT costs as caseloads increase. In addition, there is a danger that cuts to funding will act as a disincentive to local areas to target resources beyond their statutory requirements—meaning that children from minority or vulnerable groups may not get the targeted support they need.

<sup>1</sup> Section 37 (1) Crime and Disorder Act 1998

<sup>2</sup> <http://www.guardian.co.uk/society/2011/mar/25/public-sector-cuts-youth-crime>

<sup>3</sup> <http://www.nao.org.uk/idoc.ashx?docId=f754ef61-28d7-43cf-a29b-8d4365960648&version=-1>



11. “We are a small YOT...and funding enables us to perform our statutory duties...However, this is spread across the field with little opportunity to move funding around to concentrate on particular areas. With this year’s cuts already impacting this is unlikely to change”.<sup>4</sup>

*How can reductions in the number of young people entering the criminal justice system and being sentenced to custody be maintained most effectively within existing levels of funding?*

12. Significant reductions in the number of first-time entrants to the youth justice system and in the number of children being sentenced to custody have been achieved in recent years. In 2007–08, the number of children entering the system for the first time was 100,201—two years later, this had fallen 39% to 61,422. Likewise, the number sentenced to custody over the same period fell from 6,853 to 5,130 respectively, a drop of 25%.<sup>5</sup> To ensure these reductions are sustained and even built on, the multi-agency focus on first-time entrants and on custodial sentencing must be maintained. There are a number of ways in which this can be delivered, incorporating practice and legislative change.

13. The focus on diverting first-time and minor offenders out of the youth justice system through triage schemes in police stations has played a significant role in delivering a 44% reduction in first-time entrants since 2007.<sup>6</sup> It is hoped that funding for the 31 youth justice liaison and diversion pathfinder sites unveiled by the Department of Health earlier this year will build on this success by identifying, assessing and diverting vulnerable children out of the youth justice system and in to appropriate other services.<sup>7</sup> The focus on reducing first-time entrants has been driven by the consensus among agencies and experts, that keeping children out of the system will deliver reductions in youth crime further down the line because informal and non-criminal justice oriented interventions are more likely to “curtail the development of a delinquent career more effectively than a formal reprimand final warning or prosecution over time.”<sup>8</sup>

14. To promote sentencer confidence in community alternatives to custody it is vital that existing sentencing options are made available in every area. The Youth Rehabilitation Order, the generic community sentence introduced in 2009, provides sentencers with a choice of 18 different requirements, including supervision, curfew, specified activities and unpaid work, which can be attached depending on individual circumstances. The most robust of these requirements, Intensive Fostering and Intensive Supervision and Support (ISS), were designed specifically as alternatives to custody. Despite positive evaluation,<sup>9</sup> funding restrictions have meant that, whilst in theory offered nationwide, in practice the availability of intensive fostering placements is limited, and anecdotal evidence suggests limitations to the number of ISS places available at any one time in certain areas.

15. One way of ensuring community alternatives are adequately financed, and of incentivising innovation and locally-focused solutions to offending, would be to build on the YJB’s youth justice reinvestment pathfinder initiative by making all local authorities (or consortia of authorities) responsible for the costs of child imprisonment. At present, the costs of delivering prevention services and community sentences delivered by YOTs are borne in the main by local authorities, whilst the costs of custody are met centrally, leading to a potential mis-match in prioritisation. Following the justice reinvestment model, the pathfinder pilots are designed to encourage investment in prevention services and innovation in delivery, leading to a “reduction in demand on the youth justice system, delivering savings to the Ministry of Justice and wider agencies through decommissioning custodial establishments”.<sup>10</sup> In addition to delivering reductions in the numbers being imprisoned, it is likely that targeted local investment in prevention and intervention services would also impact on first-time entrants and numbers involved in the youth justice system more widely.

16. As identified by the National Audit Office, the youth justice system could deliver better results for less money by ensuring that interventions used in the community and in custody are supported by a robust evidence base. At present, “there is little robust information...about which activities are likely to be most effective in preventing offending, or reducing the risk of further offending”.<sup>11</sup> The lack of an evidence base for what works with children who offend suggests that there is scope for improvement to existing outcomes around offending rates, compliance<sup>12</sup> and participation. Building an evidence base on interventions which are most likely to reduce offending and reoffending would also aid the dissemination and promotion of examples of good practice.

17. In addition to improving practice and effectiveness, raising the custody threshold would guarantee a reduction in the numbers sentenced to custody by reserving imprisonment for the most serious or violent offences (see *Raising the custody threshold*, the Standing Committee for Youth Justice (SCYJ) paper for further

<sup>4</sup> <http://www.nao.org.uk/idoc.ashx?docId=f754ef61-28d7-43cf-a29b-8d4365960648&version=-1>

<sup>5</sup> All data from Youth Justice Board Annual Workload Data.

<sup>6</sup> National Audit office (2010) *The youth justice system in England and Wales—reducing offending by young people* NAO: London

<sup>7</sup> [http://www.dh.gov.uk/en/Publicationsandstatistics/Lettersandcirculars/Dearcolleagueletters/DH\\_124767](http://www.dh.gov.uk/en/Publicationsandstatistics/Lettersandcirculars/Dearcolleagueletters/DH_124767)

<sup>8</sup> Rob Allen (2011) *Last Resort: exploring the reduction in child imprisonment 2008–11* PRT: London

<sup>9</sup> Youth Justice Board (2010) *A report on the intensive fostering pilot programme* YJB: London

<sup>10</sup> <http://www.justice.gov.uk/downloads/guidance/youth-justice/reducing-re-offending/YouthJusticeReinvestmentPathfinderInitiativeinformation.pdf>

<sup>11</sup> National Audit Office (2010) *The youth justice system in England and Wales—reducing offending by young people* NAO: London

<sup>12</sup> Hart, D (2011). *Into the breach: the enforcement of statutory orders in the youth justice system* PRT: London

information). At least a third of the children who are imprisoned at any one time are there for non-violent offences,<sup>13</sup> suggesting there is some scope for the numbers sentenced to drop further.

18. If the YJB is abolished in line with proposals in the Public Bodies Bill, there is a risk that it's focus in recent years on reducing first time entrants and on numbers sentenced to custody could be lost. The YJB has done much to tackle overuse of custody, identifying and supporting YOTs with disproportionate custody rates, creating toolkits to aid local data interrogation, and initiating support programmes to address factors (such as breach and remand) driving local use of custody. Since 2009, it has also written to local authority chief executives making them aware of their custody rates and, along with the Chair of the Magistrates Association's Youth Courts Committee, to youth court panel chairs with information on other YOTs custody rates for comparison. If the functions of the YJB are subsumed within the Ministry of Justice, it is difficult to see how this information-sharing exercise, or indeed any proactive engagement of sentencers, could continue.

19. In addition, doubt has also been cast on the assumption that the YJB's abolition will lead to significant cost savings.<sup>14</sup> In this context, given the significant financial implications that an increase in use of custody for under-18s would have on the youth justice budget (with expenditure on the secure estate accounting for 38% of the 2009–10 youth justice system budget), there are significant risks associated with any transfer of YJB functions to the Ministry of Justice on cost grounds alone.

20. For further information on how the reduction in numbers sentenced to custody has been achieved we would draw the Committee's attention to the recent Prison Reform Trust report *Last Resort*, an analysis of the drivers behind the reduction in child imprisonment since 2008 by Rob Allen. A copy has been submitted to this Inquiry as supplementary evidence.

21. Whilst not overtly included in the terms of reference for this Inquiry, the Prison Reform Trust would also like to draw the Committee's attention to a number of additional concerns: the overuse of custodial remand for children; and support for young adults in the criminal justice system.

22. At present, approximately a quarter of the child custodial population is imprisoned on remand, significantly higher than the adult prison equivalent. With 61% of children remanded subsequently acquitted or given a community sentence<sup>15</sup> there is significant scope to deliver further reductions in the child custodial population by limiting unnecessary child remands. Proposals to devolve the remand budget to local authorities put forward in the Legal Aid, Sentencing and Punishment of Offenders Bill currently before Parliament could encourage local authorities to invest in community alternatives to remand such as supported accommodation, effective bail support and the extension of the diversionary triage scheme to police decisions on bail, which has proven successful in Hull.

23. The Prison Reform Trust also believes that the Government must do more for young adults in the justice system—in June 2011, there were 7,927 18–20 year olds in custody.<sup>16</sup> Given their age, maturity and life circumstances, the support needs of most young adults are closer to those of children than adults. We believe these needs could better be met by youth offending teams than probation trusts and are calling for the age remit of YOTs to be extended upwards. We appreciate local authorities are unlikely to want the burden of additional responsibility without commensurate funding from central government. If the Ministry of Justice cannot be persuaded to back this reform, we hope Ministers will at least require all Probation Trusts to have dedicated young adult teams, and ensure much closer joint working between these officers and local YOTs.

24. Finally, we would also draw the Committee's attention to the Intensive Alternative to Custody (IAC) pilot schemes which have grown out of the growing awareness that community sentences are more effective than short prison sentences at reducing reoffending. We believe the IAC, a robust community order, has the potential to significantly reduce the number of 18–20 year olds who are sentenced to custody and are calling for it to be made available in all areas.

25. Introduced in 2008, IAC orders were focussed on offenders for whom short sentences had already proven ineffective and others whose offences were serious enough to leave them facing custody for the first time. Designed to provide intensive support to prevent offenders from drifting back into past patterns of behaviour, they combine supervision with three or four statutory requirements, such as mentoring, training, and employment, with swift decisive sanctions for non-compliance. Piloted across seven areas, Manchester Probation Trust have tailored it specifically to the needs of young adult offenders, achieving very good compliance rates, with early indications that it has been successful in reducing reoffending rates. Experienced probation officers describe it as the first real opportunity that they have had to create a package of requirements that will change offending behaviour. Local magistrates are very supportive of the model and HM Inspectorate of Probation has specifically commended the Manchester team's work.

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<sup>13</sup> Youth Justice Board (2011) *Youth Justice Statistics 2009–10* MoJ: London

<sup>14</sup> Youth Justice Board (2011) *Response from the Youth Justice Board for England and Wales to the Ministry of Justice consultation on reforms proposed in the Public Bodies Bill* YJB: London

<sup>15</sup> HC Deb, 5 September 2011, c297W

<sup>16</sup> Ministry of Justice (2011) *Offender Management Statistics Quarterly Bulletin January to March 2011, England and Wales* MoJ: London

## Written evidence from the Youth Justice Board for England and Wales

### Executive Summary

1. The Youth Justice Board for England and Wales (YJB) welcomes the opportunity to submit evidence to the Committee for this inquiry.

2. The key points made in this submission are as follows:

- The move from dual departmental sponsorship of the YJB to single departmental sponsorship by the Ministry of Justice (MoJ) has resulted in simpler accountability and reporting arrangements. However it is essential that other relevant departments remain engaged in youth justice, and the YJB plays a key role in achieving that.
- The YJB believes that its status as an arm's length body working with highly committed Youth Offending Teams (YOTs) and the secure estate for young people adds considerable value to the youth justice system and supports the delivery of government policy. The achievements of the youth justice system have been independently confirmed. We believe that while the serious risks posed by the proposed abolition of the YJB are self evident, there has been no evidence offered as to the advantages of transferring its functions to the MoJ.
- A new single youth justice grant for YOTs has been introduced and is providing greater flexibility for local areas in using central funding for youth justice.
- YOTs are taking measures to limit the impact of the funding reductions they are facing in the current financial year. However inevitably there are reductions in some frontline youth justice services and there is a particular concern about maintaining the focus on the prevention of offending.
- The YJB has worked closely with the MoJ on the development of youth justice proposals set out in the Green Paper, *Breaking the Cycle*. The YJB has been a leading advocate of youth justice reinvestment and is working jointly with MoJ on the development of payment by results models and taking forward a range of work to improve performance in the system.

*What impact, if any, have changes to national governance arrangements for youth justice had on the Youth Justice Board and youth offending teams?*

3. This section focuses on two issues. Firstly, the change from dual to single departmental responsibility for youth justice and sponsorship of the YJB, and secondly, the proposed abolition of the YJB as an arm's length body.

#### *Machinery of Government arrangements*

4. Following machinery of government changes in 2007 responsibility for youth justice and sponsorship of the YJB was made the joint responsibility of the MoJ and the newly created Department for Children Schools and Families (DCSF). Reflecting this change a Joint Youth Justice Unit was established working across the two departments with responsibility for YJB sponsorship.

5. The incoming Coalition Government decided in June 2010 to change the departmental arrangements for youth justice returning responsibility for youth justice and sponsorship of the YJB back to a single department under the MoJ. The Joint Youth Justice Unit became the MoJ's Youth Justice Policy Unit.

6. The change back to single departmental responsibility has resulted in simpler accountability arrangements. There are less complex and burdensome reporting arrangements for the YJB and it is clear which Ministers are responsible for this area of policy and for oversight of the YJB. While there is a single lead department there are mechanisms in place for involving other government departments in youth justice issues and the YJB continues to work with other departments including the DCSF's successor, the Department for Education (DfE), the Home Office and the Department of Health on a number of issues.

7. While this is the case inevitably there are some risks arising from the change to single departmental oversight. The YJB's main concern is that over time the DfE's focus on youth justice will diminish. An example of the risk is that initial guidance for the new DfE combined Early Intervention Grant (EIG) did not make clear that funding could be directed towards youth crime prevention, despite the ending of a previous DfE youth crime prevention funding stream. However, the question of the focus of the DfE on youth crime is ultimately as much about the overall priorities of the department as it is about formal sponsorship arrangements.

8. It is widely recognised that the work of several government departments can impact on youth crime. YOTs at the local level are established on a multi-agency basis combining children's services, health, police and criminal justice as it is recognised that all these services have an important role to play in preventing offending and reoffending. Similarly it is important that all the relevant departments at the national level work effectively together. Formal machinery of government arrangements are not necessarily the key determinant of how effective this joint work will be but it remains important that a focus on youth justice is maintained across all the relevant departments. Part of the YJB's role has been to support this objective, seeking to ensure that youth justice considerations are taken into account and administering funding streams from the different departments for YOTs and youth justice (historically these have covered issues ranging from prevention to

young people's engagement in education and training, substance misuse and health needs, resettlement from custody and knife crime). It is critical that this cross government function is in place and it is this that is more significant than the formal sponsorship arrangements.

*Proposed abolition of the YJB and transfer of its functions to the Ministry of Justice*

9. In October 2010 Ministers announced their intention to abolish the YJB as an arm's length body and to transfer its key functions to the MoJ. The YJB was included in the Public Bodies Bill currently being considered by Parliament.

10. In March this year the House of Lords voted to remove the YJB from the Bill. Following consideration of its position after the House of Lords vote, the Government issued a written ministerial statement in June setting out its intention to reinstate the YJB into the Public Bodies Bill during its consideration in the House of Commons. The written statement also set out in more detail on how the transition of the YJB's functions to the MoJ would take place if it were approved by Parliament. This would include establishing a new Youth Justice Division within the MoJ to take on the YJB's functions and that the new Division would be separate from the National Offender Management Service. While the statement set out these plans it also announced the Department's intention to consult on the issue along with consultation on its other proposals for public bodies and a consultation paper was issued in July 2011.

11. At the invitation of the Secretary of State the YJB has responded to the consultation paper (attached as an annex to this submission). The Government has recognised that all the key functions undertaken by the Board are still necessary for the effective operation of the youth justice system as it has proposed that they are transferred to the MoJ. Therefore the key question is whether it would be more effective to operate those functions within a Department or through a dedicated arm's length body. It is the view of the YJB that it would be much more effective for the YJB to remain as an arm's length body and Board members in the introduction to the YJB's consultation response note that "the proposed abolition of the YJB poses a serious risk to the progress that has been made in the youth justice system". In summary the key reasons given are:

- The YJB was established as an arm's length body precisely because there was no effective national co-ordination of the complex youth justice system and its existence has brought coherence to the system. It is clear that the youth justice system continues to need national co-ordination to support the local delivery of services.
- It is widely recognised and independently confirmed that improvements have resulted from the YJB's work, in conjunction with the dedicated work of YOTs and the secure estate. All the key indicators—first time entrants, frequency of reoffending and the unnecessary use of custody—have shown significant reductions since the YJB was established.
- Arm's length status enables the YJB to be focused, flexible and responsive and to work across all the key government departments and other national delivery partners, including with the police and sentencers, to improve the system. Senior and experienced YJB board members work strategically across the system and YJB staff are recruited from a wide range of backgrounds including directly from the youth justice system, giving credibility and the experience needed to deliver improvements. YJB's expertise and focus resulting from its arm's length status is beneficial to the MoJ in providing a vehicle for the delivery of government policy and performance improvement.
- The current arrangements provide effective commissioning arrangements with a clear separation between YJB as the commissioner of secure accommodation and the providers of that secure provision and these arrangements have led to tangible improvements in the system. The transfer of functions into the MoJ would potentially weaken these commissioning arrangements.
- The YJB does not believe there is any significant "accountability deficit" in the current arrangements with it being clearly accountable to ministers and to Parliament for its work as well as having strong accountability arrangements with its key stakeholders.
- The decision to abolish the YJB was not based on a review of its performance or of the potential costs and benefits of transferring its functions but was based solely on the three tests established by the government to judge the future of all public bodies.

12. While the YJB has made its view clear on the issue of abolition it is nevertheless co-operating fully with the arrangements to plan for the potential transfer of its functions to the MoJ. This is on the basis that transition may take place but not in a way that pre-empts any decision by Parliament. A joint MoJ-YJB transition programme board has been established and is working to prepare for the potential change should it be approved. However, in this interim period the YJB has adopted a "business as usual" approach so that should Parliament decide that the YJB will continue to exist there will be no disruption to its important work.

*What impact, if any, have changes to funding arrangements had on youth offending teams (YOTs)?*

13. There are 158 multi-agency YOTs in England and Wales. The statutory partners of the YOT are local authorities, the police, probation, and health services. They work with a wide range of other local organisations including the voluntary and community sector.

14. Funding for YOTs comes from a combination of central funding, administered by the YJB, and local partnership contributions. Historically approximately one-third of YOT funding has come from the centre and the remaining two-thirds from the local partnership agencies.

#### *Central funding*

15. For 2011–12 a single youth justice grant from the YJB for YOTs has been created. Prior to 2011–12 the YJB provided a core grant and a series of other funding streams for specified areas of YOT work. The aim of the new single youth justice grant is to provide YOTs with greater flexibility for how they use central funding based on local needs and priorities and to reduce the amount of administration. It is the YJB's view that the continuation of this combined grant from different government departments could be under significant risk if the YJB is abolished as the YJB plays a key role in bringing the funding streams together.

16. In recent years funding to the YJB for the provision of YOT grants has come from three government departments: MOJ, Home Office and DfE (previously DCSF). Changes to both the nature and level of funding from the three departments for YOT grants took place for this year. Overall the impact of the changes is that direct funding from the YJB to YOTs has been reduced by 19.4% in 2011–12.

17. The MOJ funding to the YJB for YOT grants has continued but has been reduced overall by 11.7% compared to the funding available in 2010–11.

18. Overall Home Office funding to the YJB for YOTs has reduced by 42% between 2010–11 and 2011–12.

19. Funding from DfE directly to the YJB for YOT crime prevention work ceased in 2011–12. However, YOTs have been able to bid locally for funding from the DfE's new Early Intervention Grant (EIG) for local authorities. The aim of the EIG is to give more flexibility to local areas on how they organise and fund the wide range of local preventative and early intervention work. Information on YOTs' access to the EIG is provided below.

20. It should be noted that the reduction in funding has occurred following a period when YOT caseloads have reduced significantly. The most recent published figures show that between 2008–09 and 2009–10 there was on average a 16% reduction in the number of young people being given disposals across first tier, community and custody.

21. The YJB is working also to ensure YOTs have greater flexibility about how they deliver their services and make best use of the resources available. Alongside the introduction of the single youth justice grant, YJB's oversight of YOTs will be lighter touch in the future and YJB is working also to promote peer support and allow more room for professional judgement. YJB is also developing plans to improve ways to research, identify and spread information about effective practice. In addition, the YJB has been supporting YOTs in accessing other funding streams. The YJB has played a part in shaping a £25 million Big Lottery funding programme that aims to support positive activities for young people and prevent offending. The YJB has also welcomed and assisted the Department of Health in the development of the Youth Justice Liaison and Diversion investment and the Department for Education's intensive intervention programme.

22. The YJB itself is facing significant reductions in its operating costs. The YJB has reduced its administrative costs by 26% in real terms since 2008–09 and is continuing to implement further savings in relation to the current spending review. While efficiencies are being made, inevitably this does mean reduced support being available to YOTs and the secure estate. The number of YJB staff working with YOTs has reduced by 30% in the 18 months since March 2010, while the number of staff working with the secure estate has reduced by 28%.

#### *Impact of funding changes*

23. In March this year the YJB undertook survey work with YOTs to understand the impact of planned changes in overall local YOT funding levels and the overall impact on staffing for 2011–12. The key findings were:

- YOTs reported an average reduction in local budgets for YOT Partnerships of 18% in England and 12% in Wales;
- Within this average there is significant variation ranging from 0% to 57%; and
- Staff reductions were on average 19% in England and 8% in Wales, again with significant variations.

24. While the survey data is based on returns from a high percentage of YOTs (87% of English YOTs and all 18 YOTs in Wales) at the time of the survey only 35% of the English and 11% of the Welsh YOTs who responded felt they were in a position to provide confirmed information on their entire budget and staffing figures as discussions and negotiations were not yet finalised.

25. Since the survey was undertaken in March, the YJB has undertaken further work to monitor developments. This has included discussing directly with a selection of YOTs the specific impact of the changes.

26. In general, YOTs report that they have found the introduction of the single youth justice grant has met its objective of enabling YOTs to channel available resources to local priorities and to reduce the burden of reporting. Some YOTs have reported that the removal of ring-fences has encouraged more local analysis of needs and required the local YOT management board to be more actively involved in decision making.

27. However, it is recognised that there are some constraints in fully adapting the available funding to local needs, given the overall pressures on funding, limitations such as local recruitment freezes and the barrier of retraining costs.

28. In response to the reduction in overall funding YOTs are taking a range of measures at both managerial and administrative levels in order to limit the impact on frontline services. Measures being taken include increased use of shared services, co-operative working between neighbouring YOTs, more flexible use of staff, reductions in management overheads and local restructures of YOT operational teams.

29. While this is the case YOTs have also had to make difficult decisions about their service provision. YOTs have reported that a range of services are being reduced or in some cases stopped entirely. Other impacts include reduced funding for staff training and reduced capacity for managers to engage in strategic work locally. In general there are significant pressures on YOT led crime prevention services with the reduction in direct funding for this work and the removal of ring fences. The survey undertaken in March suggested that YOTs' access to the £2 billion Early Intervention Grant (EIG) has resulted in a mixed picture. At the time, approximately half of YOTs reported some access to the EIG. YJB has undertaken some subsequent survey work on this issue over the summer and out of a sample of 86 YOTs in England 63% said that they had at least some access to EIG funding, but over a third (37%) did not have any access. There appears to be a mixed picture in terms of what programmes are receiving EIG funding with some evidence-based prevention programmes like Youth Inclusion (YIP) not receiving funding and having had to close in many areas. In the context of a general reduction in funding and the specific reduction from the DfE and the Home Office there is a real risk of a move away from preventative work.

30. Another very significant development is that there are a number of areas where the functions of the YOT are being merged or integrated with other local authority services—in particular as part of moves to integrate youth support services. This can result in YOT Managers undertaking additional roles and duties outside of youth justice. The YJB has strong concerns that in some areas this could cut across the statutory requirements that exist on the provision of YOTS and dilute the local focus on youth justice and diminish the ability of YOTs to work strategically at a senior enough level. These developments are being monitored closely and the YJB has prepared advice for YOT managers and their partnership agencies on their statutory responsibilities, in order to inform local restructuring decisions, but it continues to be a real concern.

31. Looking to the future there is considerable uncertainty about the level of funding that will be available for YOTs from the YJB for 2012–13 and beyond. MoJ funding to the YJB is likely to be further reduced due to financial pressures on the MoJ as a whole. In addition, the current £8 million Home Office contribution to YOT funding has been earmarked to be passed to the newly created Police and Crime Commissioners when they are in place. In these circumstances it is highly likely that YJB funding to YOTs will reduce further in 2012–13, although no figure has yet been agreed.

*How can reductions in the number of young people entering the criminal justice system and being sentenced to custody be maintained most effectively within existing levels of funding?*

32. The YJB has worked closely with the MoJ on the development of the youth justice proposals set out in the 2010 Green Paper on sentencing and rehabilitation (*Breaking the Cycle*). Key measures for the youth justice system include:

- measures to improve YOT work with parents of young offenders;
- proposals to simplify and make out-of-court disposals more effective;
- increasing the use of restorative justice and reforming the use of Referral Orders;
- measures to improve compliance with community sentences;
- the development of effective diversion arrangements with the Department of Health for young people with additional health needs; and
- reforming the remand framework for young people.

33. YJB has been a leading advocate of the potential benefit of youth justice reinvestment in relation to youth custody costs. It is therefore able to make an important contribution to taking forward, with the MoJ, the development of mechanisms to use payments-by-results and to incentivise local areas to intervene more effectively to reduce offending and the need for custodial places. The YJB and MoJ are currently launching pathfinders in a number of local areas that will provide those areas at the outset with a proportion of the national custody budget held by the YJB in return for commitments to provide additional services and interventions locally that will reduce the demand for custody.

34. As well as supporting the delivery of these policy developments the YJB is undertaking a range of other work to improve performance in the system. Initiatives include the issuing of performance improvement toolkits to YOTs on a number of key issues including working with parents, access to education, training and

employment and work with victims. The YJB is also working to improve resettlement from custody by promoting regional resettlement consortia linking individual secure establishments with local authorities in their region to enhance provision for young people.

35. In addition, the YJB and MoJ have set out a new strategy for the secure estate that is currently being consulted on. The strategy sets out the principles and approach that it is intended to follow to ensure the commissioning of secure accommodation is as effective as possible and responds to the changing demands on the sector. The consultation on the strategy closes 11 October (<http://www.justice.gov.uk/consultations/strategy-secure-estate-children.htm>)

36. It is recognised that the recent serious disturbances in our cities and towns have real implications for the youth justice system. 21% of those brought before the courts in relation to the disturbances were aged 10–17. From the first arrests the YJB has played an active role in helping to manage the consequences of the disturbances: liaising with and coordinating YOTs; managing the demand for custodial places; overseeing the placement of individual young people into custody and providing practical assistance to YOTs and the secure estate as they dealt with the unexpected and significant pressures in the system. As 45% of young people suspected in relation to these events were not previously known to the YOT, and many of them were remanded in custody, there have been challenges in relation to risk assessment and safeguarding which have been carefully managed.

37. The YJB is now also working to support the policy response to the disturbances. Our knowledge base and strong strategic and operational relationships with key stakeholders can support new initiatives announced by the government and help with the development of effective responses. As part of its response the Government has announced new cross departmental work to focus on gangs and the YJB is well placed to build on its work with YOTs and the secure estate to respond to young people's involvement in gangs and serious youth violence.

38. The YJB is clear that the direction of policy as set out briefly in this section provides real opportunities for substantial improvements in the system. However, the credibility, experience and track record of the YJB is needed to ensure that they are rolled out successfully and that the key indicators of performance for the youth justice system continue to decline. The YJB is clear that the proposed change in governance of youth justice places continued achievement at serious risk at a time when the system is facing great challenges, including significant financial pressures.

September 2011

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## Written evidence from the Standing Committee for Youth Justice

### Introduction

The Standing Committee for Youth Justice (SCYJ) [www.scyj.org.uk](http://www.scyj.org.uk) is a membership body which provides a forum for organisations, primarily in the non-statutory sector, working to promote the welfare of children who become engaged in the youth justice system; and advocates a child focused youth justice system that promotes the integration of such children into society and thus serves the best interests of both the children and their communities.

Members of SCYJ are: *Action for Children, 4Children, Association of YOT Managers, Barnardo's, Catch 22, The Children's Society, Centre for Mental Health, Children's Rights Alliance for England, Council for Disabled Children, Criminal Justice Alliance, Howard League for Penal Reform, Just for Kids Law, JUSTICE, MAC UK, Nacro, National association for Youth Justice, NCB, NSPCC, National Youth Agency (NYA), TACT, The Prince's Trust, Prison Reform Trust, Secure Accommodation Network, SOVA, User Voice, Voice.*

### Summary

SCYJ welcomes the Justice Committee's decision to hold a brief inquiry into the future of the Youth Justice Board (YJB) and youth offending teams (YOTs) and is pleased to be able to respond. Our key findings and recommendations to the committee are:

- The sole sponsorship of the YJB by the Ministry of Justice should be reviewed to ensure there are formal cross-departmental arrangements or protocols in place so that those departments with responsibility for child health, education and welfare are fully involved in the development of policies and services in youth justice.
- The Government must comply with the United Nations Convention on the Rights of the Child (UNCRC) and other international conventions<sup>17</sup> that require a distinct and separate system for children in trouble with the law.

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<sup>17</sup> United Nations Convention on the Rights of the Child. Article 40 (3) and The United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") Rule 2.3.

- Reductions in funding are impacting on the capacity of YOTs to fulfill their statutory multi-agency remit. There is also a risk that there will be significant local variation in resourcing and delivery. However, the reduction in the provision of YOT-led prevention programmes is of less concern.
- To achieve more substantial reductions in the number of children entering the youth justice system and being sentenced to custody, SCYJ advocates both a higher custody threshold for children, and raising the age of criminal responsibility. In addition, diversion from court should be expanded significantly for all children under-18 years old.

*What impact, if any, have changes to national governance arrangements for youth justice had on the Youth Justice Board and youth offending teams?*

1. SCYJ is concerned with two issues. Firstly, the change from dual departmental responsibility for youth justice (under the then Department for Children, Schools and Families and Ministry of Justice) to single departmental sponsorship under the Ministry of Justice; and secondly the proposed abolition of the YJB as an arm's length body and transfer of its functions to the Ministry of Justice.

2. In 2010 the cross-departmental responsibility for the YJB was ended and responsibility now lies solely with the Ministry of Justice. At that time SCYJ expressed its concern; it is well evidenced that children in the criminal justice system have a multiplicity of problems and needs<sup>18</sup> and this was recognised in the 1990's by the establishment of multi-agency youth offending teams (YOTs). We remain concerned that this multiplicity is not reflected in the governance of the youth justice system, and that there are no formal cross-departmental arrangements or protocols to ensure that those departments with responsibility for child health, education and welfare are fully involved in the development of policies and services in youth justice.

3. SCYJ believes that sole sponsorship by the Ministry of Justice will ultimately lead to an approach that is dominated by a public protection framework. We are particularly concerned that the Department of Education's focus on youth justice is being diminished with less resource being allocated. There is a real risk that issues which are a core concern for the Department, for example, safeguarding, welfare and health support, looked after children and children's rights, are not a priority for youth justice. We would like to see the decision to hold a single department responsible for youth justice reviewed.

4. The government has announced that the YJB will be abolished and it has been included in the Public Bodies Bill currently being considered by Parliament. SCYJ firmly believes the Government should comply with the United Nations Convention on the Rights of the Child (UNCRC) and other international conventions<sup>19</sup> that require a distinct and separate system for children in trouble with the law.

5. We are concerned that in recent years, the development of governance, policy and practice in the youth justice system appears to have moved further away from this distinctiveness and many interventions with children in trouble are based on adult models, particularly for those in custody. This would appear to be in direct contradiction to developments in child welfare policy, which recognises that the developmental needs of children, and the capacity of adolescents to comprehend and make informed choices, is different to that of adults.

6. SCYJ therefore believes that there should be a discrete, child-focused body responsible for all aspects of the youth justice system. In particular, it is crucial that commissioning within the juvenile secure estate is not integrated with that for the adult estate; the Government should be working towards a completely separate children and young people's secure estate that is able to meet all the needs of vulnerable and damaged children, and address persistent health and social inequalities in children as well as protect the public.

7. SCYJ is particularly concerned that if youth justice were to be moved within the Ministry of Justice it would become undermined by adult structures under the National Offender Management Service (NOMS). Even if adult and youth justice functions were led from separate units within the Ministry of Justice, we believe that the strategic priorities of NOMS would dominate and quickly overwhelm youth justice. We fear it would not be long before certain functions were absorbed into the NOMS structure.

8. Given this, should the Youth Justice Board be abolished, it is critical that two of its current responsibilities—commissioning a distinct secure estate, and placing children in custody—should be fulfilled by Ministry of Justice staff working within the youth justice unit or directorate, rather than within the National Offender Management Service (NOMS). The commissioning and placing of children in the secure estate should remain the responsibility of central government but children's needs are distinct and are not well met by current YOI provision. The children's secure estate team within the Ministry of Justice must be separate from that dealing with adult custody, so they have the independence needed to make custody truly appropriate for the needs of vulnerable children.

9. Finally, SCYJ does not think that the current make up of the YJB reflects the wide range of stakeholders who have expertise with children and criminal justice. Whether the YJB is retained or its functions are transferred to the Ministry of Justice, we believe an advisory group that includes the statutory and voluntary

<sup>18</sup> See: Jacobson, J et al (2010), Punishing Disadvantage: a profile of children in custody, London: Prison Reform Trust.

<sup>19</sup> United Nations Convention on the Rights of the Child. Article 40 (3) and The United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") Article 2.3.



sectors, academics, those who have evidence of effective interventions and any agencies and organisations which give a voice to service users should be put in place.

*What impact, if any, have changes to funding arrangements had on youth offending teams?*

10. There are 158 multi-agency youth offending teams (YOTs) in England and Wales. It is important to note that they were conceived as multi-disciplinary and multi-agency teams with statutory partners including local authorities, the police, probation, and health services. In addition they work with a wide range of voluntary and community sector organisations.

11. YOTs are funded through a combination of central government funding provided by the YJB and local partnership contributions. The local agencies that make up the YOT have provided two thirds of the funding with the remainder provided by central government. However, it is important to note that there has not been an equal contribution of resources amongst the statutory partners.

12. More than half of local partnership funding for YOTs is provided by local authority children's services. As local authorities manage substantially reduced budgets it is inevitable that local funding to YOTs will be reduced. YOTs have been able to bid for funding from the new Early Intervention Grant for local authorities. But funding for the grant has been reduced by 11%.<sup>20</sup>

13. Health has provided the smallest contribution—around 12% of funding from local partners.<sup>21</sup> SCYJ is concerned that as the NHS goes through a period of major structural reform the future contribution of health to youth justice will need to be carefully monitored. There is a real risk that there will be fragmentation in the delivery of, and access to, health services for children in the youth justice system. The contribution of health services, particularly mental health and substance misuse services, to YOTs could be substantially diminished.

14. In addition to reductions to local resourcing for YOTs, the funding from central government to YOTs provided by the YJB has also been reduced. According to the YJB, its allocation has been cut by 20%.

15. It is difficult to get a clear picture of the consequences of the overall reduction in funding to YOTs as there have not yet been any independent assessments of the impact. Nevertheless, there appear to be three significant consequences that the SCYJ would like to highlight.

16. Firstly, from the information that SCYJ has received through its member organisations, it would appear that the overall reductions in funding have led to a cut in the provision of YOT-led prevention and early intervention work. In recent years, through the development of programmes such as the Summer Splash Schemes, Safer Schools Partnerships and Youth Inclusion Programmes, YOTs have substantially expanded their work on youth crime prevention. As this was not part of core YOT business to support children subject to pre-court or court ordered sanctions, it is perhaps not surprising that it is now being cut back.

17. The SCYJ would not necessarily regard this as a retrograde step as it is our view that youth justice agencies are not best placed to provide prevention work. Given the multiplicity of needs of children in the youth justice system we believe that other agencies—health, education and social services—are better placed to intervene early to prevent youth crime. There is also substantial research evidence that early contact with the youth justice system can have negative consequences for children, stigmatizing and labeling them as criminals.<sup>22</sup> There is, however, a risk that community based prevention programmes are being cut back and, overall, the availability of early support from social care agencies will be much reduced.

18. Secondly, SCYJ is concerned that some agencies are beginning to withdraw resources to YOTs. In particular we are concerned YOTs are struggling to retain staff or resources from drug and alcohol services. This will inevitably further undermine the multi-agency YOT model and the support that should be provided to children in the youth justice system. SCYJ believes that in practice the realisation of this model has been challenging. Ensuring the effective contribution of health services, reflected in the fact noted above that health provides the smallest proportion of local funding, has been particularly difficult. However, now more than ever before, we believe that the delivery of the multi-agency model is at real risk. We fear this will have detrimental consequences for children in the youth justice system.

19. Finally SCYJ is concerned that there will be a substantial variation in local resourcing for YOTs. This could lead to a postcode lottery in the provision of youth justice with some local authorities providing better resourced YOTs than others. We are already aware that a number of YOT managers are being given additional responsibilities and that their statutory functions are being downgraded. This will need to be carefully monitored.

20. We would also draw the Committee's attention to last December's National Audit Office report on the youth justice system which highlighted that, despite the £500 million spent each year by the YJB, the Board is not fully aware of which types of interventions are likely to be effective in both preventing offending and reducing the risk of further offending.<sup>23</sup> Consequently practitioners within YOTs are operating within a

<sup>20</sup> <http://www.cypnow.co.uk/news/1046379/?DCMP=EMC-DailyBulletin>

<sup>21</sup> See: Solomon and Garside (2008) *Ten years of Labour's youth justice reforms: an independent audit*, London: CCJS.

<sup>22</sup> See, for example, The Edinburgh Study of Youth Transitions and Crime, <http://www.law.ed.ac.uk/cls/esyt/>

<sup>23</sup> See: [http://www.nao.org.uk/publications/press\\_notice\\_home/1011/1011663.aspx](http://www.nao.org.uk/publications/press_notice_home/1011/1011663.aspx)

vacuum when it comes to planning interventions, not knowing what impact their involvement is likely to have. This is particularly concerning at present where limited resources need to be used effectively.

*How can reductions in the number of young people entering the criminal justice system and being sentenced to custody be maintained most effectively within existing levels of funding?*

21. There have been significant reductions in the number of first-time entrants to the youth justice system and in the number of children being sentenced to custody in recent years. In 2007–08, the number of children entering the system for the first time was 100,201—two years later, this had fallen 39% to 61,422. Likewise, the number sentenced to custody over the same period fell from 6,853 to 5,130 respectively, a drop of 25%.<sup>24</sup> SCYJ believes it is vital that these reductions are sustained and would like to see more radical steps taken to achieve more substantial reductions.

22. SCYJ advocates both a higher custody threshold for children, and raising the age of criminal responsibility. These changes would not only help achieve further reductions in the number of children entering the youth justice system and being sentenced to custody, but also bring the UK into line with its international obligations, including the United Nations Convention on the Rights of the Child. The UNCRC General Comment 10 states that 12 is an absolute minimum acceptable age of criminal responsibility and that it should be increased to a higher level.

23. We refer the committee to our report *Raising the custody threshold*, which sets out our position.<sup>25</sup> The establishment of a higher custody threshold in law, which would need to be passed every time a child is sentenced to custody, could be seen as defining the UNCRC concept of last resort in law. It is important to note that at least a third of the children who are imprisoned at any one time are there for non-violent offences, suggesting there is some scope for the numbers sentenced to drop further.<sup>26</sup> We believe that raising the custody threshold would guarantee a reduction in the numbers sentenced to custody by reserving imprisonment for the most serious or violent offences.

24. SCYJ also believes that diversion from the youth justice system, both at the stage of pre court disposals and at the stage of court proceedings, should be expanded significantly for all children under-18 years. We would propose establishing a diversionary set of principles, based on the United Nations Convention on the Rights of the Child and related international guidance and rules. These would give prominence to principles of avoiding criminalisation, informality, voluntarism and intervening to the minimum level necessary. The Children Act principle of “no order unless better than no order” should apply when public protection considerations allow.

25. In particular, a published set of principles or guidelines would ensure consistency across geographical regions. The current system allows for different approaches as to which children are diverted in different areas. For example, some areas will only consider diverting a child if they have admitted their offence in a police interview. Others have greater flexibility and allow children to be diverted, where appropriate, providing they later admit the offence. Guidelines would also allow practitioners a greater understanding of the system and enable them to better advise and support children.

26. In addition to guidelines, SCYJ would support the development of a national diversion scheme of local multi-agency teams to assess, make recommendations and coordinate restorative or other interventions or support services. It is hoped that funding for the 37 youth justice liaison and diversion pathfinder sites unveiled by the Department of Health earlier this year is the precursor to a national programme.

September 2011

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### Written evidence from YOT Managers Cymru

YOT Managers Cymru (YMC) is a forum consisting of 17 of the 18 youth offending teams in Wales. The aim of the organisation is to assist youth offending teams (YOTs) to work within the Welsh policy context to promote and develop effective responses to the prevention of youth offending in Wales. YMC welcomes the opportunity to respond to this consultation and to put forward views to help shape the future direction of the youth justice system in England and Wales. The views expressed are the collective views of YOT Managers Cymru and not any particular individuals. YMC agree with the position of the Welsh Government that the United Nations Convention on the Rights of the Child should underpin all dealings with children and young people in trouble with the law, and that rights and entitlements should be extended to them.

<sup>24</sup> All data from Youth Justice Board Annual Workload Data.

<sup>25</sup> [http://www.scyj.org.uk/files/Raising\\_the\\_custody\\_threshold\\_FullDocAug10\\_FINAL.pdf](http://www.scyj.org.uk/files/Raising_the_custody_threshold_FullDocAug10_FINAL.pdf)

<sup>26</sup> Youth Justice Board (2011) *Youth Justice Statistics 2009–10* MoJ: London

## Summary

- We consider it essential that youth justice is a child and young person focused service and does not become one in which public protection becomes dominant or one that is aligned to adult orientated responses to crime and anti social behaviour. It is our opinion that a separate youth justice system for children and young people must be maintained at all levels; for those in the community and for those that enter the secure estate.
- YMC consider the retention of the YJB would substantially reinforce the potential to achieve the objective of the youth justice system to reduce youth crime and anti-social behaviour.
- Changes to funding arrangements have had a significant impact on YOTs and further probable cuts are likely to exacerbate existing problems. Anticipated cuts from partner agency contributions will also increasingly make it difficult to deliver uniform youth justice services across England and Wales.
- Reductions in the number of children and young people entering the criminal justice system can best be achieved by effectively gatekeeping admission to it, through diversion schemes that offer the opportunity for informal as well as formal action. Reducing the custodial population requires effective working with sentencers, remand management and the promotion and use of custodial alternatives.

### *What impact, if any, have changes to national governance arrangements for youth justice had on the Youth Justice Board and youth offending teams?*

1. YMC is concerned about the proposed abolition of the Youth Justice Board (YJB). As an organisation we consider that the needs of young people who enter the criminal justice system are distinct and different from adults and that it is essential that those charged with governmental responsibility for them appreciate the differences and indeed advocate for them. We consider it essential that specific youth justice focused expertise is retained, as one of our concerns with a transfer of YJB responsibilities into the Ministry of Justice is that significant experience is lost and replaced by a less robust knowledge base, that will become increasingly eroded over time. We are also concerned that the needs of a child and young people-focused service may become subsumed into the Ministry of Justice, a largely adult focused service predominantly concerned with public protection, which may be to the detriment of children and young people in trouble with the law. It is our opinion that a separate youth justice system for children and young people must be maintained at all levels; for those in the community and for those that enter the secure estate.

2. YOTs have been regarded as a success because of their multi agency composition. One of the reasons for their success is partnership working and a range of agencies being statutorily bound to work towards the common aim of the prevention of offending. One of the strengths of the YJB is that it has been successful in keeping external stakeholders on board with the youth justice agenda. The fact that the YJB is a non governmental body has enabled it to look across a wide range of departmental bodies and agencies. Our concern is that if youth justice is located in one government department that the multi agency element would be lost. The YJB has been important in bringing cohesion to the youth justice system. We consider that in its present form it has evolved into an organisation that works well with others.

3. A particular matter for YOTs in Wales is how UK policy directives are understood and interpreted in Wales and the extent to which Welsh policy and its commitment to the delivery of children and rights and entitlements are understood by Westminster. Additionally devolved services, such as health housing and social care have in some instances developed in a different direction to their counterparts in England. This means UK policy is not always portable to Wales without consideration of the Welsh context, in particular the demographic, cultural, linguistic and social considerations. We believe that the YJB in Wales has become increasingly effective in this respect and now appears to have a good relationship with the Welsh Government. YOT Managers Cymru would be concerned if this position became eroded as we consider it would be to the detriment of youth justice in Wales. The position that has been arrived at has taken some time, and requires a continual process of renewal and negotiation as policy develops. YMC believe this is best achieved through the YJB rather than an alternative model.

### *What impact, if any, have changes to funding arrangements had on youth offending teams?*

4. Changes to funding arrangements have had a significant impact on YOTs, in that all have experienced substantive cuts in grants directly made from the YJB. We understand that the position is by no means stable and further cuts are anticipated in the next financial year, some of which on early projections of possible models that might be adopted (from the YJB), indicate substantive gains and losses for some areas, which will seek to heighten and not narrow the gap that already exists between local authority areas. The ability to provide a uniform, youth justice service across Wales, that serves all young people equally well, could be undermined and would not be in their best interests. A key concern for us in Wales is whether some of the YOTs in smaller local authorities in Wales will be viable in the long term and this will undoubtedly impact on how services are delivered to some of the most vulnerable children and young people in Wales. It would be of concern if YOTs as a model were no longer sustainable as they have been widely regarded as a success. As YOTs lose staff due to diminished resourcing, a wide pool of expert knowledge and expertise will be lost and the quality of service

provided to young people may also be affected. As the service retrenches there will be less scope for service development and a reduced ability to deliver effective services to children and young people.

5. YOTs by their very nature are multi agency organisations, and in addition to central government funding statutory partners also provide around 70% of YOT funding. The amount of resource provided and what it supplies varies by organisation and their contributions from partner agencies also differ significantly on a regional basis. Discussions with partners indicate that because of the reduced funding they are experiencing that contributions to YOTs will also diminish. There are firm indications from the police and probation services that they will be seeking to reduce staff input into YOTs and also that roles and functions may become more negotiable, which may affect YOTs capacity to deliver statutory services. Additionally, the ability of YOTs to engage with the voluntary sector, which provides an important range of services such as volunteer co-ordination, drug and alcohol services and other related activities, is also likely to be affected.

6. One of the major casualties of the cuts thus far has been a reduction in prevention funding and therefore a reduction in YOT led prevention services. However, this is being replaced in some areas of Wales with a greater emphasis on diversionary activity in conjunction with the police, which is considered to be a positive move. However there is regional variation across Wales and clearly resources are required to develop and sustain these services, particularly if the number of first time entrants to the youth justice system are to be maintained.

*How can reductions in the number of young people entering the criminal justice system and being sentenced to custody be maintained most effectively within existing levels of funding?*

7. YMC believe that efforts are best focused on preventing the entry of children and young people into the criminal justice system in the first place. As mentioned above, in some areas of Wales there has been a greater emphasis on diversion from the formal system and greater use of informal, non criminalising sanctions. We would like to see the universal adoption of this approach, as the evidence base supports it and it is compliant with the United Nations Convention on the Rights of the Child. It also accords with reforms to pre court disposals set out by the UK government in the Legal Aid Sentencing and Punishment of Offenders Bill.

8. For sometime the YJB has placed less focus on remands and their management. This has been an omission as remands are a key driver of the custodial population. With the proposals set out in *Breaking the Cycle* to transfer some of the associated costs to local authorities this will inevitably garner attention. We would like to see this fit far more within the YJB's effective practice framework. Whilst we would not disagree with the current focus on establishing resettlement consortiums across England and Wales, we believe there is scope to do more to focus on reducing the remand population.

9. We believe that reductions in custodial sentences cannot occur without effective work with sentencers and also by assisting those areas experiencing higher levels of custodial sentencing to critically examine their practice. The Prison Reform Trust and Nacro have supported YOTs to do this and we would like to see greater encouragement of this type of partnership between YOTs, the voluntary sector, academic institutions and policy makers in developing coherent improvements to the effective delivery of the youth justice system.

10. There is current evidence of a reversal in trends in youth justice which is encouraging given the level of commitment and resourcing by governments since 1998. The reduction of first time entrants to the youth justice system has been noteworthy and has impacted on court populations and the level of custodial sentencing falling. The primary legal duty of all involved in the youth justice system, to 'prevent offending by children and young people' and if fulfilled is capable of delivering sustained and significant savings to the public purse, particularly but not exclusively within the criminal justice system. It is therefore encouraging that the legislation intended by the UK government is viewed by practitioners as supportive to this objective. However, it is a firmly held view of YMC that the retention of the YJB would substantially reinforce the potential to achieve the outcome of reduced youth crime and anti-social behaviour.

September 2011

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**Letter from Crispin Blunt MP, Parliamentary Under-Secretary of State, Ministry of Justice to Frances Done, Chair, Youth Justice Board in response to her letter of 19 October**

Thank you for your letter which I believe does not contradict the point I was trying to make in Select Committee.

After the YJB had been invited to join the MoJ operational response later on Tuesday afternoon the coordination got satisfactorily underway and I have been and remain pleased to record my appreciation of the YOT's and YJB amongst all the other Criminal Justice agencies that responded so well to the disturbances.

The issue I raised with the committee was the previous 24 hours, which included preparation for the first COBRA meeting on Tuesday morning and the work that was being put in hand on Monday. My view was and remains that the Under 18 issue was overlooked for this period because of the more remote relationship of the YJB to me compared to NOMS. The consequences of this were not tested as the greatly increased police presence in London on Tuesday forestalled a repetition of the disturbances on the scale we saw in the previous

24 hours. However I believe there would have been extra difficulties arising in such unforeseen operational circumstances had we been heavily pressed. This would not have occurred if youth justice was being administered as the Government proposes.

I am copying this letter to Sir Alan Beith.

Parliamentary Under-Secretary of State for Justice

24 October 2011

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### Supplementary written evidence from the Youth Justice Board

Frances Done, Chair of the YJB, wrote to Crispin Blunt on 19 October seeking clarification of some of the comments the Minister had made during his evidence to the Justice Select Committee on 18 October, in particular in relation to the operational response to the disturbances in August. The YJB Chair was concerned that the Minister appeared to raise a concern that the YJB had not engaged or responded rapidly in response to the public disorder and Frances Done's letter set out YJB's understanding of its role in the operation as follows:

- Throughout Tuesday 9 August the YJB was working closely with NOMS which was leading the response to developing events and providing appropriate briefings covering adult and youth justice.
- On the afternoon of Tuesday 9 August NOMS convened the first Gold Command meeting, and in line with their contingency plans, contacted the YJB to request a representative. The YJB's Operations Manager for the Placements team, immediately responded. Gold Command opened at 5pm on Tuesday 9 August, and the YJB representative was present from 5.20pm (and through to the following morning). That evening at approximately 6pm, he was asked to attend a meeting with the Minister, Michael Spurr (NOMS) and the Gold Commander. He provided information on current placement capacity and stability in the estate. The YJB representative was not under the impression that any further information or briefing was required at this point. We understand that following this meeting the Minister attended the Cobra meeting.
- From 9 August until 16 August the YJB had a constant presence in Gold Command, including night and weekend cover. Throughout this period, the YJB provided regular briefings to the Gold Command Briefing Team which were used to brief Cobra and Ministers. The YJB's role in providing information and briefing was praised by colleagues in Gold Command from the first day and YJB was never informed that the Minister, or other Ministers, felt insufficiently briefed at any point.
- In the days that followed the YJB kept the Ministry of Justice's Youth Justice Policy Unit abreast of all developments with regular briefings, and whilst YJB was aware that the Minister's main form of briefing (including the YJB's contribution) was coming through Gold Command, YJB proactively provided the Minister with a submission summarising all the capacity, stability and safeguarding issues in the secure estate on 19 August.
- The efforts of the YJB, YOTs and the secure estate in responding to the very challenging situation arising from the riots have been widely praised by key stakeholders across the field. The YJB staff involved worked closely with Gold Command to ensure the coordination of YOTs, support to courts, the implementation of contingency plans for secure accommodation and the safety of young people remanded in custody.
- The working relationship with NOMS was excellent throughout the crisis. There have been no issues raised about the YJB's performance either by Ministers or officials at any time. YJB is now, as Ministers are aware, working with the affected YOTs and secure units to learn lessons from the events and this learning will be shared across the Youth Justice system.

October 2011

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