Youth justice 2004
A review of the reformed youth justice system
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Summary

The youth justice system has recently undergone a radical overhaul. In this report, we trace what has happened since *Misspent Youth* was published in 1996 and take stock of the new reforms and the difference they have made (Ref. 1). We identify what seems to be working well and what needs to be done now to build on the reforms and make them work better. As part of the study, we spoke to many people, from practitioners, to young people and parents who experience them first hand. This is what we discovered.

First, we found that the new system is a considerable improvement on the old one.

**Young offenders are more likely to receive an intervention**
- In 2001 nearly one in four young offenders said that nothing happened to them after they were caught by the police; by 2003 it was less than one in ten.

**Young offenders are dealt with more quickly**
- In January 1997, the average time from arrest to sentence was 142 days; by August 2001 it had been halved to 71 days.

**Magistrates are very satisfied with the service they receive from youth offending teams**
- eight out of ten said that pre-sentence reports are good or excellent;
- two out of three said that youth offending teams (Yots) are good or excellent at dealing with breaches of community orders and providing information in court; and
- three out of five said that youth offending teams are good or excellent at delivering bail supervision and support and community sentences.

**Young offenders are more likely to make amends for their wrong-doing**
- In 2002/03, more than 30,000 young offenders received Referral Orders or Reparation Orders – nearly one of every three sentenced; before 2000 these sentencing options were not available.

We also found equally important improvements in the new arrangements for delivering the reforms.

The Youth Justice Board sets a clear national framework with minimum standards and a performance framework and a takes lead role in monitoring progress and developing policy.
The 155 Yots are critically placed between criminal justice, health and local government services to co-ordinate and deliver services to young offenders and the courts.

And we identified some areas where more could be done.

Although crime overall has fallen (and youth crime has not increased), the public know little about the new reforms and their confidence in the youth justice system is low

- between 1999 and 2003, the rate of self-reported offending by young people of school age remained constant at one in four;
- three out of four people have never heard of Yots; and
- in 2001/02, one-quarter of the general public thought the criminal justice system dealt effectively with young people; a year later it was only one in five.

While some young offenders are benefiting from early pre-court interventions, too many minor offences are taking up valuable court time

- one in three young people who receive a Final Warning intervention improve the way they think and behave; and
- one quarter of all Referral Orders are for minor offences and the number of absolute discharges increased fourfold between April 2002 and April 2003.

Although young offenders on bail are less likely to offend (and are therefore less of a risk to the community), large numbers are still being remanded to custody, especially black and mixed race young people

- in 1994, one in three young offenders committed offences while on bail; by 2002/03 it was one in five;
- in April 2000, around 720 young people were held on remand in secure establishments; this dropped to around 500 after a year, but increased to around 620 by September 2003; and
- in 2001/02, about 7 per cent of black young people and 8 per cent of those of mixed race were remanded to custody; by 2002/03 these proportions had increased to over 10 per cent and nearly 12 per cent respectively. In contrast, the rates for white young people remained at less than 6 per cent over the same period. Research underway should help to illuminate the possible reasons for these differences.
The reconviction rates for young offenders given the new alternatives (reprimands, Final Warnings, Action Plan Orders and Reparation Orders) have fallen, but they have not fallen for those on the older community penalties and the overall amount of contact time has hardly changed

- compared with 1997, the reconviction rates of those receiving reprimands was more than 10 per cent lower than the predicted rate; for Final Warnings, Reparation Orders and Action Plan Orders it was nearly 7 per cent lower;
- compared with 1997, the reconviction rates of those receiving Supervision Orders, Attendance Centre Orders, Community Rehabilitation Orders and Community Punishment Orders had not changed; and
- in 1996, young offenders on Supervision Orders received, on average, 1 hour contact time per week; in 2003 it is little more at 1.1 hours per week.

Intensive Supervision and Surveillance Programmes (ISSPs) are a more constructive and considerably cheaper option for persistent young offenders than a spell in custody, but they cannot be expected to reduce custody on their own

- a six-month ISSP costs £8,500, whereas a six-month stay in a Young Offender Institution (YOI) costs £25,400;
- young people are offered up to twice as much time in constructive activities on an ISSP as they are in prison; and
- although the use of custody has reduced since they were introduced, ISSPs alone do not account for this decline.

In contrast to the continuing rise in the adult prison population, the juvenile prison population has remained stable, but black and minority ethnic young offenders are much more likely to be given custodial sentences than white young offenders

- the juvenile prison population, which increased by about 40 per cent between 1992 and 1997, has remained fairly stable at around 2,900; and
- about one in forty white young offenders are sentenced to custody compared with one in 12 black young offenders and one in ten of those of mixed race.

Given the scope of the reforms and the relatively short space of time in which they have been up and running, it would be unwise to embark on further wholesale change. Some of the newer reforms, such as the Referral Order and ISSPs, have been operating for less than two years. But there are a number of ways to improve on the work that has been done so far.
Focus courts on serious and persistent offenders

Persistent and serious young offenders concern the public most, but too many minor offences reach the courts. To free up more court time and resources to focus more on the most persistent and serious offenders, minor offences should be dealt with outside the court. We suggest the Crown Prosecution Service should refer young offenders who commit minor offences, but may have been reprimanded and warned and have admitted their guilt, to a Youth Offender Panel. Referrals would be for a fixed three-month period. Courts would then have the time and resources to review specific cases regularly, altering sentences to meet changing circumstances and affirming good progress.

Improve what happens in court

It is important that the courts engage young offenders and their parents and ensure that they understand fully what happens in court. We found some welcome changes, but felt that more needed to be done. We concluded that magistrates, like other professionals who work with children and young people, should be more specialised. This would fit better with a greater focus on serious and persistent young offenders, whose lives are often chaotic and complex. With fewer, more specialised magistrates, persistent young offenders could benefit from being assigned to one of the same magistrates on every court appearance. Magistrates could also review progress on specific cases, provide encouragement to those who are doing well and change the intervention programmes of those who are not.

Make sentencing more cost-effective

Some sentences deliver better outcomes and are less expensive than others. The most expensive and one of the least effective is custody. ISSPs have been introduced to improve community-based alternatives to custody and to keep persistent young offenders in their homes, in school, in training or in a job. We concluded that most persistent young offenders who might otherwise be sentenced to custody should receive an ISSP instead. We therefore suggest building on current efforts to reduce the use of custody by emphasising the need to:

- improve further magistrates’ confidence in community-based alternatives;
- provide more feedback to high custody areas on the costs and the effectiveness of custody and community alternatives;
- shift from a vertical sentencing tariff to a more horizontal or ‘sloping’ tariff; and
- improve public knowledge about youth crime and what the youth justice system is achieving.
Meet the wider needs of offenders

Multi-agency Yots are designed to maximise access to the services that young offenders require. But, for a variety of reasons, young offenders’ needs are not always met and some services are more accessible than others. We suggest a number of ways in which their needs might be better addressed, including:

● improving the amount and quality of contact they have with supervising officers;
● seconding social workers to Yots;
● keeping children in education, training and employment and involving schools directly in preventing offending;
● convincing health and mental health services of the crucial role that they have to play;
● developing more accessible, child-centred substance misuse services; and
● providing more, and more appropriate, supported accommodation.

Prevent children offending in the first place

Many young people who end up in custody have a history of professionals failing to listen, assessments not being followed by action and nobody being in charge. If effective early intervention had been provided for just one in ten of these young offenders, annual savings in excess of £100 million could have been made. We found that, although investment in early intervention has increased substantially in the last five years, it is often undermined by pressures to deliver improved outcomes in the short term. But we also found that targeted and well-managed early intervention programmes can be effective if they are properly co-ordinated both nationally and locally, such as those managed by youth offending teams. Better still, mainstream agencies, such as schools and health services, should take full responsibility for preventing offending by young people.
Youth crime today

Young people are more likely than adults to become involved in crime, both as offenders and victims, but crime by young people has not risen in the past five years. Since 1999, the system that deals with youth offending has undergone major change, including the creation of multi-agency youth offending teams in all areas.
1 James is 15, has not yet officially left school and has just returned home after spending his second period of time in custody, at a cost to the taxpayer of over £50,000. James is a real young offender (although his name has been changed) and his story reveals a catalogue of missed opportunities to alter the course of his life and divert him from offending. This report looks at what impact the youth justice reforms have had on youngsters like James, and what improvements need to be made to ensure that young offenders are dealt with appropriately and in a way that provides value for money.

2 There are nearly five and a half million 10-17 year olds in England and Wales, around one-quarter of whom have committed a criminal offence of some kind in the last 12 months (Ref. 2). In 2002/03, nearly 268,500 juveniles were arrested for notifiable offences (Ref. 3). At around 5 per cent of the age group, young people remain at a disproportionately high risk of coming into contact with the criminal justice system (CJS). Young people are also more likely to be victims of crime than older people (Ref. 4).

3 The overall level of crime experienced by the general public as victims has fallen by one-third since 1995, according to the British Crime Survey (Ref. 3). Police-recorded crime, which covers the full range of criminal offences, has also fallen since the early 1990s. Alongside this fall in overall recorded crime, the number of known young offenders peaked in 1992 before falling 14 per cent between 1995 and 2001 (Ref. 5).

4 However, against this backdrop of a general fall in crime, there has been a steady rise in recorded violent crime since 1991. The number of juveniles cautioned or convicted for violence, drug offences and robbery has also risen, although this accounts for only around one-third of indictable juvenile crime (Ref. 5). There are almost 3,000 young people in prison, half as many again as there were ten years ago, although the numbers levelled off from 1997 onwards. Only 21 per cent of the public are ‘very’ or ‘fairly’ confident that the criminal justice system is effective in dealing with young people accused of crime (Ref. 3).

5 Obtaining a picture of the true scale of youth offending requires more than arrest and conviction data, as such data only capture a small proportion of all offenders. Self-report data include offenders who have not been caught and provide information on the numbers and types of offences they commit. A school survey undertaken by MORI annually since 1999 (Ref. 2) shows that the self-report offending rate for 11-16 year olds has remained relatively stable. The same survey also collected self-report data from a separate sample of excluded children aged 11-16 from 2000 to 2003. This too shows little change, although the proportion admitting to offending is considerably higher than among those in school (Exhibit 1).
Exhibit 1
Self-reported offending by 11-16 year olds, 1999-2003
The proportion of excluded pupils admitting to offending is considerably higher than among those in school.

Percentage of children who admitted offending

Excluded pupils
Pupils in school

Source: MORI, 2003 (Ref. 2).

6 Between 1991 and 2001, police detection rates fell from 29 per cent to 23 per cent (Ref. 5). This is reflected in self-report data, where the percentage of young offenders in school aged 11-16 saying that they have been caught by the police after committing a criminal offence has fallen from 28 per cent in 2001 to 21 per cent in 2003 (Ref. 2). Since the overall rate of youth offending has not declined, this suggests that a smaller proportion of young offenders are being arrested.

7 Young people involved in – or at risk of – offending behaviour potentially engage with a wide range of agencies and individuals. How these agencies are configured, resourced and supported is critical to their success, both in meeting the many and diverse needs of troubled young people, and in preventing offending and re-offending. In 1996, the Audit Commission published a review of the arrangements for young offenders. Misspent Youth (Ref. 1) found that the existing system for dealing with youth crime was inefficient and expensive, and that services were failing both young offenders and their victims. The 1998 Crime and Disorder Act (Ref. 6) made provisions to address these weaknesses, through:

- the creation nationally of the Youth Justice Board (YJB) ‘to monitor the operation of the youth justice system and the provision of youth justice services’;
- the establishment locally of multi-agency Youth Offending Teams (Yots) ‘to co-ordinate the provision of youth justice services for all those in the authority’s area who need them’; and

1 This may overstate the ‘true’ fall in detection rates as the definition of detection has been tightened.
a new youth justice aim and changes to pre-court interventions and court sentences.

Full details of the reforms and the accompanying legislation are contained in Appendix 1.

Established as a non-departmental public body, the YJB oversees the youth justice system, which comprises Yots, custodial institutions, youth courts and the police. There are 155 Yots in total, one for every upper-tier local authority in England and Wales. Each Yot is made up of practitioners from social services, probation, police, education and health and is managed by a Yot manager. The aims of the YJB, which must be delivered through the youth justice system and are supported by the YJB’s 13 key performance targets for Yots (Appendix 2), are to:

- prevent crime and the fear of crime;
- identify and deal with young offenders; and
- reduce re-offending.

Youth justice services have undergone substantial change since the creation of the YJB in 1999 and the implementation of the main youth justice reforms in 2000, and much has been achieved. Yots are now well established and recognised widely as a successful innovation. The delays in bringing persistent young offenders (PYOs) to justice have been reduced significantly. The former police cautioning system has been replaced with Final Warnings and reprimands, which show measurable signs of success in reducing reconvictions. New orders and programmes have been introduced, notably Intensive Supervision and Surveillance Programmes (ISSPs), Action Plan Orders, Referral Orders, Reparation Orders and Parenting Orders. These are all having a positive impact on reducing re-offending.

The relationship between Yots and the courts has developed constructively and sentencers have generally supported the changes. A common assessment system, ASSET, has been introduced nationally for identifying the factors that may put young people at risk of offending. Young offenders are more often required to make amends for their actions, through either reparation to the community or restorative justice approaches involving victims and victims’ wishes, which are taken into account more often. Early intervention programmes have been developed in many areas to address the behaviour of younger children.

Three years after the implementation of the new arrangements\(^1\), the Audit Commission has revisited this area to examine the economy, effectiveness and efficiency of the reformed youth justice system and to look at how well the primary aims are being met. This is set against a dynamic policy environment, which includes:

- the Children’s Consultation Paper, *Every Child Matters* (Ref. 7), which sets out the Government’s plans to reform child welfare and children’s support services;

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\(^1\) Most provisions were implemented in April and June 2000. Referral Orders were implemented in April 2002.
the Home Office’s companion document to the Consultation Paper, *Youth Justice – The Next Steps* (Ref. 8), which suggests ways to develop the youth justice system;

- the Criminal Justice Bill (Ref. 9), which has implications for the sentencing of young offenders; and

- the Government’s correctional services review, which will explore the balance between custodial and community sentences and look at ways to improve the links between the different parts of the correctional services system.

12 The Audit Commission has conducted research with all those involved with the youth justice system, including policymakers, practitioners, young offenders and their parents (Appendix 3). The key messages emerging from this research are:

- the new arrangements are a significant improvement and a good model for delivering public services;

- the current positioning of Yots, enabling joint working between criminal justice, health and local government services, is critical to effective performance;

- court time and resources could be freed up to focus more on the most persistent and serious offenders by keeping more minor offences out of court;

- sentencing could be more cost-effective by increasing the courts’ and the public’s confidence in community disposals, especially ISSPs; and

- schools and mainstream agencies should play a more central role in meeting the needs of young offenders and preventing offending by targeting those most at risk.

13 The National Audit Office (NAO) has conducted its own review of secure juvenile facilities, and the combined remits of the two organisations have enabled a comprehensive picture of all aspects of service delivery to be obtained. This report complements NAO’s the report by looking at:

- how young people are brought to justice;

- the management of Yots; and

- the delivery of services to meet young people’s needs.
Bringing young people to justice

The new system for dealing with young offenders is a considerable improvement on the previous one. Sentencing takes place more quickly than before; young offenders are more likely to receive an intervention after they are caught and are less likely to be reconvicted after some community disposals.
James first came into contact with the youth justice system at the age of ten, when he received his first caution. As the reforms had not yet taken place, he received another couple of cautions in the same year. Today, he would have had just two chances – a reprimand then a Final Warning – before appearing before the youth court. When James was 13, he had his first contact with a new, multi-agency Yot. In that same year, James’s persistent offending, including criminal damage, theft of a bike and taking a car, led to his involvement in another new development, an ISSP. The following year, after breaching his court orders, James experienced his first period in custody at the age of 14.

What would have happened to James if he had had a reprimand and a Final Warning instead of a series of cautions? Would that have prevented his further involvement in crime? Is the new youth justice system any more likely to prevent James from further offending than the old one? He would have had more opportunity to make reparation, been dealt with much more quickly and experienced more interventions. With luck, he might have found his appearances in court less formal and less baffling, but he would still have felt detached from what was happening around him. He would still have been less likely to be remanded in custody than some of his black friends. His chances of ending up in custody would be just as high as before, which is sadly where he ended up at the age of 14. We can never know the answer to this in James’s case, but this chapter provides an overall assessment of the impact that the new reforms are having on the lives of young people just like James.

Arrest and interview

A young person usually enters the youth justice system when he or she is arrested by the police (Exhibit 2, overleaf).
Exhibit 2
The youth justice system

A young person usually enters the youth justice system when he or she is arrested by the police.

Note: This chart is for general guidance only. Some details have been omitted, such as the limitation of certain options to certain age groups.

Source: Audit Commission
Guidance for the arrest of young people has been provided for police officers under the Police and Criminal Evidence Act 1984 (PACE) (Ref. 10). Although most police officers who arrest young people do so in a sensitive manner, often under difficult circumstances, it appears that some may be dealt with inappropriately at times. Young offenders and parents in four Yot areas were asked about their experiences of arrest and interview. The experiences of young people and their parents depended in part on the way that police officers behaved and communicated with them.

Parents who felt the police understood the difficulties of the family and their circumstances appreciated the way they had been treated. Some were given helpful advice, offered further contact if they wished and provided with information about counselling services (Ref. 11). However, some parents were concerned about the police treating their child in what they felt was an unnecessarily heavy-handed manner, such as forcing the child out of the house without letting him walk out and frightening younger siblings. Some parents said that they had been threatened when they questioned the need for such treatment. Occasionally there were problems associated with the young person not understanding all the words used by the interviewing officer. For example, in one case, a young person agreed that he acted ‘recklessly’ when he thought it meant ‘accidentally’, and this subsequently became detrimental to his case. The way in which officers communicate with young people they arrest can have a significant influence on their subsequent behaviour, including re-offending (Ref. 12). To ensure that PACE guidelines are met, better training and supervision should be provided for police officers who arrest and interview young people. This should form part of the force’s policy on youth and dealing with youth offending.

Although young people are not committing significantly more crime today than five years ago, public spending and activity on youth justice have increased considerably. The YJB’s budget increased from £234 million in 2000/01 to £394 million in 2003/04. Spending by local providers on Yots rose by 15 per cent between 2002/03 and 2003/04. This is reflected in what young people say when asked about their offending behaviour. The number saying that nothing happened to them after they had been caught fell from 22 per cent to 9 per cent between 2001 and 2003 (Exhibit 3, overleaf) (Ref. 2).
Exhibit 3

Young offenders: what happened after you were caught by the police?

The number saying that nothing happened to them fell between 2001 and 2003.

Pre-court intervention

Once arrested, young people who admit responsibility for an offence and who have not previously been convicted can be given a reprimand by the police for a first offence and subsequently a Final Warning, unless the offence is serious. This replaced the previous arrangement of cautioning, which was criticised when it became apparent that:

- some young people were receiving multiple cautions for a series of offences;
- nearly one-half of those who received a third caution were reconvicted within two years (Ref. 13); and
- prosecution was found to be more effective in reducing re-offending after three cautions (Ref. 1).
The new system provides a clearer framework, allowing one reprimand and one Final Warning before a young person is prosecuted for a third offence. Young people who have received a reprimand or Final Warning, as well as their parents, seemed to be well informed about what it involved and what the implications would be if they re-offended (Ref. 11). The percentage of young offenders who receive a pre-court disposal has been falling since 1996 and continued to do so after the reforms were introduced in 2000 (Exhibit 4).

**Exhibit 4**

*Trends in the rates of cautionsI, Final Warnings and reprimands over six years*

The percentage of young offenders who receive a pre-court disposal has been falling since 1996.

<table>
<thead>
<tr>
<th>Year</th>
<th>Percentage of 10-17 year olds cautioned or sentenced</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996</td>
<td>70%</td>
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<tr>
<td>1997</td>
<td>70%</td>
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<tr>
<td>1998</td>
<td>70%</td>
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<td>1999</td>
<td>70%</td>
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<tr>
<td>2000</td>
<td>70%</td>
</tr>
<tr>
<td>2001</td>
<td>70%</td>
</tr>
</tbody>
</table>

*Source: Criminal statistics (Ref. 5)*

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1 Cautions before April 2000, reprimands and Final Warnings after this date.

2 National guidelines are provided for assessing the seriousness of offence that would be expected to result in a prosecution rather than a reprimand or Final Warning (Ref. 14).

3 Although some of these may not have admitted guilt when charged by the police, this is unlikely to account for most of them.

22 Local custody sergeants and inspectors have to decide whether to prosecute young people who have been arrested or to give them a reprimand or Final Warning, but local practice varies. Sometimes several reprimands are given, sometimes the gravity factor systemII is not used correctly and sometimes Final Warnings are issued to those who had previously received them (Ref. 15). In some of the sites visited, cases where young people had been charged and entered a guilty plea were returned to the police from court. In one study, over half of the young people who appeared in court for the first time and pleaded guilty to a minor offence had not previously received a reprimand or Final Warning (Ref. 16)III.
Most officers (inspectors, sergeants or constables) have received little formal training on Final Warning procedures (Ref. 15). However, some forces have provided written guidance for officers to explain their role in this area and training to go with it (Ref. 15). Others have a specialist youth justice officer to liaise with Yots and check the consistency of decision-making (Ref. 17). Others have used officers seconded to local Yots to provide guidance and training (Ref. 15).

Police forces should ensure that all of the officers involved in decision-making over whether to reprimand, warn or prosecute a young person should be fully informed about the policy and trained to implement it. This should include training in both the use of gravity factors and information about previous offending. Those administering warnings should have received training to do so, including training in restorative justice. The Yot should be notified about all cases. Forces that do not have a specialist officer for youth should consider developing such a role.

One problem is that information on previous offending is not always up to date. All Yots should have a Police National Computer (PNC) terminal in the office and an officer who is trained and authorised to use it. Local senior police officers should ensure that this happens. Yots should also consider obtaining permission to update the records directly, provided that the costs of doing so are not prohibitive. This would reduce the number of decisions made in error. If Final Warnings have been given in error, such as when information on a previous conviction is not available, these Warnings should also be recorded on the PNC. The Government should consider limiting reprimands and Final Warnings to only those offences that are recordable, to avoid the problem of non-recordable offences not being included on the PNC.

Forces also vary in their use of bail before a Warning is given. Constructive use of a bail period of three weeks is considered to be good practice, as it allows further information to be gathered by the police and Yot, and provides time for Final Warning ‘clinics’ to be arranged. In these clinics, a specially trained officer administers the Warning, usually with a member of the Yot present to facilitate and explain any intervention provided alongside the Warning. The young person’s parents are also encouraged to attend. All police forces that do not routinely use bail before issuing a Warning – to enable the use of Final Warning clinics – should consider doing so.

Final Warning intervention programmes

Final Warnings can be linked with an intervention provided by the Yot, based on an assessment of the young person’s risk of re-offending. The nature of interventions varies. Some comprise a single session on the consequences of offending, while others extend to several weekly sessions, covering a range of topics such as drugs, alcohol and sexual health. The YJB Effective Practice Guidance and self-assessment of local practice should help to bring greater consistency (Ref. 18).
The YJB has set a target that 80 per cent of all Final Warnings should be accompanied by an intervention programme by the end of 2004. An earlier target of 70 per cent has already been met successfully. The interventions have led to an improvement in some aspects of young people’s lives, particularly in changing their thinking and behaviour and their attitudes to offending (Exhibit 5). However, in most areas the proportion of young people experiencing improvements is lower.

**Exhibit 5**

**Improvement in behaviour and circumstances of young offenders receiving Final Warning interventions**

The interventions have led to an improvement in their thinking and behaviour and in their attitudes to offending.

![Graph showing improvement in behaviour and circumstances of young offenders receiving Final Warning interventions](source: Audit Commission analysis of YJB data)

The YJB target has led to improvement in practice and has been an important step forward. However, although 80 per cent of Yot managers think the new target is easy to achieve (Ref. 19), many of those interviewed on site visits felt it was too high in relation to the needs of the young people. A more tailored approach that uses resources in a more targeted way may be more appropriate from now on. Those with a low risk of re-offending and few needs should not need to complete a programme. The revised national standards now allow for a minimum intervention based on the level of assessed need. This should free up resources to provide more intensive
programmes to those young people assessed as higher risk and with greater needs. A guide to the level of risk that should lead to a given level of intervention should be developed nationally. Local areas should set their own targets, but above a minimum level so that the gains made so far do not lapse.

Focusing the work of the court

30 There is concern that too many minor offences are taking up valuable court time and require Yots and courts to deal with a high volume of low-risk young people. This is demonstrated by:

- a fourfold increase in the number of absolute discharges between April 2002 and April 2003 (Ref. 20); and
- research showing that one in four Referral Orders are for minor offences (Ref. 16).

31 This may be partly an unintended consequence of the speeding up of justice initiatives and the removal of multiple cautioning. One way to address this would be to allow the Crown Prosecution Service (CPS) to refer young offenders who commit minor offences but may have had a reprimand and a Final Warning to a Youth Offender Panel (YOP) without the need for a full court hearing. They would have to have admitted their guilt and could opt for a court hearing if they preferred. Diversion by the prosecutor is common practice in some continental countries (for example, Germany and the Netherlands) and is already under consideration by the Home Office. It is discussed further in the section on Referral Orders below.

What happens in court

32 Considerable improvements have taken place in the processing of young offenders through the courts since the introduction of the reforms. The statutory aim of preventing offending and re-offending by young people\(^1\) has provided a common goal that all agencies involved in youth justice can work towards. In court, it has improved communication and mutual trust and has enabled the Yot and magistrates to work together more constructively towards the same aim. Previously the different goals of providing justice and welfare did not easily facilitate communication or mutual understanding. Future developments of services for young people should not be allowed to undermine these gains. Other improvements, such as the provision of better bail packages, the introduction of Referral Orders and speedier justice, are discussed below.

\(^1\) There are other statutory aims, such as that sentences should be commensurate with the seriousness of the offence (Criminal Justice Act 1991) (Ref. 21) and take account of the welfare of the offender (Children and Young Person’s Act 1933) (Ref. 22).
Bail and remand

33 If a young person is not sentenced at a first hearing, the youth court has to decide whether they should be bailed or remanded. Alongside the introduction of the reforms, all areas were required to have bail support and supervision programmes. Since Misspent Youth (Ref. 1) was published in 1996, the number of young people who offend on bail has fallen from one in three to one in five\(^1\). This is a commendable achievement.

34 The programmes were also intended to restrict the unnecessary use of costly secure remands\(^1\). Between March 2000 and September 2003, the juvenile remand population fell from 722 to 620 [Exhibit 6], the steepest fall occurring in the first year. This was probably due to a combination of factors, including the introduction of the pledge to halve the time from arrest to sentence, the success of bail support and supervision schemes and the placing of remand workers in young offender institutions (YOIs) to secure bail for those remanded inappropriately. A fall in the second half of 2002 coincides with the introduction by the YJB of a target to reduce the use of secure remands to no more than 30 per cent of all bail and remand decisions by the end of 2004. By the end of 2002, 24 Yots had already met the target.

Exhibit 6

The population of young people held on custodial remand

The rise in the use of secure remands during the first half of 2002 coincides with the Government’s street crime initiative.

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*I The findings in Misspent Youth (Ref. 1) are based on a sample of young offenders bailed in 1994.

II Secure remands cover all custodial remands and remands to secure accommodation.

Source: Audit Commission analysis of YJB Secure Accommodation Clearing House System (SACHS) data
Despite these initiatives, however, the average time spent on remand (36 days in the first quarter of 2001) has not reduced overall. After an initial drop in 2001, it rose in 2002 and remained at 38 days in the third quarter of 2003. The rise in the remand population during the first half of 2002 coincided with the introduction of the Government's street crime initiative and the widening of remand powers in the Crime and Disorder Act 1998 (Ref. 6).

The universal provision of bail support and supervision programmes, while being effective in helping to reduce offending on bail, does not appear to have reduced the use of secure remands directly. The resources that Yots spend on bail supervision and support services have no relationship with performance against the YJB target. This suggests that devoting resources to bail support programmes in itself is not sufficient to reduce the number of secure remands. It is important that Yots continue to work closely with magistrates to ensure that the details of their bail support and supervision programmes are well understood and become more accepted as a credible alternative to secure remands.

An area of concern is the higher percentage of black and mixed race young people receiving secure remand decisions than white or Asian young people (Exhibit 7). The difference between the groups has widened over the three years since the introduction of the reforms. There may be several reasons for these differences and research has been commissioned by the YJB to explore this issue in depth, which is to be welcomed. The YJB monitors remand decisions by ethnic origin, but more could be done to ensure that this information is fed back to individual Yots who, in turn, should provide data on their own area to the court. Yots should develop local policies on diversity among their own staff and aim to develop good practice in working with minority ethnic young people, especially those at high risk of custodial remands. Bail support and supervision programmes should also be better tailored to the needs and circumstances of specific ethnic groups.
Exhibit 7
Remand decisions leading to custody for different ethnic groups

The difference between the groups has widened over the three years.

Referral Orders

38 A young person who is prosecuted in the courts for the first time and pleads guilty is eligible for a Referral Order. He or she may have had a reprimand and a Final Warning already for previous offences (although over half have not). The Home Office is also considering making subsequent offenders eligible for Referral Orders on a discretionary basis (Ref. 8). The court sets the length of the order for a period of 3 to 12 months, to reflect the seriousness of the offence, and refers the young person, with their parent or guardian, to a YOP. The panel consists of two trained volunteers drawn from the local community and a representative of the Yot. The victim of the crime is also invited to attend.

39 The aim of the YOP is to agree a contract with the young person, designed to make reparation to the victim or wider community and discourage him/her from further offending. The contract sets out a programme of contact and intervention, supervised by the Yot. Periodic review and final panel meetings monitor the young person’s completion of the contract. The panel has the power to refer the case back to court if the young person does not fulfil the terms of the contract. Once the contract has been successfully completed, the conviction is ‘spent’.

Source: Audit Commission analysis of YJB data
The YJB and Yots have done well to recruit and train a whole new cadre of panel volunteers. Recruitment is not a problem in most areas and Yots are engaging people who are representative of the local population in which they work. In December 2002, 37 per cent of volunteer members of YOPs were under the age of 40 (Exhibit 8). This profile is not far from the distribution in the overall population and is different from the age profile of magistrates. However, the minimum age for becoming a magistrate is 27, compared with 18 for panel members, and many have been doing the job for a considerable time. A new national strategy for the recruitment of magistrates, launched in October 2003 by the Secretary of State for Constitutional Affairs and Lord Chancellor, aims to encourage younger people and people from ethnic minorities to become magistrates. Seven per cent of panel volunteers are black, compared with 2 per cent of magistrates. Three per cent of both panel members and magistrates are Asian.

Exhibit 8
The age profile of youth offender panel members and magistrates

Thirty-seven per cent of panel members were under the age of 40 (December 2002).

Source: (Ref. 25).

Panels provide a positive experience for members of the local community who become involved, empowering and informing them about criminal justice and youth offending. This helps to counteract the more negative ways in which youth crime issues are usually covered by the national media (para. 101). Some panel members have also become involved in developing activities for young people in the local area (Ref. 26).
Referral Orders are generally well liked by magistrates. Fifty-seven per cent rated them as good or excellent in providing programmes or activities and providing sufficient supervision. This is slightly higher than for other sentences. Eight out of ten said that their introduction has been beneficial in providing an appropriate response to first-time offenders (Ref. 27). Two-thirds of magistrates and nine out of ten Yot managers also said that they thought them effective or highly effective in preventing re-offending (see Exhibit 20). Three out of four of the contracts agreed with young people were completed successfully (Ref. 28).

Magistrates interviewed in site visits who have been able to observe YOPs in operation said they felt much better informed about them and more confident in the decisions they make. Where possible, magistrates should be encouraged to observe YOPs in operation, although this may not be possible to arrange for large numbers. Attending at least part of the training for panel members could also help magistrates to understand the nature of Referral Orders without compromising their independence. Some simulations of panels could be part of this. Undertaking some joint training, where there are common areas of interest, can be an effective way to promote communication and appreciate what goes on in each setting, so this could also benefit panel members.

Young offenders said that they were pleased to have had the opportunity to tell their story, be listened to by ordinary people and be treated with more respect, which contrasted with some of their experiences in court. Parents also liked the panel meetings (Exhibit 9, overleaf). Both groups particularly appreciated being involved in drawing up the contract and the opportunity it offers to address a young person’s needs. For example, a young person who truanted regularly asked for regular attendance at school to be part of his contract (Ref. 11). Although courts and YOPs have different functions, lessons can be learned that could be applied to courts.

Ninety young people and 75 parents were interviewed (Ref. 28).
Young offenders said they were pleased to have had the opportunity to tell their story.

The quality of Referral Orders varies locally. In some areas opportunities for intervention and reparation are too limited, and in a few cases contracts fail because the Yot cannot arrange reparation (Ref. 26). In many of the Yots visited, the contracts consisted mainly of fortnightly meetings with the supervising officer, but some have quite varied and imaginative contracts. In Leicester City, for example, reparation has included:

- writing a report on the impact of shoplifting on business;
- producing a guide for youth workers;
- planting in the churchyard;
- working at an older person’s lunch club;
- clearing the canal;
- helping at the African-Caribbean centre;
- helping with activities at a neighbourhood centre; and
- helping at a youth club.
46 Yots should review the nature of the contracts developed by YOPs at regular intervals. The findings should be made available to Yot staff, magistrates, and others, such as justices’ clerks and crown prosecutors. They could also provide information to the general public, via local media, to help inform them about youth justice and responses to youth offending, highlighting some of the most successful and imaginative examples.

47 The national standards require a panel meeting to be arranged within 15 working days of sentencing, but this target is often missed, with some cases taking more than two months after the court hearing before reaching a panel (Ref. 26). This delay undermines the credibility of the order in the view of the court, the young person and his or her parents. One way to reduce delays would be to remove the need for a court hearing by giving responsibility for making a fixed three-month Referral Order for less serious offences to the CPS (para. 31), as almost half of all Referral Orders are made for three months (Ref. 16).

48 Some Yots arrange for some of the same panel members from the initial panel to be involved in review meetings to provide continuity as the order progresses. All Yots should consider doing this, as it maintains a relationship with the young person and his or her parents and enables panel members to monitor progress, review the conditions of the contract and offer encouragement (Ref. 26). It contrasts with the court process, in which there is rarely such continuity (para. 61). Feedback to magistrates is also important. Where Yots have given them regular summary information about the content of contracts, especially where magistrates have also been able to communicate directly with panel members, their understanding of Referral Orders and their confidence in them have improved (Ref. 26).

49 In principle, victims should play a central role in Referral Orders but, in practice, participation by victims in most areas is the exception rather than the rule. In some Yots, special arrangements have been made for contacting and supporting victims, but in others more should be done to encourage victims to attend meetings (Ref. 26). Victim participation and satisfaction can be increased when:

- following a letter, victims are contacted personally and invited (rather than coerced) to attend;
- the Yot has a victim liaison worker trained for this role; and
- the procedure is fully explained to them by someone who is directly involved.
Speeding up the process

50 In 1997, the Government pledged to halve the time from arrest to sentence for all PYOs. This was achieved by August 2001, when the average time was 71 days, compared with 142 in January 1997. The average time has remained below this level since that date.

51 The speeding up of proceedings seems also to have had important unintended side-effects, such as a reduction in offending on bail (para. 33). It has also led to the speeding up of justice for all young people. The average time from arrest to sentence in the magistrates’ court for non-PYOs fell from 83 days in February 1999 to 57 days in June 2003, and the average time for all youth defendants fell from 81 days in February 1999 to 55 days in June 2003 (Ref. 29). It is important that the Government’s pledge should remain challenging even though the initial target has been achieved.

52 The reduction in the time from arrest to sentence was strongly supported by young people and their parents (Ref. 11). Several parents felt it was important to establish a link in the young person’s mind between the crime and the punishment. Some young offenders and their parents are also keen to reduce the time that a court case ‘hangs over them’, even to the point where a young offender pleads guilty in order to get the court case over as quickly as possible. But despite these improvements, some young offenders experience multiple adjournments, including one whose case was adjourned 17 times. And there are instances where young people do not fully understand why their cases are adjourned and would like someone in court to explain this more clearly to them.

53 In practice, there is wide variation between court areas in the time taken to sentence young offenders, with inefficiencies in case preparation, for example, still leading to delays in some youth courts. Two-thirds of magistrates surveyed said they thought it would be possible to reduce further the number of adjournments. Trials can wait five weeks before being listed and the trial date may be a further six weeks later. Considerable time is lost in some courts through poor case preparation by the CPS and police and failure by the parties to exchange papers before the court session begins. The efficiency of the system could be further improved by the preparation of timely, good-quality case files by the police and CPS and by effective case progression involving all agencies (Ref. 30).

54 An important element in reducing the time from arrest to sentence is the timely production of pre-sentence reports (PSRs). These must be requested and considered where a court is considering a community or custodial sentence, unless a PSR already exists and the court has considered it (Ref. 24). Magistrates surveyed were positive about the timely completion of PSRs, with 94 per cent saying they are always or usually completed on time. Eighty-five per cent of Yot managers said the YJB target to complete PSRs within the national standard time target was either reasonable or easy (Ref. 30). When PSRs are delivered late, this is sometimes due to the CPS information failing to arrive on time. If the PSR is not available, almost half of magistrates said that they would sometimes go ahead with sentencing anyway. Justices’ clerks should ensure that magistrates are fully aware of the legislation when they sentence. Their training should cover this.


II The actual target, to complete 90 per cent of PSRs within the national standard of 15 days (10 days for persistent young offenders), is achieved by almost 40 per cent of Yots and nearly achieved by a further 45 per cent.
The use of stand-down reports and updates, instead of adjourning for a full PSR, can help to speed cases through the system, but their use varies. In some areas they are not used at all (Exhibit 10). Yots should offer magistrates the option of stand-down reports where sufficient information is either available or could be gathered the same day, and should encourage them to request these.

Exhibit 10

The use of stand-down reports

In some areas they are not used at all.

Percentage that are stand-down reports

<table>
<thead>
<tr>
<th>Percentage (%)</th>
<th>Yots</th>
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<tr>
<td>25%</td>
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</tr>
<tr>
<td>20%</td>
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<tr>
<td>5%</td>
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<tr>
<td>0%</td>
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Source: Audit Commission analysis of YJB data

Communication in court

The traditional court system, for all its strengths, does not make it easy for young defendants and their parents to engage with the court. The Government White Paper, *No More Excuses* (Ref. 31), stated that the youth court needed to provide processes that engage young offenders and their parents and focus on the nature of their offending behaviour and how to change it. Demonstration projects were developed in two areas to change the physical layout of the court to facilitate communication and engagement, and lessons from the projects have since been incorporated into the training of magistrates and others involved in the courts (Ref. 32). However, some courts still have a formal layout and/or have not had the resources to make environmental changes.

Provided to the court on the same day, after a short adjournment, based on existing information and immediate interview.
Some magistrates have more difficulty than others in effectively engaging with young defendants, with 61 per cent of those surveyed saying they have some or a lot of difficulty in getting young people to engage in discussion. This can influence the way in which young people are perceived by the court, which can have important consequences. For example, if a young person is inarticulate, inhibited or lacks understanding, which is not uncommon among teenagers, this may lead to misunderstandings and even the passing of an inappropriate sentence (Ref. 26). Eighty per cent of magistrates surveyed said that the attitude and demeanour of a young person influences their sentencing decision to some or a great extent (see Exhibit 19).

More could be done to engage young people in constructive dialogue. Some young people who were interviewed said that they had only been asked to confirm their name that and address in court. Some had not expected to speak in court and were taken aback, finding it difficult to formulate their answers (Ref. 11). Several said they did not understand the long words or ‘jargon’ used and some felt unable to ask for an explanation in case it was seen as ‘answering back’. Some young people and parents were asked whether they understood what was going on, but not all. Other research has also found that some young defendants feel intimidated and frustrated by not being able to participate in the process or to correct information they thought was wrong or inaccurate (Ref. 33).

Although all youth court magistrates have received training in engaging with young people, the quality of communication and understanding could still be improved in a number of ways. One technique observed in courts included checking whether the young person had really understood what had been said to them by asking them to repeat it back to the court in their own words. Some Yots have used role play with young people in magistrates’ training. Justices’ clerks have an important role in improving communication between offenders, parents and the court and they could also benefit from more specialist training. The YJB and the Law Society are developing a training programme that will include issues such as the roles of other professions and communication with young people. The Home Office/YJB/voluntary sector proposal to develop an information pack for young defendants and witnesses should also help. Straightforward changes to the layout of courts, such as placing lawyers and the legal adviser to one side so that magistrates can talk directly to the young person, can also be effective. The planned unification of court administration should provide an opportunity to improve further the environment and the way that procedures are carried out.
Specialisation

Young people who appear before a youth court have different needs from those of adults. Dealing effectively with their sometimes complex and chaotic lives requires a degree of specialist knowledge that is different from those who work in the adult magistrates’ courts. Extensive knowledge is now also required to understand fully the complexity of youth court sentencing and the work of the Yot and other associated agencies. With the increasing need for specialist knowledge and expertise among those who work with children, young people and their parents, there is a case for increasing specialisation in the youth court.

Currently, justices’ clerks, magistrates and judges who work in the youth court also work in adult courts. Magistrates normally receive specialist training to work with young people only after they have served for around two years in an adult court. They have to sit for a minimum of only 13 half-days each year in the youth court in addition to 18 half-days in the adult court. One option might be for specialist magistrates to undertake a greater minimum number of youth court sessions per year, and fewer in the adult court. A forthcoming scheme for authorisation of youth court magistrates by the Lord Chancellor could lead to greater specialisation. The number of justices’ clerks, magistrates and judges needed in the youth court could be reduced if more minor offences were diverted from court; training for youth court work could then be limited to this group. This would also help to provide greater continuity in individual cases that need it, such as those likely to require a large number of hearings, and those with specific bail conditions. Cases that would benefit from greater continuity should be flagged up at a first hearing. Practically, continuity with at least one common member of the bench would be easier to arrange if a smaller number of specialist magistrates were involved.

Training for defence solicitors, developed by the YJB and the Law Society, began in July 2003, with input from the local Yot. This could be enhanced by running joint sessions with magistrates, clerks and others. Attendance at these could be linked to accreditation, as recently recommended by the Government (Ref. 8).

Young people charged with serious offences can have their cases committed to the Crown Court for trial or sentence. Following the judgement of the European Court on the Thompson and Venables case, serious concerns were raised about whether the Crown Court is an appropriate venue for juvenile trials (Ref. 34). Special training for judges and barristers in the Crown Court dealing with young people has been proposed by the Government (Ref. 8). Lord Justice Auld recommended that all cases involving young defendants should be dealt with in the youth court, with judges sitting alongside magistrates for committed cases (Ref. 35). The less formal layout and other specialist youth professionals would already be available. This would then be similar to the model for family courts, which have a separate jurisdiction throughout the magistrates’ and county court levels. A further justification for this is that cases take much longer in the Crown Court, the average time from arrest to sentence being 197 days. The proportion of PYOs sentenced in the Crown Court fell from 11 to 7 per cent between 1999 and 2002 (Ref. 36).
Servicing the court

Most magistrates appear to be very satisfied with the services provided by Yots (Exhibit 11). Eighty-two per cent of those surveyed said the PSRs provided by the Yots were good or excellent; only 2 per cent said they were poor. Two-thirds of other reports (stand-down and specific sentence reports) were said to be good or excellent.

Exhibit 11
Magistrates’ views of services provided by their local Yot
Most magistrates appear to be very satisfied with the services provided by Yots.

Magistrates interviewed during site visits said that the information given by the individual Yot officer in court can have a significant influence on their decisions. If, for example, the Yot has organised a good bail package before the case comes to court, the young person may be more likely to be given bail. Two-thirds of magistrates said that the information provided in court, such as responding to questions, was good or excellent. Sixty per cent of magistrates said Yots were also good or excellent at delivering community sentences, but a small minority (10 per cent) said they lacked the information to form a judgement. Yots need to make sure that all magistrates are aware of the quality and effectiveness of community sentences in order to maximise their confidence in using them.

Magistrates were slightly less enthusiastic about the Yots’ provision of feedback to the court, which was rated lower than other aspects of the Yots’ work. Fifty-nine per cent of those surveyed said they would like to receive more information from Yots. Only half said that they receive information on re-offending rates following different sentences. Almost all magistrates interviewed in site visits said they wanted more feedback on the progress of individual cases. To help magistrates and judges reach
the best possible decisions without compromising their judicial independence, Yots should provide them with information about the effectiveness of different kinds of sentences in terms of re-offending rates for young people with different characteristics.

67 At the minimum, Yots should provide statistical information on the rates of completion for each of the orders, as well as breaches and reconvictions. In addition, the details of progress in individual cases could be provided to those who made the sentencing decision. The YJB has proposed that Yots provide feedback on a limited number of cases to youth court magistrates. Training sessions in which progress and difficulties in selected cases are highlighted, including detail on the interventions provided, could add to magistrates' knowledge of what happens to young people after a sentencing decision has been made and ensure that they receive feedback on successful as well as unsuccessful cases.

68 Diverting more minor offences from the youth court would free up resources for reviewing specific cases on a regular basis. Reviews are already built in to Drug Treatment and Testing Orders and are available for Action Plan Orders. This practice should be extended under magistrates' existing powers to include reviews of persistent offenders during the course of a sentence and those on longer orders. Reviews would provide greater continuity (para. 61), allow magistrates to alter the content of sentences to meet changing circumstances and offer an opportunity to affirm good progress. They would also be useful for tracking the progress of those released from custody on the second part of their Detention and Training Order (DTO).

Sentences

69 The 1998 reforms included a number of new sentences, including Reparation Orders, Action Plan Orders, Parenting Orders and DTOs. These were supplemented in 2001 by the introduction of ISSPs and in 2002 by Referral Orders. The full list of sentences available to the youth court is listed in Appendix 4. This section describes the impact that these new disposals have had on patterns of sentencing and assesses their effectiveness.

Patterns of sentencing

70 Between 1998 and 2001, the proportion of young offenders given ‘higher tariff’ community sentences increased (Exhibit 12, overleaf). Lower level disposals have declined, with cautions (cautions before April 2000, reprimands and Final Warnings after this date) falling, as well as low tariff sentences (absolute and conditional discharges, fines and others). Young people who are black or of mixed race are still less likely to receive the lowest tariff responses, with fewer receiving reprimands and Final Warnings and more receiving community sentences in 2002/03 (see Exhibit 16). So more young offenders (especially those who are black or mixed race) are receiving higher tariff interventions and fewer are being diverted from formal proceedings altogether.
The proportion of all 10-17 year olds guilty and cautioned given different disposals 1996-2001

The proportion of young offenders given ‘higher tariff’ community sentences increased.

Exhibit 12
The proportion of all 10-17 year olds guilty and cautioned given different disposals 1996-2001

The proportion of young offenders given ‘higher tariff’ community sentences increased.

Percentage of all 10-17 year olds cautioned and sentenced

Source: Home Office Criminal Statistics (Ref. 5)

71 The increase in the use of community penalties continued up to the introduction of Referral Orders in April 2002, following which the use of community sentences, along with fines and conditional discharges, fell. The use of DTOs remained stable after their introduction (Exhibit 13).
The use of DTOs remained stable after the introduction of Referral Orders. The number of young people sentenced to custody rose by about 40 per cent between 1992 and 1997 (Ref. 5), but then levelled off before recently falling. Between the first quarter of 2001 and the third quarter of 2003, the number fell by 17 per cent. Given the continuing rise in the adult prison population during this period, this is to be welcomed. However, there was a slight increase in the average length of DTOs between 2000 and 2003, much of which may be accounted for by the Lord Chief Justice’s robbery sentencing judgement of January 2002 and the introduction of the Government’s street crime initiative. Furthermore, there are some concerns about the increasing number of 10-14 year olds sentenced to secure facilities (Exhibit 14, overleaf) and minority ethnic young people (see Exhibit 17). The number of girls in secure facilities also rose from 126 in March 2000 to 221 in May 2003. More recent data from the YJB suggests that the use of Section 90-92 sentences rose during 2002, possibly as a result of the street crime initiative, but this has now begun to fall again (Exhibit 15, overleaf).
Exhibit 14
Percentage of sentenced offenders given custody (by age)
The likelihood of being sentenced to custody has increased for those aged 10-14.

![Graph showing percentage sentenced to custody by age group from 1991 to 2001.](source: Home Office Criminal Statistics (Ref. 5))

Exhibit 15
Section 90-92 sentences since 2000
The use of Section 90-92 sentences rose during 2002.

![Graph showing section 90-92 sentences by quarter from 2000 to 2003.](source: Audit Commission analysis of YJB data)
The sentencing of ethnic minorities

The increasing use of secure facilities for certain ethnic groups is of concern. Young people who are black or of mixed race are more likely than white or Asian young people to receive substantive community sentences (such as Supervision Orders, Community Punishment Orders and Community Rehabilitation Orders) (Exhibit 16) or custodial sentences. The difference between these groups increased between 2000 and 2003 (Exhibit 17, overleaf). As mentioned in para 37, research under way should help to illuminate the possible reasons for these differences. Whatever the findings, those working in the youth justice system need to be aware of the differences in sentencing patterns between ethnic groups and ensure that regular information on the ethnicity of offenders is provided to the court.

Exhibit 16
The percentage of young people of different ethnic origin given community disposals

Young people who are black or of mixed race are more likely to receive substantive community sentences.

Source: Audit Commission analysis of YJB data
The percentage of young people of different ethnic origin given custodial sentences

The difference between the groups increased between 2000 and 2003.

The Government should continue to monitor the numbers and proportion of young offenders sentenced to custody on DTOs and Section 90-92 Orders, and Yots should monitor local trends in sentencing and reconviction rates to ensure that magistrates and other court personnel are regularly provided with local information. This would enable them to view their decision-making and its impact in a wider context. The YJB has a target for Yots to reduce the number of custodial sentences to 6 per cent of the total and custodial or secure remands to 30 per cent of the total by the end of 2004. In 2002, only 24 Yots met the target for remands and 16 met the target for custody. Yots should ensure that full use is made of the six-monthly information on sentencing provided by the YJB in discussions with the local court and magistrates. The YJB’s regional business meetings every year also provide a forum for discussion with magistrates.

Source: Audit Commission analysis of YJB data
The effectiveness of sentences

The increase in the likelihood of ‘something happening’ once a young offender is caught (Exhibit 3) should reduce the likelihood of re-offending. Compared with 1997, the reconviction rate after one year of all those convicted in the first quarter of 2001 fell from a predicted rate\(^1\) of 34 per cent to 26 per cent (Exhibit 18, Ref. 37). The reforms were only introduced from April 2000, so these findings should be viewed as encouraging, but early, signs of success. Most of the reduction in reconviction follows the pre-court and ‘low tariff’ disposals, including fines and conditional discharges, but two of the newer community disposals, Reparation Orders and Action Plan Orders, also show a reduction.

Exhibit 18
Reconviction one year after community disposals

Two of the newer community disposals, Reparation Orders and Action Plan Orders, show a reduction.

Source: Jennings, 2003 (Ref. 37)

The predicted rate aims to take account of the previous history and other factors that influence the likelihood of re-offending. The comparison is only between conviction and no conviction, making no allowance for differential reductions in seriousness and frequency.

On Supervision Orders, Community Rehabilitation Orders or the second part of DTOs.

Disposal type

In contrast to Reparation Orders and Action Plan Orders, reconviction rates following the more substantive community penalties show a slight increase. Analysis of 300 Yot case files shows that the average weekly contact time offenders under supervision receive is just over one hour per week, which is no more than the average time identified in Misspent Youth (Ref. 1) seven years earlier. For persistent offenders\(^2\) it is 1.8 hours per week, on average, but the complexity of their programmes is no greater than for other offenders. This could account for the lack of improvement in reconviction rates for offenders on these disposals.
The national standards for Yots require young people on these orders to have two contacts per week in the first three months, but there is currently little national monitoring of the achievement of these standards. Since the reforms have been implemented for only three years, the time spent by staff on administrative tasks might be expected to have risen in comparison with the time spent with young offenders. In order to meet the diverse needs of individual young people more fully, a graduated approach should be developed in which the amount and quality of contact time is more closely tailored to their needs and risks. This may be addressed when the YJB’s Effective Practice strategy has been fully implemented.

There are currently no reliable data for calculating reconvictions following custodial penalties since the reforms were introduced, so it is not yet possible to say whether the new DTO is an improvement on the custodial sentence it replaced. Figures for 2001 offenders are due early in 2004. Earlier work undertaken before the reforms shows such rates for youth custody being very high (Ref. 36).

Just over one-half of magistrates take account of re-offending rates for particular disposals in reaching their sentencing decisions, although 80 per cent take into account the effectiveness of local community programmes (Exhibit 19). Yots need to ensure that magistrates are regularly provided with better information on the interventions involved in the sentencing options, including how the sentences are carried out locally and their effectiveness in reducing re-offending. They should include examples of the kinds of reparation work carried out and case studies that illustrate successful and less successful outcomes.

Exhibit 19
What influences magistrates’ sentencing decisions
Just over one-half of magistrates take account of re-offending rates.

Source: Audit Commission survey of magistrates (Ref. 27).
Yot managers and magistrates broadly agree about the effectiveness of most of the sentences available to the youth court, but their views differ substantially about the effectiveness of DTOs. Fewer than 10 per cent of Yot managers think that they are effective, compared with over 60 per cent of magistrates (Exhibit 20).

Exhibit 20
The views of magistrates and Yot managers
Their views differ substantially about the effectiveness of DTOs.

Source: NAO/Audit Commission surveys of magistrates and Yot managers (Refs. 19 and 27)

Although more than one-half of the magistrates surveyed said that the quality of custodial options influenced their decisions, the majority did not have sufficient information on the programmes in YOIs and other secure establishments and whether they were able to meet the identified needs of young people, such as for education, mental health care and addressing offending behaviour (Exhibit 21). Section 90-92 sentences, which increased in 2002 (Exhibit 15), are given in the Crown Court, not the magistrates’ court, so judges should be provided with information about the interventions received by young people on these sentences and their effectiveness in reducing offending.
Exhibit 21
Magistrates’ views on whether secure establishments meet the needs of young offenders

Most did not have sufficient information on the programmes in YOIs and other secure establishments.

<table>
<thead>
<tr>
<th>Percentage of magistrates who said ‘don’t know’</th>
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<tbody>
<tr>
<td>Dealing with mental health issues</td>
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<tr>
<td>Providing education and training</td>
</tr>
<tr>
<td>Preventing offending behaviour</td>
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<tr>
<td>YOIs</td>
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<td>Secure training centres (STCs)</td>
</tr>
<tr>
<td>Local authority secure children’s homes (LASCHe)</td>
</tr>
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Source: NAO/Audit Commission survey of magistrates (Ref. 27)

Intensive supervision and surveillance programmes

ISSPs are a significant and welcome development alongside community sentencing. They provide an intensive package of intervention in the community as an alternative to custodial remand and short custodial sentences for persistent young offenders. They were launched in July 2001 in 80 Yot areas and were made available in all areas from October 2003. An ISSP runs for a maximum of six months. It must provide at least 25 hours of purposeful activity a week for the first three months, including reparation, education and training, offending behaviour courses, training in interpersonal skills and family support. The intensive part of the programme currently runs for up to three months, but legislation currently before Parliament would increase the maximum to six months. During the intensive part of the programme, those on ISSPs are subject to intensive surveillance in the community for up to 24 hours a day, using measures such as electronic tagging and intelligence-led policing.

Defined for this purpose as offenders appearing in court, charged or convicted of an offence who have previously been charged, warned or convicted of offences committed on four or more separate dates within the past 12 months and have previously received at least one community or custodial sentence.
Six out of ten ISSPs are made as part of a Supervision or Community Rehabilitation Order, one-quarter are attached to bail, and 15 per cent are attached to a DTO. They have succeeded in targeting persistent young offenders with multiple problems. Those on ISSPs have an average of 13 prior offences; two-thirds have been permanently excluded from school and their average reading age is five years below their chronological age.

Research has shown that ISSPs appear to offer much more help to young offenders than short DTOs. A young person in custody is offered only 13 hours per week of purposeful activity, on average, compared with 25 scheduled hours on an ISSP. During the community part of a DTO, a young person is offered 1.5 hours per week contact with a Yot worker, on average, compared with 20 hours per week of scheduled contact time in the second three-month period of an ISSP (Ref. 38). A thorough evaluation has been carried out on one small programme for persistent young offenders, similar to ISSP but without the surveillance element. It found that, although overall reconviction rates were unaffected, there was a reduction of 30 to 50 per cent in the volume of crime committed by the young people on the programme, compared with two control groups (Ref. 39). Oxford University is currently undertaking a reconviction study of the ISSP. Results from the 12-month study will be available in 2004 and from the 24-month study in 2005.

The ISSP costs considerably less than custody. A six-month ISSP costs £8,500 compared with £25,400 for a six-month stay in a YOI. Young offenders are also very positive about ISSPs, with 86 per cent saying that they are well organised and 84 per cent feeling they benefit from them. They like the fact that the programme gives them a legitimate pretext to remove themselves from the streets and the attendant risks of engaging in antisocial and criminal activity (Ref. 40).

Although many young offenders complete ISSPs satisfactorily, there appears to be a high proportion who breach the strict requirements of the programme and are then given custodial sentences. Care therefore needs to be taken to ensure that young offenders on ISSPs are likely to be able to meet the 25-hour commitment by providing adequate support, such as mentoring, to help them to keep appointments. The response to breach needs to be proportionate to the level of breach. For example, missed appointments should normally be dealt with by the supervising officer who should make clear to the young person and his or her parents that further sanctions, including perhaps a Parenting Order, would be likely to follow further breaches. Persistent or major breaches should be brought to court, but dealt with in proportion to the behaviour, making sure that custody is used only as a last resort. This applies especially to those on ISSPs as part of a DTO, who are at much higher risk of returning to custody if they breach the conditions of the programme. The proposals in the Criminal Justice Bill (Ref. 9) currently before Parliament to introduce one community order for all 16/17 year olds and attach requirements as necessary should allow a more tailored and graduated approach to the use of ISSPs (see below).

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1 Figures from Oxford University not released by the YJB at the time of going to print.
Although ISSPs are likely to reduce the number of crimes committed, they are unlikely to reduce reconviction rates significantly, as just one offence can lead to reconviction. Since the chances of reconviction leading to a custodial sentence are high, an ISSP alone is unlikely to have much impact on reducing custody rates. Although the number of convicted young offenders sentenced to custody fell by 17 per cent between the first quarter of 2001 and the third quarter of 2003 (Ref. 41), there is no significant difference between the custody rates in those areas that had ISSPs and those that did not (Appendix 5). Nor is there a significant difference in the rates of custodial remand between Yots with ISSPs and those without. This indicates that national policies, including the introduction of custody targets for Yots and the provision of guidance and assistance by the YJB, may all have helped to reduce the numbers of young offenders given DTOs, but that the drop cannot be attributed directly to the introduction of ISSP. This implies that the programme may be drawing in young offenders who would otherwise have received community sentences, and is supported by information from site visits, which suggests that some young offenders are receiving DTOs who do not reach the eligibility threshold for an ISSP. The eligibility criteria for ISSPs should be re-examined to ensure that they reach those young offenders most likely to benefit from it who would otherwise be sentenced or remanded to custody.

The Government is now proposing to establish ISSPs as the main response to serious and persistent offending, alongside custody (Ref. 8). Since the courts are willing to accept most proposals by Yots for ISSPs, indicated by the fact that three out of four did so, Yots should make sure that they make clear and detailed proposals where ISSPs are being considered.

Many young offenders with high levels of risk and need would benefit from some aspects of ISSP. At present, there is nothing between the very intensive provision offered by an ISSP of 25 hours contact time per week in the first three months and the much lower average contact time for those on other orders. A graduated approach should be developed for young offenders who are not eligible for an ISSP in which the amount and quality of contact time for this middle group is more closely tailored to their needs and risks.

The costs of a custodial placement are considerably higher than those of a community penalty. The annual cost of a place in a YOI is nearly £51,000; for a placement in a secure training centre (STC) it is £165,000. Placements in local authority secure children’s homes (LASCHs) cost just over £185,000 (Ref. 42). The YJB spends three-quarters of its budget on providing custodial places, so any reduction in the use of custody will bring considerable savings. Custody also appears to be relatively ineffective in reducing re-offending (para 78). The YJB is attempting to reduce the use of custody in a number of ways, including:

- setting targets for the use of custody;
- publishing data on sentencing in different areas and the relative seriousness of offences for which young people are being sentenced to custody;
● meeting chairs of youth court panels to raise awareness of the costs and the
differential use of custody;
● working with areas that make high use of custody to identify the causes and
support improvements;
● strengthening community supervision through ISSPs;
● strengthening bail supervision and support; and
● funding Yot officers in YOIs to review remands to custody and arranging bail
supervision where possible.

On the basis that increasing the use of community-based alternatives is cost-
effective, other ways this could be encouraged include:

● shifting away from the ‘vertical tariff’;
● better use of intensive community sentences in high custody areas; and
● shaping public opinion.

Shifting away from the ‘vertical tariff’

The Criminal Justice Bill (Ref. 9) currently before Parliament will replace the 18
different community disposals for those aged 16 and above with one community
order, to which a list of requirements can be attached (Appendix 1). This offers an
opportunity to shift sentencing practice away from a strictly vertical tariff (based on
the notion that if a previous sentence has not worked then a more punitive one should
be used) to a more horizontal or ‘sloping’ tariff. So a second, third or fourth community
order would not be simply a repeat of an earlier sanction, but a different and more
effective approach, based more closely on:

● a full picture of the offender’s needs and circumstances and of how these may
have changed;
● a detailed assessment of his or her progress on previous orders, including those
elements that were working;
● a full risk assessment that shows the extent and nature of risk that the offender
poses to the public and how that risk might be mitigated; and
● what combination of interventions is most likely to minimise his or her chances of
re-offending.

This opportunity for more flexible community sentencing needs to be applied to those
under the age of 16 as well. However, care should be taken not to impose excessive
conditions on the sentences at an early stage, in order to avoid a rapid escalation
towards custody. The Government is proposing changes along these lines, with the
creation of a single, broader Action Plan Order to replace the nine juvenile non-
custodial sentences (Ref. 8).
High custody areas

94 The proportion of sentences given to young people that are custodial (DTOs and Section 90-92) varies between Yots from under 2 per cent to over 18 per cent. To reduce the gap between the highest and lowest users of custody, the YJB now publishes local ratios, but more could be done by supplementing this with information on the effectiveness and the costs of alternative sentences and regularly feeding this back to the highest custody areas.

95 Local variations in the use of custody are loosely related to the seriousness of offending in the local area\(^1\) (Exhibit 22), but there is considerable variation in custody rates among areas with similar gravity of offending. They are also related to magistrates’ levels of confidence in the Yot’s delivery of community sentences. Their confidence tends to be higher in areas where custody rates are low, and vice versa (Ref. 43), so increasing confidence levels in community alternatives is important for reducing the use of custody.

**Exhibit 22**

The proportion of custodial sentences in different Yots

Local variations in the use of custody are loosely related to the seriousness of offending in the local area.

Source: Audit Commission analysis of YJB data

Measured by the average gravity of all known offending in the past year according to the YJB rating of seriousness.
When magistrates give a sentence not proposed in a PSR, 80 per cent of Yot managers reported that this was usually because it was a custodial sentence (Ref. 19). More than one-third of Yot managers said that they had a policy of never proposing a custodial sentence in a PSR. Many of the magistrates interviewed on site visits expressed frustration that the Yot would never propose a custodial sentence, even when this was almost inevitable. Some felt that this undermined the credibility of the Yot’s proposals. To improve magistrates’ confidence in community sentences, but without encroaching on their judicial independence, Yots need to consider whether, following a full risk assessment, they should propose a custodial sentence, with PSRs containing detailed information on how the proposed intervention will address the risks and needs of the young person (para. 88). Where the most appropriate sentence might be a community order with an ISSP, Yots should ensure that the PSR makes a clear proposal for this, including full details of the proposed programme.

The role of public opinion

In order to reverse the steep rise in the use of custody that occurred up to 1997, the public need to be confident that the youth courts are providing appropriate responses to youth offending and that alternatives to custody are more cost-effective. But the 1998 British Crime Survey (Ref. 3) showed that people in England and Wales rated the work of youth courts lower than that of any other criminal justice agency, and three out of four people consider them too lenient. Four years later, despite the introduction of a raft of new youth justice measures, the proportion of people expressing confidence in the youth court had fallen from 25 to 21 per cent (Ref. 3).

But the public are generally poorly informed about what goes on in the youth justice system. Although overall youth crime has not increased (Chapter 1), three out of four people responding to a recent omnibus survey thought such crime had worsened over the last two years (Ref. 44). Nearly nine out of ten over-estimated how much youth crime involves violence. Despite the efforts of the YJB in communicating messages through newsletters, speeches and other activities, three out of four people had never heard of Yots. Recent episodes of the television programmes ‘EastEnders’ and ‘Emmerdale’ have introduced Yots to a wide audience, but the messages about them have been generally negative. Most significantly, seven out of ten of the general public said they thought the police and the courts deal too leniently with young offenders and most believed strongly that magistrates pass more lenient sentences on young offenders than they thought appropriate, as the following cases illustrate:

- Case I. In response to: ‘What sentence should a 16-year-old burglar receive who had no previous convictions and had stolen £250 worth of property?’ One in four said he should be imprisoned but only one in 20 thought he would be.
- Case II. In response to: ‘What sentence should a 16 year old convicted of assault with two previous convictions, one for assault and one for selling stolen property, receive?’ Two out of three said he should be imprisoned, but only one in four thought he would be.

The public’s lack of knowledge about the youth courts may reflect less direct contact and different reporting restrictions than in the adult court.
Most people are unaware that typically over 80 per cent of young people sentenced to custody are reconvicted within two years (Ref. 36) and that the costs of custody are approximately three times that of the most intensive community sentences. If public confidence in the youth justice system is to increase, and best use is to be made of the £294 million the YJB spent on secure facilities in 2003/04 (three-quarters of its budget), it is important to ensure that policymaking draws on public opinion that is better informed and more knowledgeable about the cost-effectiveness of alternative disposals. The importance of this is underlined by the fact that nearly one-half of magistrates take account of public opinion in reaching their sentencing decisions (Exhibit 19).

Research suggests that when people are made aware of the extent to which the courts actually impose custody, far fewer say they are too lenient (Ref. 44). Almost all of those who rated the youth courts and the police as poor judged the sentences the courts give to be too lenient. But once the same people are given more information, fewer favour custody as an answer. Adding details of the offender’s history and showing that the offender has taken some steps towards reparation reduces the proportion of people who favour custody (Exhibit 23). When respondents were offered a detailed, community-based sanction comprising supervision, unpaid community work and compensation for the victim, four out of five switched from their original decision to impose custody. When they were given information about the costs of custodial and community disposals, even more changed their views from favouring custody.

Exhibit 23
How information changes public sentencing preferences

Adding details of the offender’s history reduces the proportion of people who favour custody.

Source: Hough and Roberts (Ref. 44)
Public opinion seems to depend more on the impressions gained from the media than on changes in policy or practice. People who read the papers are exposed to about ten articles per month, on average, on youth crime, according to a survey of national and local press coverage over a six-week period in the first half of 2003. Much of the coverage in the national press focused on violence (often related to alcohol), robbery, persistent offending and vandalism. Terms like ‘rabble’, ‘thug’ and ‘yob’ were not uncommon. Much of the national press coverage referred to sentences as being too lenient. In contrast, the slant in the local press was found to be more positive, with more articles about reducing and preventing youth crime. Yots were hardly ever mentioned in the national press but they received considerable, usually favourable, coverage in the local press. But people are seven times more likely to read articles in the national press than in the local press, and public attitudes to youth crime and the sentencing of young offenders seem to reflect this.

The Halliday Review of Sentencing (Ref. 45) recommended that, to increase public knowledge, the Home Office should disseminate information about the effectiveness of sentencing and how it is intended to work. This should help to counter the mistaken impression that sentences passed by the courts are less severe than they really are. The YJB should consider how to extend this idea to the sentencing of young offenders.

Yots and their partner agencies are well placed to design and deliver local information strategies about youth crime in their communities, how Yots and criminal justice agencies are dealing with the problem and what improvements are being made. The YJB has provided training for Yot and ISSP managers in dealing with the media. Most Yots receive some positive coverage in the local press, and two-thirds had had at least one positive item in the past three months (Ref. 19). Local Criminal Justice Boards (LCJ Bs), each of which has a Yot representative, have a key role in improving public confidence. Yots should work with them to improve the public’s knowledge of youth justice services. The YJB should do more to feed back information supplied to them by individual Yots on the nature of youth crime and responses to it in their own area.

The role of Yots

Yots are central to the pre-court and court processes and are the main vehicle for addressing the behaviour of young offenders. They are responsible for assessing the risks, needs and circumstance of young people in the justice system, producing reports for courts and delivering community programmes. How Yots work, how they are structured and managed, and their effectiveness in preventing offending and re-offending are examined in the next chapter.
Recommendations

Government

1. The Government should consider limiting reprimands and Final Warnings to only those offences that are recordable.

2. The CPS should refer young offenders who admit to committing minor offences (but have had a reprimand and a Final Warning) to a YOP on a fixed three-month Referral Order without the need for a full court hearing.

3. The Government should ensure that reviews are extended under magistrates’ existing powers to include persistent young offenders during the course of a sentence and those on longer orders.

4. The Government should continue to monitor the numbers and proportion of young offenders sentenced to custody on DTOs and Section 90-92 Orders.

5. Sentencing practice should be shifted away from a strictly vertical tariff to a more horizontal or ‘sloping’ tariff.

6. The Government’s proposals to introduce more flexible community sentencing should be extended to those under the age of 16, but care should be taken not to impose excessive conditions on sentences at an early stage in order to avoid a rapid escalation towards custody.

7. The recommendation in the Halliday Review of Sentencing (Ref. 45) – to increase public knowledge by requiring the Home Office to disseminate information about the effectiveness of sentencing and how it is intended to work – should be extended to the sentencing of young offenders.

YJB

8. A guide to the level of risk that should lead to a given level of intervention attached to a Final Warning should be developed nationally.

9. Information on remand and sentencing decisions by ethnic origin should be fed back to individual Yots who, in turn, should provide data on their own area to the court.

10. The YJB should ensure that all those working in the youth justice system are aware of the differences in sentencing patterns between ethnic groups and that regular information on the ethnicity of offenders is provided to the court.
11 A graduated approach should be developed to the amount and quality of contact time so that it becomes more closely tailored to the needs and risks of young offenders.

12 The response to breaches of ISSPs needs to be proportionate to the level of breach. Persistent or major breaches should be brought to court but dealt with in proportion to the behaviour, making sure that custody is used only as a last resort.

13 The eligibility criteria for ISSPs should be re-examined to ensure that they reach those young offenders most likely to benefit from them who would otherwise be sentenced or remanded to custody.

14 The YJB should do more to reduce the gap between the highest and lowest users of custody by providing information on the effectiveness and the costs of alternative sentences and regularly feeding this back to the highest custody areas.

15 The YJB should do more to feed back information supplied to them by individual Yots on the nature of youth crime and responses to it in their own area.

**Yots**

16 Yots should consider obtaining permission to update PNC records directly, provided that the costs of doing so are not prohibitive.

17 Local areas should set their own Final Warning intervention targets, but above a minimum level so that the gains made so far do not lapse.

18 Yots should continue to work closely with magistrates to ensure that bail support and supervision programmes are well understood and become more accepted as credible alternatives to secure remands.

19 Yots should develop local policies on diversity among their own staff and aim to develop good practice in working with minority ethnic young people, especially those at high risk of custodial remands.

20 Bail support and supervision programmes should be better tailored to the needs and circumstances of specific ethnic groups.

21 Yots should review the nature of the contracts developed by YOPs at regular intervals. The findings should be made available to Yot staff, magistrates and others, such as justices’ clerks and crown prosecutors.
22 Yots should consider arranging for some of the same YOP members from an initial panel meeting to be involved in review meetings.

23 More should be done to encourage victims to attend YOP meetings.

24 Yots should offer magistrates the option of stand-down reports, where sufficient information is either available or could be gathered the same day, and should encourage them to request these.

25 Yots should ensure that all magistrates are aware of the quality and effectiveness of community sentences in order to maximise their confidence in using them.

26 Yots should provide magistrates and judges with information about the effectiveness of different kinds of sentences, in terms of re-offending rates, for young people with different characteristics.

27 At the minimum, Yots should provide statistical information on the rates of completion for each of the orders, as well as breaches and reconvictions. The details of progress in individual cases should be provided to those who made the sentencing decision.

28 Yots should monitor local trends in sentencing and reconviction rates and ensure that magistrates and other court personnel are regularly provided with local information.

29 Yots should ensure that full use is made of the six-monthly information on sentencing provided by the YJB in discussions with the local court and magistrates.

30 Yots should ensure that magistrates are regularly provided with better information on the interventions involved in sentencing options, including how the sentences are carried out locally and their effectiveness in reducing re-offending. They should include examples of the kinds of reparation work carried out and case studies that illustrate successful and less successful outcomes.

31 Yots should make sure that they make clear and detailed proposals where ISSPs are being considered.

32 Yots need to consider whether, following a full risk assessment, they should propose a custodial sentence, with PSRs containing detailed information on how the proposed intervention will address the risks and needs of the young person. Where the most appropriate sentence might be a community order with an ISSP, Yots should ensure that the PSR makes a clear proposal for this, including full details of the proposed programme.
Police

33 Better training and supervision should be provided for police officers who arrest and interview young people. This should form part of the force’s policy on youth offending.

34 Police forces should ensure that all officers involved in decision-making over whether to reprimand, warn or prosecute a young person should be fully informed about the policy and trained to implement it. This should include training in the use of gravity factors and in use of information about previous offending. Those administering warnings should have received training to do so, including training in restorative justice. The Yot should be notified about all cases. Forces that do not have a specialist officer for youth should consider developing such a role.

35 Local senior police officers should ensure that all Yots have a PNC terminal in the office and an officer who is trained and authorised to use it.

36 All police forces that do not routinely use bail before issuing a warning – to enable the use of Final Warning clinics – should consider doing so.

Courts and CPS

37 Clerks should ensure that magistrates are fully aware of the legislation in relation to PSRs when they sentence. Their training should cover this.

38 More should be done to engage young people who appear in court in constructive dialogue, and to improve the quality of communication and understanding.

39 There should be fewer, more specialist, magistrates who undertake a greater minimum number of youth court sessions per year and fewer in the adult court.

40 Cases that would benefit from greater continuity should be flagged up at a first hearing.

41 To enhance training for defence solicitors, joint sessions should be run with magistrates, justices’ clerks and others.
Management of Yots

Yots are managed multi-agency partnerships that link effectively between criminal justice and children’s services, within the context of a national framework. However, improvements could be made to the way that steering groups manage them, and in the way that they collect and use data to monitor performance.
Chapter 2 reviewed the system that brings young offenders to justice. This chapter looks at how the management of Yots assists this process and explores how well the Yot model of service provision performs in:

- linking between the criminal justice system, health and local government services;
- ensuring strong corporate governance; and
- balancing workload, resources and performance.

Yots are multi-disciplinary partnerships that bridge between criminal justice, health and local government services and are a considerable improvement on the previous arrangements described in Misspent Youth (Ref. 1). Yots need to be effective co-ordinators, not only with each of their own governing bodies, but also with other local partnerships, such as LCJBs, Crime and Disorder Reduction Partnerships (CDRPs), Drug Action Teams (DATs) and Local Strategic Partnerships (LSPs).

Yots connect with services such as education and health, and direct the young people under their supervision to help in addressing their offending behaviour. Their co-ordinating role and clear focus on addressing offending enables Yots to make optimum use of the available resources. The YJB has also been critical in making Yots effective, and the combination of a national board with local management has ensured that Yots focus on both strategy and service provision. Eight out of ten Yot managers find the YJB’s role helpful, which is unusual in relations between local and central government, although some tensions remain (Ref. 19) (Exhibit 24).

Exhibit 24
The views of Yot managers about the YJB
Eight out of ten find the YJB’s role helpful.
Yots are now facing growth and change in the scope of their activity. After best value reviews (BVRs), some local authorities have decided to merge Yot and crime prevention staff with CDRPs and DATs into a single crime reduction service. While such unification provides potential economies of scale, it risks losing Yots’ specific focus on youth offending and compromising their links with the new arrangements for children’s services (Refs. 7 and 26). For the same reasons, Yots should probably remain outside of the management structure of the new children’s trusts1. While integration with children’s trusts could increase the importance of youth crime performance indicators (PIs) for other agencies, this has to be balanced against the need for Yots to retain the confidence of the courts. Yots are currently well placed to meet their core remit of youth crime reduction and the temptation should be resisted to widen their scope of operations unduly.

Corporate governance

Yot steering groups are chaired mainly by local authority chief executives, with under one-quarter chaired by directors of social services. Most Yots are managed as semi-autonomous units because of their multi-disciplinary makeup and small size in relation to their partners or governing bodies (police, probation, health and local authority) (Table 1). Despite the presence of chief officers on steering groups, access to mainstream services is a problem for many Yots (Ref. 19) (see Exhibit 32). Good corporate governance requires steering groups to identify, manage and resolve such issues.

Table 1

The risks and opportunities of semi-autonomous Yots

Good corporate governance requires steering groups to identify, manage and resolve issues relating to access to mainstream services.

<table>
<thead>
<tr>
<th>Risks</th>
<th>Opportunities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yot strategy does not correspond well with partner agencies' strategies.</td>
<td>Clarity of strategic focus between all statutory Yot partners.</td>
</tr>
<tr>
<td>Yot governance/oversight arrangements preclude regular member scrutiny.</td>
<td>Clarity of accountability for performance and delivery between all statutory Yot partners.</td>
</tr>
<tr>
<td>Yot staff terms and conditions differ widely between agencies.</td>
<td>Key expertise and knowledge is pooled and focused on key issues.</td>
</tr>
<tr>
<td>Programmes fail to make best use of pooled skills and expertise.</td>
<td>Programme content is closely tailored to fit the needs of individual offenders.</td>
</tr>
<tr>
<td>Focus on reporting performance data but not on data quality.</td>
<td>Clarity of user focus, that is, on young offenders and their victims.</td>
</tr>
</tbody>
</table>

Source: Audit Commission

1 England only.
Although part of local government, Yots are also accountable to each governing body and to the courts. This situation can create conflict over priorities, especially when aims between the Yot and a governing body do not coincide. For example:

- in England, there is fairly strong congruence between the Yot and criminal justice PIs, but weaker congruence, and therefore some conflict, over aims with local education authorities, schools, housing and health services (Exhibit 25, overleaf);
- in Wales, while strong Yot/criminal justice PI congruence is also demonstrated, this is less true with Young People’s Partnerships/Community Consortiums for Education and Training (CCETs); and
- the congruence of targets between Yots and some criminal justice agencies should improve further. A survey of all 43 police forces showed that only 12 currently have a dedicated strategy for tackling youth offending. All police forces should develop such a strategy.

The extent to which a Yot’s governing bodies share common objectives is critical to good performance. Just under one-half of Yots have experienced some conflict over the strategies of individual governing bodies and, where conflict has arisen, it was not satisfactorily resolved in 70 per cent of cases (Refs. 26 and 46). The Government should ensure that youth offending PIs and targets are:

- rationalised and applied to all services including education and health; and
- part of any comprehensive performance assessment or whole authority assessment.

Locally, Yot steering groups need to agree how each governing body will deliver its contribution to the Yot’s overall performance.

Regular participation in Yot steering groups is one indicator of the extent to which governing bodies demonstrate a commitment to common objectives. Health service representatives, followed by education, are the least regular attenders, and both are reported to be least effective in contributing to the Yot’s overall performance (Ref. 46) (see Chapter 4). Greater engagement by health and education service chief officers in Yot strategy and activity would be likely to improve performance.

Yot managers have to tackle performance barriers. The most effective Yot managers appear to have strong entrepreneurial skills, which they use to build good relationships with governing bodies and to broker inter-agency agreements. Effective Yots give managers freedom and flexibility over resources and decisions, allowing them to operate outside governing body hierarchies, while remaining accountable to Yot steering groups. Such flexibility enables Yots to overcome difficulties, such as poor access to mainstream services. Yot steering groups need to ensure that local arrangements for delegation enable Yot managers to be effective.
Exhibit 25
The extent of congruence between Yot and governing body objectives

In England there is fairly strong congruence between the Yot and criminal justice PIs.

The multiple accountability of Yots has worked well so far, but Yots face challenges over the quality of corporate governance both within local authorities and between governing bodies. Clarity and strength in corporate governance is needed by Yot steering groups, as well as agreement on common objectives between the Yot and its governing bodies. Steering groups should ensure that:

- the Yot manager is clearly accountable to the steering group for day-to-day management;
- the Yot steering group is clearly accountable to the LSP for performance; and
- the LSP is publicly accountable for achieving targets and for integrating youth crime reduction into mainstream services.

Source: NAO/Audit Commission Yot Census (Ref. 19)
Managing resources

To improve their performance further, Yots need to use stronger corporate governance arrangements to balance workload and resources. The ratio of resources to workload differs widely between Yots, ranging from 0.6 FTE (metropolitan authority) to 6.4 FTE (London borough) staff in post per 100 offences (Ref. 19). There is also no clear association between resources, workload and performance; some Yots fail to achieve national standards, some staff have very high caseloads, and resource and demand constraints are not always managed.

The average Yot budget for 2003/04 was £3 million, under two-thirds provided by the governing bodies and over one-third from other sources, including the YJB (Exhibit 26). Between 2002/03 and 2003/04, local funding of Yots increased by over £35 million, or 15 per cent (Ref. 20), but this varied between governing bodies and regions (Table 2, Exhibit 27).

Exhibit 26

Contributions to the funding of Yots 2003-04

Around two-thirds of Yot funding is provided by the governing bodies.

Source: Audit Commission analysis of YJB data
Table 2
Increases in local Yot funding between 2002/03 and 2003/04

<table>
<thead>
<tr>
<th>Governing body</th>
<th>Chief Executive</th>
<th>Education</th>
<th>Health</th>
<th>Police</th>
<th>Probation</th>
<th>Social Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total contribution 2002/03</td>
<td>£13.0m</td>
<td>£13.8m</td>
<td>£9.5m</td>
<td>£19.1m</td>
<td>£16.2m</td>
<td>£83.7m</td>
</tr>
<tr>
<td>Total contribution 2003/04</td>
<td>£18.6m</td>
<td>£13.8m</td>
<td>£9.6m</td>
<td>£20.5m</td>
<td>£17.0m</td>
<td>£86.4m</td>
</tr>
<tr>
<td>Difference</td>
<td>+£5.5m (42% )</td>
<td>–</td>
<td>+£0.2m (2%)</td>
<td>+£1.4m (7%)</td>
<td>+£0.8m (5%)</td>
<td>+£2.7m (3%)</td>
</tr>
</tbody>
</table>

Source: Audit Commission analysis of YJB data

Exhibit 27
Changes in Yot funding by governing bodies between 2002/03 and 2003/04

The extent of change varies between governing bodies and between regions.

Source: Audit Commission analysis of YJB data

The extent to which local funding of Yots is guided by need and performance is unclear, and there appears to be no clear relationship between the seriousness of offending locally and performance against the YJB’s targets. Even when Yots are grouped into authority and area types, there is almost no relationship between resources and performance (Ref. 47). Comparative information on performance and funding would be useful, as many Yots report that this issue is a problem:

- while some Yot managers are not fully involved in local funding decisions (Ref. 26), over one-half are opposed to the imposition of complete funding by the YJB, with nearly four-fifths preferring a local funding settlement (Ref. 46);
● responsibility for providing services to 16-18 year olds is unclear between the National Probation Service and Yots, so some area probation boards are reviewing Yot funding levels (Ref. 26);

● some governing bodies have substituted seconded staff with cash, which reduces a Yot’s pool of skills, knowledge and experience (Refs. 19 and 46); and

● some Yot budgets are ringfenced outside the 2 per cent annual savings required of local authorities under best value, which may not be sustainable in the long term (Ref. 26).

118 Governing body funding contributions to Yots should be more closely linked to need, performance and local circumstances. The Government should develop model funding agreements for use by Yot steering groups, clarify responsibility for funding services to 16-18-year-old offenders and provide comparative information on Yot performance and resources. Yots need better accountancy support where they lack such skills. Steering group members should have sufficient authority to be able to strike agreements over funding and other matters.

Commissioning services

119 Most Yots successfully operate a mixed economy of service provision which is in marked contrast to many other local government services (Ref. 48). Four-fifths of Yots commissioned some external services in 2002. Over three-quarters of Yot managers said they were satisfied or very satisfied with provider performance (Ref. 19).

Examples of procurement problems, where they do occur, include:

● limited capacity to specify, procure and manage service contracts; for example, in one Yot, 30 per cent of external contract costs represented contractors’ management fees (Ref. 26);

● wide differences in culture and aims between those of the Yot and the external provider, such as the voluntary sector (Ref. 26); and

● individual rather than consortia approaches to commissioning.

120 Some Yots use the support services of local authority departments for matters such as human resources and finance, although they often have problems with service timeliness and quality (Ref. 26). The advantages of reduced costs have to be weighed against losses in efficiency. Where Yots procure services from another provider, including a local authority department, they should ensure that they and the service provider are clear about who is accountable for performance and service quality.

121 Where external service provision is problematic, Yots may respond by drawing services in-house. This may not represent best value to the local authority, and may overstretch the Yot’s capacity and reduce its performance. Some local authorities have used BVRs to inform their decisions about Yot capacity. For example, a BVR of one Yot in 2002 identified that the drug and alcohol misuse programme would be more effectively provided in-house. A BVR in another local authority recommended
that a contractor should work from the Yot’s premises to enable knowledge and experience to be shared (Ref. 26). Local authorities should make more use of BVRs and audits of staff skills and experience in order to inform decisions about which services Yots have the capacity to provide in-house and which are required from elsewhere.

A consortium approach to service provision is becoming increasingly common and is being encouraged by the YJB. For example, many groups of Yots have pooled resources to establish ISSP teams. The line management arrangements for such schemes need to be very clear, as well as the eligibility for the scheme. All consortia arrangements should be reviewed regularly by Yot steering groups to ensure that resources are shared in an equitable manner that reflects both demand for the service and the scale of contribution.

Yot staffing

Most Yots lack any clear arrangements for managing staff performance, so good performance may not be rewarded or poor performance improved. This leaves staff feeling that performance is a low priority issue (Ref. 26). Yot steering groups should implement a performance framework that incorporates:

- assessment of overall Yot performance using national and local PIs and targets (Ref. 49);
- translation of the PIs and targets into individual tasks for all Yot staff; and
- periodic, at least annual, review.

The skills, experience and knowledge of Yot staff are key resources, but recruitment and retention of qualified staff is a problem in most Yots. A market now exists for specific Yot skills so staff move around. This is creating recruitment and retention difficulties common to much of the public sector (Ref. 50). The introduction of ISSPs and Referral Orders increased the duties of Yots and has required employment of additional staff. A broader qualification framework would make Yot work available to a wider pool of candidates and would assist Yots in managing staff turnover. The National Qualifications Framework for Youth Justice and the Professional Certificate in Effective Practice in Youth Justice, implemented by the YJB in September 2003, are welcome steps. Training standards, portable qualifications and multi-disciplinary training in youth justice were also established by the YJB in September 2003. The Advanced Modern Apprenticeship scheme that originated in Leeds is being expanded and replicated in London and other regions during 2003/04. Yots themselves should facilitate career entry and progression by employing:

- young people in ways that puts them on the economic ladder, for example, as a Yot receptionist (Ref. 26); and
- local people as support workers and mentors to young offenders receiving Final Warnings and community sentences (Ref. 26).
Despite considerable effort to address diversity issues, Yots often find it difficult to recruit staff with a broader ethnic background (Ref. 26). Some Yots have found that peer or community mentoring by black or minority ethnic adults is useful for young offenders from these communities (Ref. 26). Many Yots have identified a need for their staff to receive more support and guidance in working with black or minority ethnic young offenders. Yots should make positive efforts to recruit black and minority ethnic staff and should provide training for all staff in working with offenders from local ethnic communities.

The YJB’s moves to open up Yot work to a wider pool of candidates are welcome steps in addressing recruitment and retention difficulties, but more needs to be done to assist Yots in managing their dynamic staffing complements. Staff secondment is an effective method of resourcing multi-disciplinary teams such as Yots, but it brings both opportunities and risks for organisations and individuals (Table 3). While fixed-term secondments – after which staff return to their parent agencies – ensure that skills are both replenished and updated, they also mean experience and knowledge are lost to the Yot. Replacing seconded staff can be slow and the composition of Yot staffing may be constantly changing. Where fewer staff are seconded and more are permanently appointed to the local authority, the multi-disciplinary nature of Yots may be undermined (Ref. 51). Some governing bodies use secondment as a way of relinquishing responsibility for selected seconded staff, particularly the police (Ref. 26). Other agencies, particularly schools and social services, use secondment of staff to relieve themselves of responsibility for providing services to young offenders and their families (Ref. 26). Recruitment and retention will always present difficulties, but governing bodies have to maintain the Yot’s staff complement. Yot steering groups should ensure that the Yot is staffed mainly by secondees from the governing bodies and that staff turnover is managed creatively, for example, by using short-term measures to bridge the gaps created by vacancies.
Table 3
Staff secondment to Yots
Secondment brings both opportunities and risks for organisations and individuals.

<table>
<thead>
<tr>
<th>Opportunities</th>
<th>Risks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Organisations</td>
<td></td>
</tr>
<tr>
<td>Access to broader aspects of youth crime reduction.</td>
<td>Loss of key skills and experience.</td>
</tr>
<tr>
<td>Ability to reflect the organisation’s needs in</td>
<td>Difficulties filling vacancies.</td>
</tr>
<tr>
<td>the design of programmes.</td>
<td></td>
</tr>
<tr>
<td>Inducting staff in new skills and competencies.</td>
<td>Relinquishing responsibility for youth offending to the Yot.</td>
</tr>
<tr>
<td></td>
<td>Inability to meet career aspirations of ex-secondees.</td>
</tr>
<tr>
<td>Individuals</td>
<td></td>
</tr>
<tr>
<td>Development of new skills, competencies and</td>
<td>Isolation from the parent organisation.</td>
</tr>
<tr>
<td>professional networks.</td>
<td></td>
</tr>
<tr>
<td>Experience of the values and culture of partner</td>
<td>Difficulties in updating professional skills and knowledge.</td>
</tr>
<tr>
<td>governing bodies.</td>
<td></td>
</tr>
<tr>
<td>Experience of different ways of working.</td>
<td>Loss of career development opportunities with parent</td>
</tr>
<tr>
<td></td>
<td>organisation.</td>
</tr>
</tbody>
</table>

Source: Audit Commission

Some statutory Yot partners, particularly the police, are not reaping the full benefit of secondment, or adequately supporting seconded staff. For example, many police promotion paths do not appear to value the skills and competencies acquired during a secondment to a Yot, such as inter-agency and multi-disciplinary team working. This failure to recognise new skills reduces the attractiveness of secondment as a career development opportunity. The principle of secondment is critical to the success of Yots, but represents a double-edged sword for both organisations and secondees, and so requires careful management by both parties.

Use of management information

The YJB monitors the performance of all Yots against a suite of 13 performance measures. While most Yots share information about their performance with their governing bodies, they are less likely to use it routinely to monitor staff performance. Yots tend to adopt a performance monitoring style dictated more by external pressures, such as the reporting cycles of either the local authority or the YJB, than by the need to improve their own services (Exhibit 28).
Ways in which Yots monitor their performance

Approaches are dictated more by external pressures than by a Yot’s own needs.

An approach to performance monitoring that focuses on removing barriers and achieving further improvement is crucial. Yot steering groups should ensure that their approach includes:

- links to identified and accountable governing body members who have youth offending in their portfolio;
- a periodic review process that includes such governing body members; and
- a method for escalating high-risk issues to bring them to the attention of LSPs.

Virtually all Yots now make timely performance reports to the YJB. The data quality of these reports may be less certain in many Yots. This weakens the integrity of the YJB’s national performance assessments. A data quality audit of two randomly selected Yots indicates highly variable performance (Table 4). A further two Yots provided examples of better practice, with their information officers undertaking monthly checks of all newly entered data. In these Yots, errors are referred back to the originating caseworker for immediate correction, resulting in significantly improved data quality. The Audit Commission should validate these findings through a larger-scale audit that supports the national programme of Yot inspections.
Table 4
Data quality audit of two Yots
This indicates highly variable performance.

<table>
<thead>
<tr>
<th></th>
<th>Yot 1 – Audit Summary</th>
<th>Yot 2 – Audit Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Data quality</strong></td>
<td>Many incomplete records.</td>
<td>High standard of record completion.</td>
</tr>
<tr>
<td></td>
<td>Inconsistency between computer and paper records.</td>
<td>Consistency between computer and residual paper records.</td>
</tr>
<tr>
<td><strong>Accountability and leadership</strong></td>
<td>Unclear roles and responsibilities.</td>
<td>Roles and responsibilities clear.</td>
</tr>
<tr>
<td></td>
<td>No good practice in operation.</td>
<td>Information Officer is member of Yot management team.</td>
</tr>
<tr>
<td></td>
<td>Information Officer’s performance suffering because of work overload.</td>
<td>Monthly one-to-one supervisory sessions keep staff accountable.</td>
</tr>
<tr>
<td></td>
<td>No permanent Yot manager.</td>
<td>Data scrutinised prior to all reporting, for example, PSRs, quarterly YJB reports.</td>
</tr>
<tr>
<td><strong>Policy and administration</strong></td>
<td>No formal guidance or information strategy.</td>
<td>Clear commitment to the national performance framework.</td>
</tr>
<tr>
<td></td>
<td>An over-reliance on the Information Officer alone to deliver improvement.</td>
<td>Compliance issues are identified and resolved.</td>
</tr>
<tr>
<td></td>
<td>Good skills available, but vacant team leader posts weaken co-ordination.</td>
<td>Six-weekly staff briefings cover performance and data quality.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Identified staff are performance champions.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No policy statement in place.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mis-allocation of some tasks between professional and administrative staff.</td>
</tr>
<tr>
<td><strong>Staff training, knowledge and awareness</strong></td>
<td>Good practice not operational.</td>
<td>Staff trained by the software provider.</td>
</tr>
<tr>
<td></td>
<td>A plan exists to address training needs.</td>
<td>New staff have data quality induction.</td>
</tr>
<tr>
<td></td>
<td>Information Officer to be supported when additional staff appointed.</td>
<td>Staff are aware of the national performance framework.</td>
</tr>
</tbody>
</table>

*Source: Audit Commission*
Better management information, to facilitate more accurate judgement about relative Yot performance, and value for money are issues for both the YJB and Yot steering groups. Steering groups need a better understanding of how their business operates, based on high-quality information, to improve performance further. To improve their ability to balance workload and resources and thus concentrate on improving weaker areas of practice, Yots should make more use of their management information, such as clear evidence about performance barriers and ‘what works’. Yots should provide better information about performance to the bodies with whom they collaborate, especially the courts.

The YJB’s intention to introduce a more explicit link between Yot funding, need and performance is a welcome step. In relating funding to performance, both the YJB and Yots need to rank performance other than simply ‘high’ or ‘low’, using a better understanding of the degree to which local performance varies and why. Creating groups or ‘families’ of Yots with similar characteristics, which the YJB is developing, should improve matters. To enable comparisons between Yots with similar characteristics, the YJB should adapt the existing national performance framework.

Yots are proving a good example of a flexible, multi-disciplinary approach to service delivery from which other public sector partnerships could learn. However, there are still areas of weakness that need to be addressed. Chapter 4 looks at how well Yot interventions are tailored to fit each individual offender’s risks and needs.
Recommendations

**Government**

1. The temptation should be resisted to widen Yots’ scope of operations unduly.
2. The Government should ensure that youth offending PIs and targets are:
   - rationalised and applied to all services including education and health; and
   - part of any comprehensive performance assessment or whole authority assessment.
3. The Government should develop model funding agreements for use by Yot steering groups, clarify responsibility for funding services to 16-18-year-old offenders and provide comparative information on Yot performance and resources.
4. The Audit Commission should validate the findings of an initial data quality audit through a larger-scale audit that supports the national programme of Yot inspections.
5. To enable comparisons between Yots with similar characteristics, the YJB should adapt the existing national performance framework.

**Yot steering groups**

6. Good corporate governance requires steering groups to identify, manage and resolve access to mainstream services.
7. Yot steering groups need to agree how each governing body will deliver its contribution to the Yot’s overall performance.
8. Yot steering groups need to ensure that local arrangements for delegation enable Yot managers to be effective.
9. Steering groups should ensure that:
   - the Yot manager is clearly accountable to the steering group for day-to-day management;
   - the Yot steering group is clearly accountable to the LSP for performance; and
   - the LSP is publicly accountable for achieving targets and for integrating youth crime reduction into mainstream services.
10. Steering group members should have sufficient authority to be able to strike agreements over funding and other matters.
11 Local authorities should make more use of BVRs and audits of staff skills and experience to inform decisions about which services Yots have the capacity to provide in-house and which are required from elsewhere.

12 All consortia arrangements should be reviewed regularly by Yot steering groups, to ensure that resources are shared in an equitable manner that reflects both demand for the service and the scale of contribution.

13 Yot steering groups should implement a performance framework that incorporates:
   ● assessment of overall Yot performance using national and local PIs and targets;
   ● translation of the PIs and targets into individual tasks for all Yot staff; and
   ● periodic review, at least annually.

14 Yot steering groups should ensure that the Yot is staffed mainly by secondees from the governing bodies and that staff turnover is managed creatively.

15 The principle of secondment is critical to the success of Yots, but requires careful management by both parties.

16 Yot steering groups should ensure that their approach to performance monitoring includes:
   ● links to identified and accountable governing body members who have youth offending in their portfolio;
   ● a periodic review process that includes such governing body members; and
   ● a method for escalating high-risk issues to the attention of LSPs.

Yots

17 Where Yots procure services from another provider, including a local authority department, they should ensure that they and the service provider are clear about who is accountable for performance and service quality.

18 Yots should facilitate career entry and progression by employing:
   ● young people in ways that puts them on the economic ladder, for example, as a Yot receptionist; and
   ● local people as support workers and mentors to young offenders.
19 Yots should make positive efforts to recruit black and minority ethnic staff and should provide training for all staff in working with offenders from local ethnic communities.

20 Yots should make more use of their management information, such as clear evidence about performance barriers and ‘what works’. Yots should provide better information about performance to the bodies with whom they collaborate, especially the courts.

**Police**

21 All police forces should develop a dedicated strategy for tackling youth offending.
Delivering services

Addressing risks and needs depends on gaining access to a range of essential services, but this is more difficult with some than others. Schools, health services and other mainstream services should take more responsibility for preventing offending by young people.
What, if anything, could have been done to avoid the cost, both to James and to society, that custody entails? What more could have been done to keep James in his community and stop his offending from escalating? Or, by the time he was a teenager, was it all too little, too late? Despite his contact with a Yot, no educational package could be found that met his needs. And no family support or help from social services could be secured either. This chapter looks at the range of services required to meet the complex and wide-ranging needs of young offenders like James, how well agencies deliver them and what might have been done earlier to prevent him from going down this road in the first place.

Almost all serious and persistent young offenders have complicated lives and most have a variety of problems. Efforts to address the offending behaviour of those with mental health problems or substance misuse, for example, cannot be effective without fully addressing these wider needs. Many of them have serious educational shortfalls, some having been outside the school system for long periods, and many lack suitable accommodation. This chapter considers how effectively these needs are being met.

**Assessment**

The first step towards addressing the offending behaviour and meeting the needs of young offenders is comprehensive assessment. The YJB has provided a standard assessment system, ASSET, which enables Yots to collect a wide range of information about young offenders, including the risk factors associated with their offending (Exhibit 29). ASSET has to be completed at the start and end of any community intervention, and should be checked at three-monthly intervals to review progress.
Exhibit 29
The ASSET assessment
This enables Yots to collect a wide range of information about young offenders.

Source: Audit Commission presentation of YJB data

137 The system is a major step forward in providing a comprehensive risk and needs assessment. It can be used to monitor progress, measure the impact of interventions and predict the likelihood of re-offending (Ref. 52). ASSET is completed in most cases (Exhibit 30, overleaf), usually to an acceptable standard.
Although more than nine out of ten Yot managers regard ASSET as useful or very useful for deciding on an appropriate intervention for a young person, Yot practitioners appear to be less enthusiastic about it. Some are not entirely clear about how to use the information and others are concerned about the amount of time and effort it takes to complete (Ref. 53). Effective interventions need to build on strengths (sometimes called protective factors) as well as address weaknesses, so this should be emphasised in training in the use of ASSET.

The Consultation Paper Every Child Matters (Ref. 7) recommends the development of a common assessment instrument for all agencies dealing with children and young people at risk in order to facilitate information exchange and provide a more joined-up approach. This may prove challenging in practice, as agencies and professionals may find it difficult to agree on a common format that also meets their specific requirements. An alternative approach might be to develop a common core of questions, to follow the child, supplemented by specialist sections for different agencies.
ASSET assessments can also be a source of management information for Yots. They can provide a summary of the needs of the population they are dealing with, and can distinguish between groups on different kinds of order or intervention. Yot managers and steering groups should use this information to monitor their workload, and identify priorities for allocating resources and developing additional services in the local area. The YJB should also make more use of this information to determine national and regional priorities for the development of programmes and resources.

From assessment to intervention

Young offenders who were interviewed said that where their needs were well matched with support, they felt optimistic about changing their lifestyle and reducing their offending. Parents said the same. The main function of ASSET is to identify these needs before interventions are planned and implemented to meet them, but it is not always used to full effect. The YJB has published detailed guidance and an effective practice manual on assessment, planning interventions and supervision, which may help to improve matters.

To keep young offenders like James in the community, intervention programmes must address his offending behaviour and meet his needs effectively. Although the time spent in direct contact with young offenders is crucial to achieving this (Ref. 1), there is little relationship between the average weekly contact time for individuals and their risk of offending as indicated by higher ASSET scores. Furthermore, the average contact time has hardly changed since the Audit Commission first drew attention to the issue in 1996 (Ref. 1). The Audit Commission survey of 300 Yot case files found the average weekly contact time for PYOs in the first three months of supervision to be only 1.8 hours compared with 1.1 hours for other offenders (para 76). This is considerably less than those on ISSPs. Yots should make better use of ASSET to determine the amount, as well as the nature of interventions with individuals, using a scaled approach. The YJB should amend the national standards accordingly.

Some Yots appear to provide a standard programme for all those on their caseload, rather than tailoring interventions to particular needs identified in the assessment (Ref. 26). So some offenders with identified problems, such as substance misuse or anger management, may not have their needs met, while other offenders are offered programmes that they do not need. Young people with more complex needs might be expected to have a wider range of elements in their supervision programme, but there appears to be no relationship between the ASSET score and the number of elements in their programmes (Ref. 54). PYOs did not have significantly more elements in their supervision programmes than other offenders.
The difference between ASSET scores at the beginning and end of a community order provides a measure of progress, but some risk factors are better addressed than others. For example, those for lifestyle, thinking and behaviour improved more than those for employment, training and education or substance misuse (Exhibit 31). This may reflect the ease with which some resources are obtained compared with others (Exhibit 32).

Exhibit 31
ASSET scores that showed improvement after community orders
Those for lifestyle, thinking and behaviour improved more than those for employment, training and education or substance misuse.

Source: Audit Commission analysis of YJB data
Exhibit 32

Yots’ ability to gain access to timely and appropriate services from other agencies

Only one-third have good access to social services and education.

Source: NAO/Audit Commission Yot Census (Ref. 19)

145 Both young offenders and parents reported their disappointment over the lack of access to certain key services, such as education support and treatment for drug or alcohol problems. Addressing the full range of risks and needs depends strongly on the Yots’ ability to gain access to essential services from other agencies. The main relevant agencies are social services, education, health, substance misuse and housing. Around two-thirds of Yots said they have good access to mental health and housing services, but only one-third have good access to social care and education (Exhibit 32). Yot steering groups should use ASSET-based information to support their case for access to essential services to local authority departments and elected members, and other agencies. The performance of these agencies in providing services for young offenders is described below.

Social services

146 Many Yot clients have previously had contact with social services. In one London borough, nearly one-half of the Yot’s clients had previously been on the authority’s child protection register (Ref. 55). While being in care does not in itself constitute a separate risk factor for engaging in crime, children looked after by local authorities are three times as likely as others to commit offences (Ref. 56) and more than one-half of all young offenders in custody have been in local authority care, with one in six admitting to having been abused (Ref. 57). To respond to this, the Department of Health has a target in its Public Service Agreement (PSA) for 2001-2004 to reduce the gap between the proportions of children in care and their peers who are given reprimands, Final Warnings or are convicted. By September 2002, some progress had been made. The proportion of known offenders had reduced by 1.1 per cent compared with 2000. The aim is to reduce this proportion by a further 2.4 per cent (to 7.2 per cent) by 2004. The target should be jointly owned with the YJB.
Some Yots have developed imaginative approaches to addressing the target. In Somerset, for example, it is being addressed by the innovative use of restorative justice conferences to avoid prosecution for offences such as criminal damage and assault that take place in residential units. The young person meets his or her youth justice worker and an independent facilitator to agree a restorative contract. The process is guided by a joint protocol between social services, the police and the Yot.

Local authority social service departments provide by far the largest proportion of local Yot funding (Exhibit 26) and social work is the largest single professional group within Yots. Many Yot staff previously worked in social services youth justice teams and transferred directly into the Yot. Some have had to make considerable changes in their professional practice to work to the new statutory aim. Social services departments also provide resources in kind, such as premises, human resources and finance functions. Despite this close relationship, young offenders and their families in some areas are not receiving the social services support they need. The demand for social services support is so great in many areas that its threshold for accepting referrals is very high. This means that Yots often have to fill the gap; many Yot staff and managers said they had to respond to problems, such as family support, for which they felt other agencies should be taking responsibility. About a third of Yots are rarely or never able to access social services and a further third are only sometimes able to do so (Exhibit 32).

Access is further hindered by the lack of a Yot worker with a direct line to social services. Links are needed between practitioners, even where the Yot is accountable through social services departments. One way of tackling this would be for social services departments to second a social worker to the Yot, like other agencies. This would strengthen their links with field social work teams that undertake family support work and provide a route for communication, referral and access to services. It would also help to improve information exchange, support and continuity for looked-after children who offend, and could help early intervention initiatives where there is overlap with children at risk. Some of the existing social services resources provided to Yots could be used in this way.

Yots need to understand better the constraints on social services but, as stated in the Children Act 1989 (Ref. 58), social services continue to have some responsibility for young people who offend. To help clarify who is responsible for what, a tiered model similar to that used for child and adolescent mental health services (CAMHS) could be developed. Yots should provide basic support, including parenting programmes, but the local social services office should provide advice and guidance, as well as more specialist support in cases of high need. Yot staff and sessional workers should receive basic training in supporting parents and families and refer to expert advice and specialist help when needed.
Parenting orders and support for parents

While parents cannot be held solely responsible for the offending behaviour of their children, they have a central role. Research consistently shows that poor parenting and lack of parental care and supervision are important influences on youth offending and that family-based interventions can substantially reduce the risk of re-offending (Ref. 59). Parents of offenders aged under 16 are required to attend court hearings and may be ordered to pay fines or compensate victims. Parents also have an important role to play in ensuring that their child attends sessions with the Yot.

To increase parental responsibility, Parenting Orders were introduced by the Crime and Disorder Act 1998 (Ref. 6). They require parents to attend a programme to help them to carry out their parental responsibilities more effectively and address their child’s behaviour. They can be a valuable and effective option to help young people and their families, sometimes providing guidance and support when no one else has been able to. A centrally funded programme of 42 parenting projects was successful and greatly appreciated by those involved (Ref. 60). Five out of six participants took part on a voluntary basis, with one in six on statutory orders. One in three was referred by non-criminal justice agencies, such as education or social services. Half were single parents and most were mothers. They had very high levels of need and four out of five wanted help with their child’s behaviour. The attendance rates were high; the parents went to three-quarters of all the sessions provided. In addition to lower reconviction rates than the previous year, parents reported improvement in a number of areas including:

- communication and relationships;
- supervision of their child’s activities;
- more influence over their child’s behaviour and less conflict; and
- feeling better about parenting.

Despite these promising results, parenting programmes can be difficult for Yots to access and the use of Parenting Orders and the availability of general parenting work vary widely between Yots (Exhibit 33). In some Yots, voluntary programmes and Parenting Orders are little used; in others, staff prefer to offer voluntary programmes rather than proposing an order. The criteria for recommending an order appear to lack consistency both within and between Yot areas and in some they are not supported by adequate resources (Ref. 26). In some Yots the take-up of voluntary programmes is very low (Ref. 26). To increase voluntary take-up and to provide support when the programme finishes, some Yots have developed innovative approaches, such as parental mentoring.
To increase the take-up of parenting programmes, a basic screening assessment should be developed to identify the needs of parents/carers of young offenders. Yots should provide or arrange contact and support when needed. Some Yot staff should be trained to provide parenting support for those on orders and those who will accept help on a voluntary basis. Dedicated staff time is necessary for this. Yot supervising officers should provide a written record of the young person’s intervention programme for parents and give feedback to parents at the end of the programme. To ensure that support does not automatically end when an order finishes, exit strategies should be developed.

The Government recognises that Parenting Orders have not been used as much as they could be and is currently legislating, in the Criminal Justice and Antisocial Behaviour Bills (Refs. 9 and 61), to introduce parenting contracts, to make Parenting Orders available with Referral Orders and to establish free-standing Parenting Orders. The YJB has a strategy to improve the provision of parenting programmes, including some additional funding in 2003/04, support to Yots and improved monitoring. The Government proposals to promote fuller use by youth justice agencies of parenting measures are welcomed (Ref. 8).
Education and learning

Difficulties with education and employment

Most Yot clients have difficulties with their education. Research (Ref. 52) shows that:
- one in two Yot clients are under-achieving in school;
- one in three need help with reading and writing; and
- 15 per cent have statements of special educational needs.

The educational problems of serious and persistent young offenders are even greater. The average reading age of young people starting ISSPs is five years below their chronological age (Ref. 62) and over half of the young people entering custody, most of whom are over 15, have a reading age below the level of an average 11 year old (Ref. 63). Nine out of ten young offenders in one STC were found to have missed significant periods of education, often several years (Ref. 64).

Many of these young people are not getting the help that they need. Young black males are five times more likely to be excluded than their white peers (Ref. 4). It is not uncommon for pupils who are permanently excluded to wait a year before they are provided with alternative education, despite a requirement from the Department for Education and Skills (DfES) that alternative education is provided immediately for all excluded pupils (Ref. 65). Many others are informally excluded from school (for which there is no legal basis) or are provided with revised school timetables that provide little or no tuition (Ref. 26). Those on such part-time timetables rarely get back into full-time school. In some areas, few alternatives to mainstream school are available, and there is often a long waiting list for the pupil referral unit (PRU) (Ref. 26). Large numbers of pupils are not registered in any form of education (Ref. 65). One-third of those entering custody have had no education at all in the six months beforehand, and many others have received only part-time tuition. Only one-quarter have had any education, training or employment arranged within the first week after release and over one-half still have no such arrangements after a month in the community (Ref. 66).

Those excluded from school are only a small proportion of the total population of children outside education (Ref. 65). One-third of young people engaged in Youth Inclusion Projects are not on a school roll (Ref. 67) and the level of offending by young people in a local area has been shown to be strongly associated with the size of the total out-of-school population (Ref. 66). The precise number of children outside education is unknown and varies locally.
Educational problems, such as school failure, disaffection, persistent truancy and exclusion, are strongly associated with offending (Refs. 68 and 69). Recorded offending almost doubles after a young person has been excluded from school (Ref. 64). The number of young offenders who are excluded from school appears to be rising. In the mid-1990s, two out of five young people of school age who appeared before the youth court had been either temporarily or permanently excluded from school (Ref. 1), but a more recent survey based on a sample of Yot clients showed that this had almost doubled to three out of four (Ref. 70). The YJB’s annual self-report survey of offending by excluded young people provides a valuable way to monitor the extent to which this vulnerable group of young people is disproportionately represented in the youth justice system.

Returning to full-time education can help young people to stop re-offending. According to one study, none of those who had full-time education immediately after they were released back into the community on a DTO were reconvicted, whereas one-third of those without such immediate provision were reconvicted (Ref. 66). Employment is also key, as it has been shown to be the single most effective factor in programmes to reduce re-offending by young adult offenders (Ref. 71).

Agency responses

Providing education should be a key element in addressing offending, but it is being tackled in a limited way at present. Although three-quarters of magistrates take educational factors into account when sentencing, a large minority do not have adequate information about the education that sentenced young offenders receive, especially those sentenced to secure facilities (Ref. 27). Local education authorities (LEAs) could use their information and resources more effectively to prevent exclusions, encourage schools to re-integrate those who are excluded and develop speedier alternatives (Ref. 72). Many young people who are out of school would prefer to return to mainstream education and consider it the best route to getting a job (Refs. 66, 73). However, only one-third of Yots are able to access schools or colleges regularly (Exhibit 32) and many Yot clients are not in any full-time education, whether mainstream or alternative (Ref. 26).

The lack of incentives for schools to invest in those who are failing academically, especially if they are disruptive, is a major obstacle to inclusion. National policies and targets for schools do little to provide such incentives and there is no longer a target for reducing permanent exclusions. PRUs and other forms of alternative provision often provide an unsatisfactory curriculum and few opportunities (Ref. 65). The Government should review the problem of the out-of-school population and how best to address it. It should consider developing a PSA target for schools on inclusion, with detailed guidance on how to achieve it.
164 The Government should require local authorities to undertake a census of the local population of young people who are not in school, including those whose absence is authorised and those not on any school roll. Currently, schools are strongly advised to take pupils off the roll after four weeks if they are remanded or sentenced to custody. The school should retain responsibility for their education, in order to maximise the chances of re-integrating them when they are released from custody. So they should remain on the school roll in the way that pupils placed in PRUs but not permanently excluded are (that is, dual registered). Funding should follow the pupil to the custodial institution and return to the school only when the child does. Better tracking systems for pupils missing from school should also be established, as recommended by Ofsted (Ref. 65). The Connexions personal adviser based in their school should facilitate the link and ensure that subsequent placement in a mainstream school is actively pursued.

165 To reduce the number of pupils who are at risk from dropping out of school during key stage 4, there should be more flexibility in the curriculum, as recommended by Ofsted (Ref. 65), and more opportunity to combine academic and vocational subjects and qualifications, including work-related learning. National guidelines should be developed for the curriculum in alternative education programmes and the qualifications offered, with systems to register and evaluate the work of alternative providers. The academic and vocational streams should have equal status, so GCSEs could be obtained in vocational subjects.

166 The Government should also consider developing a target to reduce the gap between the proportion of known offenders among those out of school or failing at school and their peers in mainstream schools. Achieving the targets should be a shared responsibility between schools, the LEA and other agencies.

167 The roles of Yot education workers vary. Most carry out education assessments and contribute to reports, some teach to fill the gap when no other provision is available, some link with schools and colleges, and others carry out parenting work. More than one-half carry out some ‘generic’ Yot work, which does not appear to be the best use of their specialist expertise. Almost nine out of ten are based wholly in the Yot, which means they could risk losing touch with the LEA that employs them (Ref. 74).

168 In practice, it is difficult for Yots and other local agencies to influence schools, as LEAs have little or no control over them. Since some of these staff are not at the appropriate level to ensure access to local schools or colleges, the secondments of more senior education staff might help. In addition, some way needs to be found to engage schools much more fully in the work of Yots. In some local authorities a forum for re-integration has been established, led by local head teachers and LEA staff, with Yot education staff included as members (Case studies 1 and 2). This forum meets regularly to discuss the needs of all those excluded from, or returning to schools, including those placed in or returning from PRUs (Ref. 26). Re-integration into school is determined by an agreed protocol. Where no such forums exist, LEAs should encourage head teachers to become involved in one.

\[\text{England only. In Wales, Young People's Partnerships.}\]
Case study 1
Warwickshire schools forum

In Warwickshire a multi-agency approach has been adopted to dealing with the problem of young people who have been excluded from school, or who are at risk of being excluded. Local area behaviour management panels, which are mainly made up of head teachers but also include representatives from the Yot, the education social work service, educational psychologists and other agencies, meet twice each term. They review the young people in their local areas who are excluded or at risk, formulate plans for re-integration and monitor progress. The panels also report to a county behaviour management panel, which provides a strategic lead. There is also an ‘out-of-school group’, also multi-agency, which monitors young people who are known to be out of school, whatever the reason. This group often picks up young people who move between areas or whose problematic behaviour makes them difficult to deal with in a group setting. The Yot has very close links with the PRU and is currently involved in multi-agency projects to provide a range of alternative kinds of education.

Source: Warwickshire County Council

Case study 2
Blackpool LEA

Blackpool LEA has a register of children who are out of school but known to the LEA, and another register for those who are missing from any school roll. This was one of four pilot projects, supported by the DfES, to identify and track children who are missing to the education services. If a child leaves a school without a forwarding address, he or she is entered on the missing children register and a registration and monitoring officer follows up the case. A multi-agency panel, including the Yot, social services and Connexions, helps to monitor cases through to placement in an education setting. The schools are full participants in the process.

Source: Blackpool LEA

College courses are not always appropriate or flexible enough for young people who have had difficulty with their school education. Yot workers in some areas of the country complain of a shortage of courses in practical skills, such as construction, and work placements or apprenticeships (Ref. 26). The Connexions service can make a valuable contribution to the work of the Yot by helping them to find college or work placements. It is more easily accessible than schools and colleges, with 60 per cent of Yot managers gaining access to it most of the time. However, Connexions is still not fully operational in some areas and the service does not necessarily ensure that young people at risk stay in further education or employment (Ref. 26). Connexions staff should provide colleges with better support for dealing with difficult young people. They can be particularly valuable when based in the Yot team, providing continued support for individuals after their order has finished (Ref. 26). In some areas, Connexions staff work in YOIs with those on DTOs to improve their engagement in education, training and employment when they leave custody. Local Connexions services should second a member of staff to their local Yot, particularly to work with those over the age of 16, unless the agencies have developed a closer relationship, as they have in Oldham (Case study 3).
Case study 3
Oldham Yot and Connexions

Oldham Yot is co-located alongside the Connexions service; both are managed under the umbrella of Oldham Education, Business and Guidance Services (OEBGS) and are based in the same building. In addition to the Yot and Connexions, OEBGS also manages the Drug and Alcohol Action Team (DAAT) and the teenage pregnancy co-ordinator within Oldham. Connexions and the Yot share community support workers and exchange information about the young people on their caseloads, including needs identified from ASSET. All of the young people involved with the Yot have a Connexions PA who continues to work with the young people when their order has finished. The staff value the way that co-location improves communication and joint working. Oldham is also a pilot area for the Planned Resettlement into Sustainable Employment (PRISE) initiative, which aims to improve the resettlement process for young offenders through closer working relationships between the Yot, Connexions and HM Prison Service.

Source: Oldham Yot

The joint YJB/Connexions target for 90 per cent of young offenders to be in full-time education, training or employment is useful. However, two-thirds of Yot managers consider the target to be unreasonable and too difficult to measure (Ref. 19) and it is unlikely to be achieved by the end of 2004\(I\). The YJB’s monitoring system indicates that the percentage of Yot clients with such provision rose from 65 to 74 per cent between July 2002 and June 2003\(I\). However, the joint target does not sit easily alongside Connexions’ own targets, which are to reduce the proportion of all 16-18 year olds not in education, training or employment by 10 per cent and ensure that they receive at least 16 hours provision per week. The latter contrasts with the YJB target of 25 hours per week. The Government’s Entry to Employment Programme, which is designed to meet the needs of ‘hard-to-place’ young people, aims to provide 16 hours per week, but many of these young people will also be offenders. None of these targets measure outcomes. The Government should review these targets, taking into consideration whether they should:

- be set locally for those aged over 16 to reflect local differences in employment opportunities and training provision;
- measure the extent to which initial placements in training or employment are maintained over time; and
- include a joint target on improving the literacy and numeracy levels of young people on community penalties, possibly based on the YJB’s ‘PLUS’ strategy for literacy and numeracy and linked with the YJB’s related target for secure establishments.

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\(I\) This target was previously 80 per cent being in full-time education, employment or training by 2003.

\(II\) The information is sometimes inaccurate (see Chapter 3), with some young offenders receiving considerably less than full-time provision.
There has been a significant increase in mental health problems among young people in recent years (Refs. 75 and 76), including an increase in the number of young children diagnosed with Attention Deficit and Hyperactivity Disorder (ADHD). Such problems are particularly high among young offenders. One-quarter of the young people supervised by Yots admit to having a mental health problem, one-quarter to having self-harmed and almost one-half to being depressed (Ref. 70). Two out of five young men and two-thirds of young women aged between 16 and 20 who are sentenced in court have some mental health symptoms, compared with one in ten of the general population of this age (Ref. 77).

Many of these young people also have physical health needs, which only come to light through contact with the Yot. Appropriate healthcare at this age should help to reduce problems in adult life and save NHS resources, but one-quarter of Yot clients have never been to their GP and many of those who use conventional GP services say they do not find them helpful (Ref. 70). Where Yot health workers undertake physical health checks, multiple health needs are sometimes identified (Ref. 26).

The roles of Yot health workers vary widely. Some provide physical or mental healthcare, others provide parenting support, while others play a more strategic role (Ref. 74). Given the problems that young people experience when using health services, Yots and Connexions PAs should assist young people to use them. Healthcare may need to be more accessible to young people than traditional GP services and could include, for example, a health clinic within a centre for young people that provides a range of services, such as counselling, sexual health and advice on drugs and alcohol. Primary care trusts (PCTs) should consider introducing such centres, or special health sessions for young people in other centres. For those who are in education, school nurses could provide appropriate assessment, treatment and referral in a setting that young people find familiar and acceptable. PCTs should consider targeting school nurses to areas with high rates of mental and physical health needs and should encourage them to focus their work on young people with multiple problems. The service would need to ensure that those in alternative education settings, such as PRUs, were covered. PCTs should also consider targeting health visitors to those families most likely to have problems, in order to make better use of these resources.

Providing appropriate mental healthcare to young children could save considerable public expenditure at a later stage. One in 20 ten year olds has some form of conduct disorder and by age 28 each one will have cost the public purse an average of £70,000 (Ref. 78). By providing appropriate services at an earlier age, some of these costs could be saved. The Department of Health has allocated £44 million to local authorities to develop CAMHS according to priorities agreed jointly by local agencies, and a further £490 million will be provided to health and local authorities between
2003 and 2006. A ‘comprehensive service’ is expected to be in place by 2006 and support for young people in youth justice settings is one of the priorities identified for 2003/04. But despite this injection of new money, the national picture for CAMHS is still poor, with new investment building on a very low baseline. Problems such as lack of information, patchy resources and inconsistent priorities, identified by the Audit Commission in 1999, are still apparent (Ref. 79) and there is still a gap in provision for 16-18 year olds in some areas.

The YJB target for Yots to receive an assessment from CAMHS within five days for acute problems and 15 days for non-acute problems is not yet being met in most Yot areas (Exhibit 34). Moreover, as noted by 60 per cent of Yot managers, this is unlikely to be helped by conflict between Yot and health service targets (Exhibit 25). In order to reduce the scope for conflict, the assessment target should be shared by the Yot and the local PCTs. Although Yot managers feel that the health service contribution is less than it should be (Ref. 26), three-quarters say that they can access appropriate services most of the time (Exhibit 32). This may be because they provide tier two and sometimes tier three services themselves in order to avoid long waiting lists of nine months or more. Some are managing young people who have severe mental health problems (Ref. 26). Yot managers and steering group chairs should provide clear information on the links between poor health and offending and the potential savings that can be made to the health service and other public services later on by undertaking timely interventions.

**Exhibit 34**

National achievement of the mental health target

The target is not being met in the majority of Yot areas.

<table>
<thead>
<tr>
<th>Percentage of Yots achieving level</th>
<th>60%</th>
<th>50%</th>
<th>40%</th>
<th>30%</th>
<th>20%</th>
<th>10%</th>
<th>0%</th>
</tr>
</thead>
<tbody>
<tr>
<td>100%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>75% - 99.9%</td>
<td>10%</td>
<td>15%</td>
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<td>25%</td>
<td>30%</td>
<td>35%</td>
<td>40%</td>
</tr>
<tr>
<td>50% - 74.9%</td>
<td>15%</td>
<td>20%</td>
<td>25%</td>
<td>30%</td>
<td>35%</td>
<td>40%</td>
<td>45%</td>
</tr>
<tr>
<td>0% - 44.9%</td>
<td>20%</td>
<td>25%</td>
<td>30%</td>
<td>35%</td>
<td>40%</td>
<td>45%</td>
<td>50%</td>
</tr>
</tbody>
</table>

Source: Audit Commission analysis of YJB data

Performance – cases assessed within timescale
Access to CAMHS is usually best arranged through staff who are shared between the Yot and the mainstream service. Yot health specialists need to work closely with other Yot workers, but they also need professional support and supervision from health colleagues. They can provide training and support to other Yot staff to enable them to assess and deal with minor mental health issues themselves. This will be facilitated by the YJB’s proposed mental health awareness training for non-specialist Yot staff and the new assessment tools (a short screening for generic Yot workers and a detailed interview for use by Yot health staff). Redbridge Yot has a mental health service that appears to work well (Case study 4).

**Case Study 4**  
**Mental health in Redbridge Yot**

A full-time community psychiatric nurse (CPN) is seconded to the Yot from the local mental health trust, keeping a professional link to its CAMHS for clinical supervision and advice and consultation. Yot practitioners have immediate access to advice from the CPN, which gives them the confidence to deal with young people with mental health issues or disorders. In turn, mental health practitioners from the CAMHS are able to gain support and advice from the Yot CPN and other Yot staff.

Practitioners refer cases to the CPN, which are seen within 15 working days unless the case manager has urgent concerns about the young person’s mental health. Cases such as these are seen within five days, as required by the YJB. The concerns do not have to have a label or be specific, provided the practitioner feels that they warrant a fast response by the CPN. The CPN in this Yot is paired with a colleague in the neighbouring Yot to ensure continuity of cover.

The CPN undertakes an in-depth assessment of the young person referred and either delivers treatment himself or makes a referral to the local CAMHS. He can gain immediate access to the local service, as the consultant psychiatrists accept his initial assessment as the basis for clinical intervention. This enables the Yot to get appointments quickly for young people with acute mental health needs and also allows the CAMHS to have rapid access to advice and prevention work for those young people who may be at risk of offending due to their mental health problems. This reciprocal arrangement has led to an increase in confidence and improved communication between the agencies.

*Source: Redbridge Yot*

The provision of mental healthcare for young people in prisons is particularly poor (Ref. 80). There are up to 300 young people in secure establishments requiring transfer to specialist mental health facilities at any one time. Nationally there are only 28 secure NHS beds for young people with mental health problems, now designated for those with long-term mental illness requiring treatment under the Mental Health Act (Ref. 81) in a secure setting, with a further 40 or so being developed or planned. Around 100 beds are available in the private sector for those with other mental health problems. The Department of Health and the Welsh Assembly should ensure that better alternative mental healthcare facilities are developed for young people who are transferred from custody, with clear guidelines on which cases should be referred to outside specialists and which cases institutions should deal with themselves.
Substance misuse

Substance use and associated problems

Drug and alcohol use is common among young people. One-half of all 16-19 year olds have used illegal drugs (Ref. 4) and the age at which children start to use them has been getting younger (Ref. 3), even though most have only used cannabis (Ref. 2). The use of drugs and the prevalence of drug-related problems are much higher in deprived areas (Ref. 3) and among children who are excluded from school. Excluded children are also more likely to drink alcohol regularly (Ref. 2). Although most of those in contact with Yots do not have serious problems with substance misuse, they are still around ten times as likely to have such problems as non-offenders. A small minority uses drugs heavily, often in combination. Around one in four of those on community orders say that their offending is related to their drug use (Ref. 70).

Agency responses

All Yots have a named drug worker. Some are directly employed within the Yot, some are seconded in from an agency and others are employed in a local voluntary organisation. An effective model appears to be where the worker is closely linked to an outside organisation and has access to high-quality, child-centred services (Case study 5). These can combine the funding and regulation of statutory services with the accessibility and flexibility of a local voluntary organisation that is run by people that young people trust and feel comfortable with. Some Yots carry out a detailed screening of all cases for substance misuse, even in areas where it is not particularly common (Ref. 26). This may not be the best use of resources. Yot staff should aim to identify in an initial assessment whether there is any problematic substance misuse. If such an issue is identified, a full screening should be carried out, possibly by the named drug worker.

Case study 5

Base 25

Base 25 is a voluntary organisation for 11-25 year olds. It was created in 1999, with a management board that includes health, the Yot, housing, the careers service, the crime and disorder reduction partnership, community planning and youth and other voluntary organisations. It is funded by a mix of statutory agencies, including the Yot, and through grant initiatives. It provides health advice, the statutory drug and alcohol service, a counselling service (health funded) and a careers project. It has a prescribing service on one day per week as part of the drug treatment service. There is a contraceptive clinic and a drop-in staffed by youth workers, careers advisers and school counsellors. Several staff are available each day, many are employed on a sessional basis. It is now one of the four Connexions centres in Wolverhampton.

Sixty per cent of the users of the service are young men and 40 per cent young women. Around 40 to 50 young people use the counselling service each month. The waiting list varies from two to eight weeks, which compares well with the local
CAMHS where it is nine months to a year. A member of Base 25 staff, employed by the PCT, is located in the Yot to also offer counselling and treatment for those with substance misuse problems.

Source: Base 25, Wolverhampton

But specialist services provided by other agencies are often scarce. Fewer than 20 per cent of Yot managers said that they could gain access to substance misuse services much of the time. The availability of these services is worse than for almost any other (Exhibit 32). Local treatment facilities for drug users vary widely and most are unable to address the full range of individual needs or to provide support after treatment has finished. Some have detoxification available, others provide only counselling, and many are available only to adults. A new YJB target is to be introduced in 2004 for the time taken to gain access to specialist services by those with identified needs. This should be a joint target with health services.

Concern over the adequacy of drug treatment services is starting to be addressed through the National Treatment Agency (NTA) and the development of a new National Drugs Strategy. The YJB is also working jointly with the NTA to develop better provision for young people and to improve the commissioning arrangements. The Criminal Justice Bill (Ref. 9) contains provisions for compulsory testing for class A drugs at charge and pre-sentence stages and release from custody, including for those aged under 18. But evaluation of Drug Treatment and Testing Orders has shown that fewer than one in three offenders finished their orders successfully and eight out of ten were reconvicted within two years (Ref. 82). Guidance should emphasise that those responsible for supervising young offenders ensure that compulsory testing does not become counter-productive, where orders which would otherwise have been successful could be breached solely because a young person misses a test appointment. Health agencies with drug and alcohol treatment services should prioritise the development of services for young people. A joint target for the YJB with the NTA and the National Assembly for Wales should be developed for access to services for those with identified substance misuse needs.

Housing

Needs and associated problems

Young people who are homeless are at much greater risk than others of committing crime (Ref. 83) and are the least likely to be deterred by the threat of punishment (Ref. 84). Those leaving custody are more likely to re-offend within a year if they are homeless (Ref. 85). Many young people in contact with Yots lack suitable accommodation. Around 60 young people per year, on average, in each Yot, are placed in unsuitable settings, 50 in temporary bed and breakfast accommodation, and a further ten or so in unsupervised single tenancies (Refs. 26 and 86). This makes a total of approximately 9,000 across England and Wales. A significant number of these are aged under 16 or are care-leavers. Many of them have lost contact with their families, have health problems and are vulnerable to exploitation. Two out of three of those unsuitably placed have problems with either substance misuse or mental health (Ref. 86).
Accommodation problems particularly affect people who are on remand. Two out of three Yot managers said that bail support and supervision schemes are made less effective by a lack of suitable accommodation (Ref. 87). Up to 1,000 young people per year are remanded in custody or secure accommodation, at a cost of £5 million per year, because they lack somewhere suitable to live. In addition, Yot managers estimate that over 800 young people receive custodial sentences because their housing is unsuitable, costing at least £16 million per year. Provision of suitable accommodation for these young people could save around half of this sum (Ref. 86).

Agency responses

Good progress has been made towards meeting the YJB target to have a named accommodation officer, as over 80 per cent of Yots now have one, but only 50 per cent of these are involved in preparing young people for independent living (Ref. 86). Progress is also being made towards meeting the target for all those who are on community orders or are released from custody to have satisfactory accommodation to go to by the end of 2003. However, there are still many young people living in unsuitable settings and almost half of Yot managers believe the target is unreasonably difficult. Over half think it is difficult to measure their performance against the target. Although two-thirds of Yot managers are able to access housing services most of the time (Exhibit 32), the provision is often inappropriate for vulnerable young people (Ref. 26). Two-thirds of Yot managers also say that there is some or considerable conflict with the targets and performance indicators for housing agencies (Exhibit 25).

Providing accommodation is rarely the whole solution. Vulnerable young people need support and supervision to help them to learn how to manage their lives independently. All local authorities are required to have a strategy for housing people with special needs, including young offenders, under the Supporting People Initiative, funded through the Office of the Deputy Prime Minister (ODPM). Housing departments are responsible for this, together with social services, health and probation services. Yots should work with these groups and with local housing providers to develop a range of suitable accommodation. Ideally, there needs to be a combination of dedicated Yot placements, such as remand fostering, supported lodgings and supervised places in hostels, with a support programme specifically tailored to meet the needs of those aged under 18 (Ref. 26). As individuals’ needs change, the level of support should be altered accordingly, but avoiding the need for them to move too often.

Yot accommodation officers should have a strategic role in developing appropriate housing provision, in conjunction with relevant agencies, as well as dealing with individual cases. In one area, the named accommodation officer has a mixture of strategic and operational responsibilities. He has drawn up a homelessness protocol and trained his team colleagues in accommodation issues, enabling them to address the gaps more effectively and to support imaginative new projects, such as small supported units. Together with local accommodation providers, the Yot is now able to offer ‘floating support’ to vulnerable young offenders who are placed away from their families.
Housing departments have a duty to house homeless people and 16-17 year olds are one of their priority groups. Housing authorities should be part of the Yot steering group so that suitable provision can be planned jointly. Where several districts are involved in a Yot area, they should be represented by a chief officer from at least one of the authorities who has responsibility for communicating with colleagues in other districts.

The Government should set a joint target for local authorities (housing and social services) for the provision of appropriate accommodation for young people under the age of 18, especially those who are vulnerable due to mental health problems, substance misuse or learning difficulties. The Government proposes to expand remand fostering [Ref. 8], but steps will need to be taken to ensure that sufficient support is available to minimise the risk of young people breaching the conditions. The Government should invest in piloting and developing small supported units of accommodation for vulnerable young people, with high levels of supervision and care that can be gradually reduced as individuals become more independent. The placement in bed and breakfast accommodation of young people under 18 who are remanded to local authorities should be made illegal on the grounds of their vulnerability.

Early intervention

Most young people who come into contact with Yots have failed to achieve as well as their peers in school, and many are not participating in education. Many have severe family problems, which can lead some to being made homeless or living in unsuitable accommodation. And many also have problems with mental health or substance misuse. All these greatly reduce their chances of succeeding later on. The services that could help to address these problems are often unavailable or difficult to access. A more effective way to deal with such problems would be to prevent them at an earlier stage, before they become intractable.

James’s story

At the beginning of Chapter 1, reference was made to a 15 year-old-boy called James, who is serving his second custodial sentence this year. His story, which is a catalogue of errors and missed opportunities for services to provide help at times when it could have made a real difference, is described here. His name has been changed but all other details are true. He is not untypical of young people at the ‘heavy end’ of the youth justice system.

James’s behaviour began to be problematic at home at the age of five. His mother told his school that she had problems managing him but received no help. At age six it was clear that he had some difficulties with learning and school attendance. He was assessed but no extra help was provided. However, some two years later, an SEN statement was made and he was moved to a special school. Although it was apparent at the time that he was behaving oddly and was being neglected at home, no other action was taken.
He received his first caution at age ten for an arson attack, and two further cautions the next year. The school suggested that he might benefit from a learning mentor but one was not provided. By the age of 13 he had had several court appearances for assault and criminal damage and was attending school only rarely. His behaviour led to several fixed-term exclusions. His SEN annual review identified that he and his family continued to suggest a mentor, but to no avail. James was asked for his views for the first time and he said he wanted to be in a mainstream school and felt he could succeed in some areas. After involvement with the Yot, he was offered an educational package at various centres but he did not manage to attend these for long.

Further offences followed and he was put on an ISSP. Only then did it become fully apparent that the family had multiple problems and a family assessment was made. A meeting of professionals took place but no one directly involved with James was able to attend, except for his head teacher. No social worker was allocated. Although plans were made by professionals, little extra help was given. He offended again and was sent to an STC for three months, where he made some good academic progress. When he came out, further meetings of professionals took place and referrals were made but no services were received by James or his family. He offended again later that year and received a second custodial sentence, this time in a YOI.

This catalogue of failures by support services to intervene, which characterise James’s childhood from an early age, is not uncommon. First, no one listened to James’s mother when she struggled to control his behaviour at home. Later, various assessments were carried out but no action was taken to meet the needs they had identified. James was not asked for his views or wishes until he was 13 and had already been in a special school for some years. The agencies involved did not communicate well with each other and key people did not attend his review meetings. Despite the evidence of multiple problems, no one was allocated to the family as a key worker. And, most importantly of all, nobody took overall charge.

Had the services been available, James might have benefited from family support, pre-school education, anger management, learning support and mentoring. If these had been provided from the start, and continued throughout James’s teenage years, much of his offending could have been avoided. The costs of these support services would have been £42,000 up to the time he was 16, compared with the actual costs of £184,000 for the services he did receive, including court appearances and custody. The costs and inconvenience to the community of his offending are additional to this figure. Appropriate intervention when problems were first identified would have saved over £140,000 to public services, for just one young person, and would have vastly improved the experiences and life chances of James and his family. Full details of James’s experience and the way it could have been a different story if preventive services had been provided are covered in Appendix 6, together with the costs.
James’s story is not exceptional. Many young people in the youth justice system have similar backgrounds and experiences. If a similar saving of £140,000 were made on just one in ten of the young people sentenced to custody each year (over 7,500 in 2001 (Ref. 5)), more than £100 million would be saved to public services. This is twice the cost of the largest national programme for reducing youth crime, the 25 per cent of the Children’s Fund, which should amount to £50 million per year.

Services for prevention and early intervention

The risk factors associated with young people becoming involved in crime are well known. A large body of research evidence has shown that certain family problems from an early age, school failure and dropout and friends who offend are associated with offending. It also shows that many young people could be prevented from getting involved in crime at all, and could be protected from other social, educational and health problems, if appropriate support were available from the start (Ref. 59). The general public largely agree that prevention is the best way to reduce youth crime (Ref. 44).

Preventing crime and other problems by providing this kind of support would require a substantial shift by mainstream agencies, especially schools and social services, in the way that they engage with young people at risk. Some of the legislation needed for this is already in place. For example, local authorities already have a duty under the Children Act 1989 (Ref. 58) to take steps to encourage children in their area not to commit criminal offences. And new legislation may be forthcoming. The Government’s consultation paper, Every Child Matters (Ref. 7), sets out a comprehensive framework in which universal services, such as schools, health services and childcare, should provide help and information to families, especially at key transition points in their children’s lives. This needs to be developed further, with PIs and targets that reflect the preventive work established for these agencies. These should provide incentives to invest in effective prevention approaches but, if not, funding should be ringfenced. This is essential if investment in long-term prevention programmes is to compete with the pressures to deliver improved outcomes in the short term.

Local authorities (upper-tier and unitary) are now required to ensure that all those responsible for planning, commissioning and delivering services to children and young people up to the age of 19 agree a preventive strategy. This should include systems for identifying, referring and tracking (IRT) young people like James from an early age, for which interim guidance is available. It aims to improve the way that preventive services are integrated and ensure that links are made with other relevant local strategies and partnerships. It will be important to ensure that IRT schemes become more than just information-generating and sharing systems but deliver real improvements on the ground, at an earlier point in time, to those who need them most.
At the same time, specific initiatives to prevent youth crime have been developed that target resources to those most at risk. This has involved significant increases in investment in early intervention activity, including the allocation of 25 per cent of the Children’s Fund\(^1\) to youth crime prevention and programmes, such as On Track and Sure Start. The YJB is also developing a number of early intervention initiatives, including restorative justice in schools, focused police work in schools and the Youth Inclusion Programme (Case study 6). Much can be learned from these targeted initiatives, which have been centrally managed and are subject to rigorous evaluation.

**Case study 6**

**The Youth Inclusion Programme**

The Youth Inclusion Programme (YIP) was established by the YJB in 2000. YIP schemes operate in 70 of the most deprived neighbourhoods in England and Wales, aiming to target the 50 most ‘at risk’ 13-16 year olds in the area, but also to engage a wider group of young people of the same age. Young people are provided with constructive activities to prevent them from offending or re-offending.

In phase one (2000/03) the Programme has targets to reduce arrest rates in the target group by 60 per cent, and truancy and exclusion among the same group by 30 per cent. It also aims to reduce recorded crime in the area by 30 per cent. The Programme is overseen by the YJB to ensure that local schemes develop promptly and in line with national guidance. It is subject to national evaluation, which requires stringent recording of activities and impacts. The Programme differs from traditional youth work in its targeting of a core group of young people who are known to have problems and in its close monitoring of activity.

The schemes have largely succeeded in targeting intervention to the young people considered to be most at risk, but the amount of contact with them has been considerably lower than the average ten hours per week intended. There has been a reduction in arrest rates and school exclusions in this group, compared with the period before the individual young people engaged with the schemes, but an increase in both authorised and non-authorised non-attendance at school\(^2\). Overall levels of crime in the project areas have not shown any consistent trend, but an expectation that initiatives of this kind should have such an impact at area level appears to be questionable. The most effective YIPs work closely with Yots and schools and engage many of the Yot clients who live within the YIP area (Ref. 26). Limiting the Programme to a small neighbourhood appears to be one of the key factors in the Programme’s effectiveness.

Young people involved in the projects said that they liked the activities, appreciated the safety they offered and the chance it gave them to stay out of trouble (Ref. 40). Local residents and police also spoke positively about the schemes (Ref. 67). The YIP model is being copied by other targeted activity schemes for young people in a number of other areas (Ref. 26).
During phase one of the evaluation, there have been some differences of view over whether the schemes should aim primarily to reduce crime in the locality or provide early intervention for those at risk. While these aims overlap, they have different implications for the way the schemes operate and who they should target. If the primary aim is to reduce crime, they should place more emphasis on targeting known offenders and supplementing the core work of the Yot. But if the primary aim is to provide early intervention and target a broader range of risks, then they need to work more closely with schools, families, peer groups and local agencies, such as social services to identify those at risk at an earlier stage.

Source: Morgan Harris Burrows (Ref. 67).

These initiatives have proved to be an effective way to target limited resources to those most at risk, and programme recipients have generally valued the help provided without objecting to being singled out for special treatment (Ref. 40). However, they are almost all limited in time and to specific areas, and have been developed separately from one another. Some duplicate similar programmes in the same areas. Not all have clear guidance and support to ensure that they are developed locally according to a consistent national model that includes funding for monitoring and evaluation. Although the Positive Activities for Young People Programme makes links between Government departments, it does not, for example, include the Children’s Fund or YIPs. If preventive activity is to continue to be funded through Government initiatives, it needs to be better co-ordinated and overseen from a single source and the departments that provide funding should work more closely together.

The introduction of local prevention strategies and the new arrangements for early intervention set out in the Government consultation paper signal a shift in the delivery of preventive services away from centrally funded Government programmes and towards locally managed service delivery through mainstream agencies. At the same time, the YJB is piloting youth inclusion and support panels (YISPs), which target children at risk of offending at an early age by promoting communication between agencies and professionals (like IRT), but also provide suitably tailored interventions. The CHARM initiative in Warwickshire (Case study 7), which is very similar to a YISP, is a good example of how these panels work in practice.

**Case study 7**

**CHARM**

The Children’s Area Risk Management (CHARM) scheme operates in each of the five districts of Warwickshire. The project is managed by the Positive About Young People scheme, under the overall management of the Yot.

A multi-agency group meets every two months, including education social workers (representing schools), the PRU, behaviour support team for education, social services, police, Connexions, health and the Yot. An information-sharing protocol has been developed locally. The agencies are represented by designated officers who are given the responsibility for sharing information and can link with practitioners in the
agency. Any agency or parents/carers may refer young people who are at risk of offending or antisocial behaviour. Information about referrals is circulated in advance of the meeting, with the consent of parents. Most of those discussed are aged 8-13, although this is flexible. Young people can stay on the list for six months or until a suitable action plan has been agreed to address the concerns.

The police are significant referrers, largely of those on Acceptable Behaviour Contracts who breach the conditions of their contract. There is some flexibility in the contract. For example, a young person on a curfew can go out late on occasion if they inform the police beforehand. Only more serious breaches of the contract are referred to CHARM.

Action plans for the young people include mentoring, diversionary activities, and family and parental support. Sessional staff provide the activities, which can change as different needs arise.

CHARM panel members also share information on trends and changes in the local area and work together on creative approaches to meeting the needs that arise.

Source: Warwickshire County Council

In some areas, both YISPs and IRT are running alongside each other, so this needs to be rationalised. Yots currently provide an effective model for implementing multi-agency work with young people at risk. They are a managed service, with accountability to the partner agencies, and have a clear focus on reducing and preventing youth crime (see Chapter 3). The early intervention initiatives they manage have succeeded in focusing on those at greatest risk and on keeping their practice consistent with national guidance in a way that few other national initiatives have achieved. The YJB has been influential in this success by providing guidance and support for the implementation of programmes and monitoring progress closely. A managed service, similar to a Yot, could therefore be responsible for all early intervention initiatives in a local area. To do this effectively, its remit would need to include the prevention of other poor outcomes, such as teenage pregnancy, homelessness and problematic substance misuse.

This all makes sense on paper as most of the risk factors for these outcomes are the same (Refs 4 and 59). But in practice, the main function of Yots is to prevent offending, so it is important to ensure that their focus on addressing offending by young people and working with known offenders is maintained. While Yots may be the most effective partnership for delivering preventive work with children and young people, local authorities may choose later to transfer responsibility to a separate body if suitable management arrangements can be developed. Although Yots will need to work closely with children’s trusts, they should not allow this to jeopardise their relationships with criminal justice agencies. This issue will need to be carefully addressed as and when the new arrangements for early intervention are implemented.
Recommendations

Government

1. In developing one overall assessment tool for children at risk, the Government should consider having a common core of questions that follow the child, supplemented by specialist sections for different agencies.

2. To improve the delivery of social care and support services to young offenders, a tiered model similar to that used for CAMHS should be developed. Yots should provide basic support, including parenting programmes, but the local social services office should provide advice, guidance and more specialist support in cases of high need.

3. The Government should consider developing a PSA target for schools on inclusion, with detailed guidance on how to achieve it.

4. The Government should review the problem of the out-of-school population and how best to address it. It should also require local authorities to undertake a census of the local population of young people who are not in school, including those whose absence is authorised and those who are not on any school roll. Better tracking systems for pupils who are missing from school should be established.

5. Schools should retain responsibility for the education of children and young people remanded and sentenced to custody. Funding should follow the pupil to the custodial institution and return to the school only when the child does.

6. More flexibility should be introduced into the national curriculum and more opportunity should be given to combine academic and vocational subjects and qualifications, including work-related learning. National guidelines should be developed for the curriculum in alternative education programmes and the qualifications offered, with systems to register and evaluate the work of alternative providers. The academic and vocational streams should have equal status, so that GCSEs could be obtained in vocational subjects.

7. The Government should consider developing a target to reduce the gap between the proportion of known offenders among those out of school or failing at school and their peers in mainstream schools. Achieving the targets should be a shared responsibility between schools, the LEA and other agencies.
8 The Government should review its Entry to Employment Programme targets to ensure that they measure outcomes, including the extent to which initial placements in training or employment are maintained over time. They should allow targets to be set locally for those aged over 16 to reflect local differences in employment opportunities and training provision, and introduce a joint YJB/Connexions target to improve the literacy and numeracy of young people on community penalties.

9 The Department of Health should ensure that better alternative mental health care facilities are developed for young people who are transferred from custody, with clear guidelines on which cases should be referred to outside specialists and which cases institutions should deal with themselves.

10 A joint YJB/NTA/National Assembly for Wales target should be developed for access to services for those with identified substance misuse needs.

11 Guidance on supervising substance misusing young offenders should ensure that compulsory testing is not counter-productive, where orders that would otherwise have been successful could be breached solely because a young person misses a test appointment.

12 The Government should invest in piloting and developing small supported units of accommodation with high levels of supervision and care, and set a joint target for local authorities (housing and social services) for the provision of appropriate accommodation for young people under the age of 18, especially those who are vulnerable due to mental health problems, substance misuse or learning difficulties.

13 The placement in bed and breakfast accommodation of young people under 18 who are remanded to local authorities should be made illegal.

14 The Government should develop PIs and targets that reflect preventive work by universal services, such as schools, health services and childcare. These should provide incentives to invest in effective prevention approaches but, if not, funding should be ringfenced.

15 Preventive activity should be better co-ordinated nationally and overseen from a single source, with the departments that provide funding working more closely together.

16 A managed service similar to a Yot should be responsible for all early intervention initiatives in a local area. To do this effectively, its remit would need to include the prevention of other poor outcomes, such as teenage pregnancy, homelessness and problematic substance misuse.
YJB

17 The YJB should make more use of ASSET information to determine national and regional priorities for the development of programmes and resources.

18 The Department of Health’s PSA target to reduce the gap between the proportions of children in care and their peers who are given reprimands, Final Warnings or are convicted should be jointly owned with the YJB.

19 A basic screening assessment should be developed for identifying the needs of parents/carers of young offenders. Yots should provide or arrange contact and support when needed.

20 The YJB target for Yots to receive an assessment from CAMHS within five days for acute problems and 15 days for non-acute problems should be shared by the Yot and the local PCTs.

21 The new YJB target for the time taken to access specialist services for substance misusers with identified needs should be a joint target with health services.

Yot steering groups

22 Yot steering groups should use ASSET-based information to support their case for access to essential services to local authority departments and elected members and other agencies.

Yots

23 Training in the use of ASSET should emphasise building on the protective factors it identifies, as well as on motivation to change.

24 Yot managers and steering groups should use ASSET assessment information to monitor their workload, and to identify priorities for allocating resources and developing additional services in the local area.

25 Yots should make better use of ASSET to determine the amount, as well as the nature, of interventions with individuals, using a scaled approach. The YJB should amend the national standards accordingly.

26 Yot staff and sessional workers should receive basic training in supporting parents and families and refer to expert advice and specialist help when needed.
27 Yot supervising officers should provide a written record of the young person’s intervention programme for parents and give feedback to parents at the end of the programme. To ensure that support does not automatically end when an order finishes, exit strategies should be developed.

28 Yots and Connexions PAs should help young people to use health services.

29 Yot managers and steering group chairs should provide clear information on the links between poor health and offending and the potential savings that can be made to the health service and other public services later on by undertaking timely interventions.

30 Yots should aim to identify in initial assessments whether there are any issues of problematic substance misuse and only then should a full screening be carried out.

31 Yots should work with housing departments, social services, health and probation services and with local housing providers to develop a range of suitable accommodation for young offenders.

32 Yot accommodation officers should have a strategic role in developing appropriate housing provision, in conjunction with relevant agencies, as well as dealing with individual cases.

Local authority

33 Local authorities should ensure that IRT schemes become more than just information-generating and sharing systems and that they deliver real improvements on the ground, at an earlier point in time, to those who need them most.

34 Yots should work closely with children’s trusts, but not allow this to jeopardise their links with criminal justice agencies.

Social services

35 Social services departments, using existing resources for Yots, should second a social worker to the Yot.

Local education authorities

36 LEAs should encourage head teachers to become involved in local forums to engage schools much more fully in the work of Yots.
Connexions

37 Connexions staff should provide colleges with better support to deal with difficult young people.

38 Local Connexions services should second a member of staff to their local Yot, particularly to work with those over the age of 16.

39 Connexions personal advisers should facilitate the link between school and the custodial facility and ensure that subsequent placement in a mainstream school is actively pursued.

Health service

40 PCTs should consider introducing centres for young people that provide health and counselling services, or special health sessions for young people in other centres.

41 PCTs should consider targeting school nurses to areas with high rates of mental and physical health needs and encourage them to focus their work on young people with multiple problems. PCTs should also consider targeting health visitors to those families most likely to have problems.

42 Health agencies with drug and alcohol treatment services should prioritise the development of services for young people.

Housing

43 Housing authorities should be part of the Yot strategy group so that suitable provision can be planned jointly. Where several districts are involved in a Yot area, they should be represented by a chief officer from at least one of the authorities who has responsibility for communicating with colleagues in other districts.
Appendix 1

Legislative reform of the system for youth justice in England and Wales, 1998-2003

Acts of UK Parliament

1. Crime and Disorder Act 1998 (Ref. 6)
This Act sets out the main reforms of the youth justice system, following the publication of a White Paper, No More Excuses (Ref. 31), which outlined the Government’s overall strategy. The Act introduced a new statutory aim – the prevention of offending and re-offending by children and young people – and a range of new measures, including:

- a new YJB for England and Wales to set standards, monitor performance and develop policy;
- local multi-agency partnerships – Yots – with representatives from the police, probation, health, social services and education;
- the abolition of doli incapax (that is, the presumption in law that children under the age of 14 are less able than adults to appreciate that in committing an offence they have done something seriously wrong);
- the introduction of a range of new sentences including the Child Safety Order, Parenting Orders, Action Plan Orders, Antisocial Behaviour Orders, Sex Offender Orders, Reparation Orders, Local Child Curfews, Drug Treatment and Testing Orders and Detention and Training Orders;
- the extension of remands to custody to 12-14 year olds;
- the replacement of a non-statutory cautioning system with a new reprimand and Final Warning scheme; and
- a range of measures for speeding up the time taken from arrest to sentence for persistent young offenders.

The full text is available at: www.legislation.hmso.gov.uk/acts/acts1998/19980037.htm

2. Youth Justice and Criminal Evidence Act 1999 (Ref. 23)
This Act extended the application of restorative justice to young offenders by:

- introducing Referral Orders for juvenile offenders pleading guilty in court for the first time; and
- referring them and their parents to YOPs under which offenders agree to undertake Youth Offender Contracts.

The full text is available at: www.legislation.hmso.gov.uk/acts/acts1999/19990023.htm
This Act consolidated the new reforms in a number of ways, including:
- requiring courts to consider pre-sentence reports prior to making community orders;
- limiting juvenile custody to six months for any single offence in magistrates courts;
- providing court powers to disallow time on remand to offset time served in custody;
- extending maximum sentence lengths for violent and sexual offences;
- disapplying DTOs to juveniles aged under 15 unless they are persistent offenders, or juveniles under 12, unless their behaviour is highly adverse; and
- setting the maximum fine for juveniles aged 15-17 to £1,000 and £500 for juveniles under 14.

The full text is available at: www.legislation.hmso.gov.uk/acts/acts2000/20000006.htm

4. Criminal Justice and Court Services Act 2000 (Ref. 88)
This Act continued to consolidate the reforms by, among other things:
- renaming Probation Orders as Community Rehabilitation Orders, Community Service Orders as Community Punishment Orders and Combination Orders as Community Punishment and Rehabilitation Orders; and
- amending police powers to give juvenile reprimands and Final Warnings in the presence of appropriate adults or parents/guardians.

The full text is available at: www.legislation.hmso.gov.uk/acts/acts2000/20000043.htm

5. Criminal Justice and Police Act 2001 (Ref. 89)
This Act:
- increased the maximum age limit for Curfew Orders from under 10 to under 16;
- provided the police with powers to create local child curfew schemes; and
- amended the conditions under which courts may remand or commit juveniles to local authority accommodation to include serious or repetitive offending.

The full text is available at: www.legislation.hmso.gov.uk/acts/acts2001/20010016.htm
Bills currently before the UK Parliament

1. Criminal Justice Bill (Ref. 9)
The Bill aims, among other things, to:

- extend the maximum limit on juvenile custody by magistrates courts from 12 months to 2 years;
- make Parenting Orders available at an earlier stage;
- introduce Individual Support Orders, requiring juveniles under Antisocial Behaviour Orders (ASBOs) to undertake education-related activities;
- make provision for defendants aged under 18 who are charged with certain firearms offences to be sent to the crown court for trial; and
- create a single generic community sentence, which allows any of the requirements currently available under different community sentences to be applied as considered appropriate.

The full text is available at:
www.publications.parliament.uk/pa/ld200203/ldbills/111/2003111.htm

2. Antisocial Behaviour Bill (Ref. 61)
The Bill is designed to:

- ensure that the police have appropriate powers to deal with serious antisocial behaviour;
- introduce new powers for dispersing intimidating groups;
- enable the police to tackle the nuisance caused by young people with air weapons;
- provide a means for schools, local authorities and Yots to work with the parents of children who are behaving antisocially; and
- restrict the sale of aerosol paint to children.

The full text is available at:
www.publications.parliament.uk/pa/ld200203/ldbills/116/2003116.htm
Appendix 2

YJB Targets for Yots

Prevention
Reduce the involvement of young people against the baseline figure provided for the calendar year of 2001 for:
- vehicle crime by 20 per cent by 31 December 2003 and 30 per cent by 31 December 2004;
- domestic burglary by 8 per cent by 31 December 2003, 16 per cent by 31 December 2004 and 25 per cent by 31 December 2005; and
- robbery by 5 per cent by 31 December 2003, 10 per cent by 31 December 2004 and 15 per cent by 31 December 2005 within principal cities. Yots within the following police force areas are responsible for meeting this target: Metropolitan, West Midlands, Greater Manchester, West Yorkshire and Merseyside.

Recidivism
Reduce the recidivism rates against the baseline figure provided for the calendar year of 2001 for:
- all recidivism populations (pre-court decisions, first tier penalties, community penalties, custodial sentences) by 3 per cent by 31 December 2003 and by 5 per cent by 31 December 2004.

Final Warnings
Ensure that Final Warnings with intervention programmes consist of:
- 70 per cent of all Final Warnings by 31 December 2003 and 80 per cent of all Final Warnings by 31 December 2004.

Use of the secure estate
Reduce the use of remands and the secure estate to:
- no more than 30 per cent of the total number of remand episodes (excluding conditional and unconditional bail) by 31 December 2004; and
- no more than 6 per cent of all court disposals by 31 December 2004.

Use of restorative processes
Ensure that restorative processes are used in:
- 60 per cent of disposals (Final Warnings, Referral Orders and community-based penalties) by 31 December 2003 and in 80 per cent of disposals by 31 December 2004.
Victim satisfaction

Ensure that 70 per cent of victims who have been consulted and participated in restorative processes are either satisfied or very satisfied with the outcome by 31 December 2004.

Parental satisfaction

Ensure with respect to parenting programmes that:

- of those parents leaving parenting programmes (voluntary and statutory) at least 70 per cent complete them by 31 December 2003.

ASSET

Ensure that ASSET is completed for all (100 per cent) young people subject to Final Warnings, community-based penalties (including ISSPs) and custodial sentences by 31 December 2003.

Pre-sentence reports

Ensure that 90 per cent of pre-sentence reports prepared for the courts are submitted within the time scales prescribed by national standards by 31 December 2003.

Detention and training orders

Ensure that all (100 per cent) initial training plans for young people subject to DTOs are drawn up within the time scales prescribed by national standards by 31 December 2003.

Education, training and employment

Ensure that the percentage of young offenders supervised by Yots in full-time education, training or employment:

- equals 80 per cent by 31 December 2003 and 90 per cent by 31 December 2004.

Accommodation

Ensure that all (100 per cent) Yots have a named accommodation officer and all (100 per cent) young people subject to either Final Warnings with an intervention, community-based penalties or custodial sentences have, on completion, got satisfactory accommodation to go to by 31 December 2003.

Mental health

Ensure that all (100 per cent) young people by 31 December 2004, who are assessed by ASSET (and the Mental Health Assessment Tool) as manifesting:

- acute mental health difficulties to be referred by Yots to the CAMHS for a formal assessment commenced within five working days of the receipt of referral, with a view to their accessing a tier three service or other appropriate CAMHS tier service based on this assessment; or
non-acute mental health concerns should be referred by the Yot for an assessment, and engagement by the appropriate CAMHS (tier one-three) commenced within 15 working days.
Appendix 3

Study methodology

The Audit Commission team made fieldwork visits to eight Yots and their associated agencies, including courts, the police, education, health, voluntary organisations and some secure establishments. Other research included:

- analysis of 300 case files from ten Yots;
- a census of Yots, conducted by the NAO, which received 134 responses;
- a survey of 745 of the 7,100 youth court magistrates (375 completed questionnaires were returned), conducted by the NAO, including all chairs of youth benches plus those associated with the Yots visited by the Commission and the NAO;
- a survey of all chief constables, asking about their strategies for dealing with youth crime and youth issues;
- a telephone survey of 92 police officers (31 inspectors, 61 constables and sergeants) about Final Warnings and reprimands, conducted by Essex Police;
- analysis of 1,000 newspaper articles about youth crime and young people, commissioned from Test Research;
- interviews with 41 young offenders and 32 parents, commissioned from British Market Research Bureau (BMRB);
- an associated study of public attitudes conducted by South Bank University and funded by the Nuffield Foundation; and
- case study of James compiled by Liz Malcolm, consultant applied psychologist.

Research was carried out by John Graham, Judy Renshaw and Sean Quiggin of the Audit Commission, with assistance from Georgina Barnes, Melanie Ward, Kim Vuong and Daniel Smith. It was carried out in conjunction with a study team from the NAO.

The Commission is grateful to all the individuals, agencies and organisations that co-operated with and contributed to both the research and the report, and for the hospitality of the Yots visited. Special thanks are due to the YJB for the provision of data and assistance with analysis. Responsibility for the conclusions and recommendations rest with the Audit Commission alone.
Members of the Advisory Group

Ruth Allan, Director of Policy, Youth Justice Board
Charles Clark, Deputy Chief Constable, Essex
John Coughlan, Director of Social Services, Telford and Wrekin
Neil Colthup, Youth Offending Team Manager, Kingston-upon-Hull
Philip Gibby, Audit Manager, National Audit Office
Nicola Lowit, Juvenile Offenders Management Group, Prison Service
Rod Morgan, Chief Inspector of Probation
Steve Pilkington, Chief Constable, Avon and Somerset
Annabella Scott, Magistrate and member of the YJB
Christopher Stanley, Head of Youth Crime Unit, NACRO
Martin Stephenson, Consultant, ECOTEC
Roger Wilshaw, Head of Youth Crime Unit, Greater London Authority
### Appendix 4

#### Community and custodial sentences

<table>
<thead>
<tr>
<th>Order</th>
<th>To whom it applies</th>
<th>What it involves</th>
<th>Length</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Community Sentences</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reprimand</td>
<td>10-17 years old</td>
<td>A formal verbal reprimand by a police officer for a young person admitting guilt for a minor first offence.</td>
<td>One meeting</td>
</tr>
<tr>
<td>Final Warning</td>
<td>10-17 years old</td>
<td>A formal verbal warning, assessment and intervention package for a young person admitting guilt for a first or second offence.</td>
<td>Up to 12 weeks</td>
</tr>
<tr>
<td>Absolute discharge</td>
<td>10-17 years old</td>
<td>The young person is found to be guilty or admits guilt but no action is taken.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Conditional Discharge</td>
<td>10-17 years old</td>
<td>As above, except that a further offence within a set period will result in the offence being re-sentenced. Courts cannot use this sentence if a young person has had a Final Warning in the last two years.</td>
<td>6 months to 3 years</td>
</tr>
<tr>
<td>Referral Order</td>
<td>10-17 years old</td>
<td>A YOP will agree a programme with the young person to tackle the underlying causes of their offending behaviour. This is planned to be the primary sentence for minor offences.</td>
<td>3-12 months</td>
</tr>
<tr>
<td>Curfew Order</td>
<td>10+</td>
<td>A restriction on when and where a young offender can go out.</td>
<td>Up to 3 months for 10-15 year olds; up to 6 months for 16+</td>
</tr>
<tr>
<td>Reparation Order</td>
<td>10-17 years old</td>
<td>Reparation to a victim or to the community.</td>
<td>Up to 24 hours over 3 months</td>
</tr>
<tr>
<td>Action Plan Order</td>
<td>10-17 years old</td>
<td>A short intensive community-based programme, which may include reparation.</td>
<td>3 months</td>
</tr>
<tr>
<td>Attendance Centre Order</td>
<td>10-17 years old</td>
<td>The centres are run by police over weekends and involve physical exercise and group work.</td>
<td>4 to 24 hours</td>
</tr>
<tr>
<td>Supervision Order</td>
<td>10-17 years old</td>
<td>The young person is supervised by a Yot worker. A range of conditions might be attached, such as a DTTO, residence requirements, curfews, etc. ISSPs are provided under this order.</td>
<td>6 months to 3 years</td>
</tr>
<tr>
<td>Residential Supervision Order</td>
<td>10-17 years old</td>
<td>A young offender who failed to comply with a supervision order is required to live in local authority accommodation for the duration of the order.</td>
<td>6 months to 3 years</td>
</tr>
<tr>
<td>Order</td>
<td>To whom it applies</td>
<td>What it involves</td>
<td>Length</td>
</tr>
<tr>
<td>------------------------------</td>
<td>--------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>Combination Order</td>
<td>16+</td>
<td>Involves supervision of the offender and for the person to undertake unpaid work for between 40 and 100 hours.</td>
<td>12 months to 3 years</td>
</tr>
<tr>
<td>Community Rehabilitation Order</td>
<td>16+</td>
<td>A form of supervision order overseen by the probation service and applicable to mature 16 year olds and those aged 17. It might require residence at a probation hostel.</td>
<td>6 months to 3 years</td>
</tr>
<tr>
<td>Community Punishment Order</td>
<td>16+</td>
<td>Undertaking unpaid work in the community – such as conservation work.</td>
<td>40 to 240 hours</td>
</tr>
<tr>
<td><strong>Custodial Sentences</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DTO</td>
<td>12-17 year olds</td>
<td>A two-part sentence that combines a period of custody and a period of supervision in the community.</td>
<td>4 to 24 months</td>
</tr>
<tr>
<td>Section 90 custody</td>
<td>10-17 year olds</td>
<td>Children convicted on indictment by the Crown Court for murder.</td>
<td>Tariff set by the trial judge</td>
</tr>
<tr>
<td>Section 91 custody</td>
<td>10-17 year olds</td>
<td>Children convicted on indictment by the Crown Court for grave crimes, which, in the case of an adult, are punishable with imprisonment for 14 years or more.</td>
<td>Tariff set by the trial judge up to the maximum adult equivalent for the offence</td>
</tr>
</tbody>
</table>
Appendix 5

Statistical analysis

Sentencing

Overall there was a decrease in the proportion of offenders given a custodial sentence following the implementation of ISSPs (paired samples t-test, $t = 3.44$, $P = 0.001$ (2-tail $N=123$)). Before ISSP was implemented in any areas 8.6 per cent of offenders were given a custodial sentence (mean from 2nd quarter 2000 to 2nd quarter 2001 across 123 Yots); after ISSP was implemented in the first 78 Yot areas this fell to 7.8 per cent (mean from 3rd quarter of 2001 through to 1st quarter of 2003 across all 123 Yots).

The change in the percentage of sentences that were custodial pre and post ISSP implementation was compared across the Yots with ISSP and those without. The change was calculated by subtracting the mean proportion of offenders sentenced for the period before ISSP was implemented, from the mean proportion of offenders sentenced for the period after the policy change. For Yots with ISSP ($N = 57$) the custodial sentencing rate fell by 0.57 per cent; for those without ISSP ($N = 66$) the custodial sentencing rate fell by 0.91 per cent. The difference between the two groups was not statistically significant ($F = 0.560$, $P = 0.456$).

Appendix Table 1
Custodial sentence rates by period and ISSP group

<table>
<thead>
<tr>
<th></th>
<th>Before ISSP introduced</th>
<th>After ISSP introduced</th>
</tr>
</thead>
<tbody>
<tr>
<td>ISSP ($N = 57$)</td>
<td>8.6%</td>
<td>8.0%</td>
</tr>
<tr>
<td>No ISSP ($N = 66$)</td>
<td>8.6%</td>
<td>7.7%</td>
</tr>
</tbody>
</table>

Remand

Forty-one out of 155 Yots had incomplete data for the period. Only those with a complete data set are included in the analysis below.

Overall there was an increase in the proportion of offenders given a secure remand after ISSP was introduced (paired samples t-test, $t = -2.121$, $P = 0.036$ (2-tail), $N = 114$). Before ISSP was implemented the proportion of offenders given a secure remand was 5.1 per cent (mean from April 2000 through to June 2001 across all 114 Yot areas). After ISSP was implemented the mean proportion was 5.9 per cent (mean from July 2001 to March 2003 across all 114 Yot areas).

---

This is the percentage of all remand decisions and differs from the YJB performance target which excludes conditional and unconditional bail.
The change in remand rates pre and post ISSP being implemented was compared across the organisations with ISSP and those without. The change was calculated by subtracting the mean proportion of young people remanded for the period before ISSP was introduced from the mean proportion of young people remanded for the period after ISSP was introduced. For Yots with ISSP (N = 53) the remand rate increased by 1.0 per cent; for those without ISSP (N = 61) the remand rate increased by 0.6 per cent. The difference between the two groups was not statistically significant (F = 0.285, P = 0.594).

**Appendix Table 2**

Remand rates by period and ISSP group

<table>
<thead>
<tr>
<th></th>
<th>Before ISSP introduced</th>
<th>After ISSP introduced</th>
</tr>
</thead>
<tbody>
<tr>
<td>ISSP (N=53)</td>
<td>5.1%</td>
<td>6.2%</td>
</tr>
<tr>
<td>No ISSP (N=61)</td>
<td>5.2%</td>
<td>5.7%</td>
</tr>
</tbody>
</table>
Appendix 6

James’s story

Introduction
1 James’s story tracks the route of his life experience through education and in the criminal justice system. The focus of the story is the support and action provided during his life by the different agencies involved. The information for the study was provided by research of all of the relevant agency files. Although names have been changed to preserve anonymity, the story reflects a real-life situation.

Profile at time of study
- James is 15.
- He lives in his mother’s house; however, she is rarely there.
- His older step-sister is also living there. She is a known drug user with previous convictions.
- His father occasionally visits and is violent and disruptive when he does.
- James has been excluded from special school.
- He is not receiving any alternative educational provision.
- He was ten when he received his first caution.
- He is currently serving his second custodial sentence.

James’s story
2 James’s story was compiled from the evidence available within the files of the key agencies including: Yot; Behaviour Support Service; SEN Assessment Team (SENAT); social services; and the Educational Psychology Service.

3 Just after James started school his mother reported that she was finding it difficult to manage his behaviour at home. The school did not have the same concerns. No action was taken.

4 As he progressed through primary school it became apparent that James had some significant difficulties with learning. In particular, an assessment carried out by the educational psychologist identified that he was making slow academic progress; he had speech difficulties and there was concern about his poor attendance and behaviour at school. He was said to be aware of his difficulties, as he avoided work and had very low self-confidence.
5 A statutory assessment of his educational needs was undertaken and at the age of eight James was provided with a place in a special school. It was noted by the educational psychologist that James’s response to pressure to work was to hide and cry. Around the same time the school indicated their concern that James was being left at home alone until 9.00 at night.

6 At the age of ten, James was involved with some other young people in an arson attack on a local high school. He then received a couple of cautions over the next year for handling stolen goods and for shoplifting. At this time he was attending school fairly regularly and his individual education plans demonstrated that positive progress was being made towards his year six targets. The key issues identified for him at that time were self-belief, self-esteem and motivation. It was suggested that he would benefit from the support of a learning mentor.

7 By the age of 13 James was rarely attending school. There were episodes of very challenging behaviour when he was in school that were resulting in fixed-term and informal exclusions. The learning support service carried out an assessment for dyslexia. An annual review meeting of his statement of special educational needs noted that the family liked the idea of a learning mentor. It was the first occasion that James had been invited to present his views about school and he said clearly that he had never wanted to go to a special school but wanted to return to mainstream education. James had identified some areas where he felt he could succeed and indicated his wish to be involved in decision-making about future education plans.

8 It was noted that James sought and enjoyed individual attention. Again a mentor was suggested but no action was taken.

9 Early in 2001, when James was 13, the Yot became involved after an appearance in court relating to criminal damage. The school were now suggesting an alternative education package that involved some part-time attendance at school and attendance at two off-site units. Referral to an adolescent resource centre run by social services was suggested. His mother commented that it was hard enough to get her son to one educational establishment, never mind three different venues.

10 James took part in the planned educational package for only a short time. In June 2001 he was involved in an assault on a girl. In July 2001 he was no longer taking part in education. He was arrested for theft of a bike.

11 In August 2001 he was involved in theft from his own home. The Yot made a referral to social services because of their concerns about his neglect. A family assessment was carried out.
By September 2001 James was further involved in criminal activity (taking a car) and was put on an ISSP. The duty social worker had a first interview with James’s mother who was described as very stressed due to the situation of her family. Her daughter, a heroin addict, was in Holloway prison; James was in a lot of trouble and her ex-husband would turn up unannounced and cause arguments.

The social work assessment concluded that a referral should be made to the local adolescent resource centre and that the case should be passed to the family support and child protection teams for further assessment.

At this time comments were being made by the school and the Yot that James was ‘out of control’ and that his mother was not living in the family home.

In December 2001 James was interviewed and assessed by the duty social worker.

In January 2002 a professionals’ meeting was held. Of the agencies represented, the only person with direct contact with James at the time was the head teacher of the special school. It was noted that the previously recommended referral for adolescent support did not happen, as it was said that the proposed link worker lived too close to James’s home. Concerns were expressed that there was still no allocated social worker. The outcomes of the meeting were: (a) for the education welfare officer and the school to meet to plan for James’s return; (b) a recommendation be made that a social worker was allocated to the case; and (c) that a referral for adolescent support should be put into action.

James was by now 14 and had not appeared at all at school since the previous autumn half term. Between February and May 2002 James was again involved in criminal activity and breached his court orders. A Parenting Order and assessment were recommended by the court. He was given a custodial sentence and was sent to a secure unit until August 2002. He made good academic progress while in custody.

James returned to the community in August 2002. He was offered home tuition by the education department instead of placement in a special school, but would not accept it. A referral was finally made for adolescent support.

In October 2002, James made an allegation of abuse. A child protection strategy meeting was held. The duty social worker had one meeting with his mother, who agreed to further contact to discuss what social services could offer her. There is no record of any further meeting.

By December 2002, James was in further breach of his supervision order. He received a second custodial sentence.

James returned home in the summer of 2003. His school leaving date is June 2004.
Issues highlighted
1. Lack of professional response/listening to parental concerns.
2. Assessment not linked to direct action or intervention.
3. Young person's views not taken into consideration.
4. Poor inter-agency communication.
5. No key case worker.
6. Low impact of professionals' meetings due to lack of attendance of key personnel.

Actual interventions and estimated costs

It is not possible to accurately estimate the costs of a young person's involvement in crime and the impact on the lives of themselves and others. However, some key elements can be costed to provide an overall picture and an indication of the costs involved. The following estimates show that through early preventive action, substantial savings could accrue.

<table>
<thead>
<tr>
<th>Age</th>
<th>Key event</th>
<th>Actual agency action</th>
<th>Estimated cost (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Behaviour difficult to manage at home.</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>6</td>
<td>Concerns regarding speech and language development. Poor progress with learning. Low-self confidence.</td>
<td>Initial assessment and monitoring by an educational psychologist.</td>
<td>204</td>
</tr>
<tr>
<td>8</td>
<td>Behaviour challenging in school. Avoiding schoolwork. Concerns about parental neglect.</td>
<td>statement of SEN compiled by the LEA. Special school place approved at a panel meeting.</td>
<td>7,000 780</td>
</tr>
<tr>
<td>10</td>
<td>First recorded involvement in criminal activity.</td>
<td>Police involvement.</td>
<td>1,452</td>
</tr>
<tr>
<td>12</td>
<td>School's 'Individual Education Plan' notes concerns about self-esteem and motivation. Suggested need for a mentor.</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>13</td>
<td>Concerns raised about school attendance and behaviour. Concerns about James’ negative view of special school.</td>
<td>Court appearances regarding criminal damage and assault, including police time. Yot becomes involved and follows up for three months. Education welfare officer makes one contact with family.</td>
<td>8,712 1,428 28</td>
</tr>
<tr>
<td></td>
<td>Annual review of SEN statement.</td>
<td>Annual review meeting.</td>
<td>560</td>
</tr>
</tbody>
</table>

Figures from October 2003.
<table>
<thead>
<tr>
<th>Age</th>
<th>Key event</th>
<th>Actual agency action</th>
<th>Estimated cost (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Education ‘package’ organised, including an alternative education timetable.</td>
<td>4,004</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Social services undertakes a family assessment.</td>
<td>350</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Learning support assessment.</td>
<td>105</td>
</tr>
<tr>
<td>14</td>
<td>Strong concerns about his behaviour in the community and about his home life.</td>
<td>James and his mother interviewed by social services. Court appearances, including police time, relating to theft, taking a car and burglary. Yot involved with court orders. Yot/ISSP follow-up for three months.</td>
<td>48</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Education welfare officer makes one contact with family.</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Professionals’ meeting.</td>
<td>560</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Individual tuition offered, but not accepted by family.</td>
<td>–</td>
</tr>
<tr>
<td></td>
<td></td>
<td>First custodial sentence for six months.</td>
<td>51,409</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Social services undertakes a family assessment.</td>
<td>350</td>
</tr>
<tr>
<td>15</td>
<td>James not receiving education. Refusing offer.</td>
<td>Social services attempts, unsuccessfully, a duty contact with mother.</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Child protection conference.</td>
<td>47</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Referral made to the local adolescent support centre.</td>
<td>–</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Concerns about his home life.</td>
<td>–</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Continued offending behaviour.</td>
<td>6,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Yot/ISSP team follows up for three months.</td>
<td>120</td>
</tr>
<tr>
<td></td>
<td></td>
<td>James in a secure unit for second time.</td>
<td>51,409</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Child protection strategy meeting – implementation overtaken by custody.</td>
<td>6,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Second custodial sentence for six months.</td>
<td>153,687</td>
</tr>
<tr>
<td></td>
<td><strong>Total estimated cost to age 16</strong></td>
<td><strong>153,687</strong></td>
<td></td>
</tr>
</tbody>
</table>
### Alternative strategies and costs assuming crime route is avoided

<table>
<thead>
<tr>
<th>Age</th>
<th>Key event</th>
<th>Actual agency action</th>
<th>Estimated cost (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-3</td>
<td></td>
<td>Family support/Sure Start (1hr x 10 weeks).</td>
<td>1,250</td>
</tr>
<tr>
<td>5</td>
<td>Behaviour difficult to manage at home.</td>
<td>Family support/Sure Start (1hr x 10 weeks).</td>
<td>1,250</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Educational psychologist support and liaison (1hr x 12 months).</td>
<td>980</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Social service's family assessment.</td>
<td>350</td>
</tr>
<tr>
<td>6</td>
<td>Concerns regarding speech and language development. Poor progress with learning. Low self-confidence.</td>
<td>Speech and language therapy sessions (1hr x 12 weeks).</td>
<td>392</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Educational psychologist support and liaison/direct work (1hr per fortnight x 6 weeks).</td>
<td>123</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Family support (1hr x 10 weeks).</td>
<td>1,250</td>
</tr>
<tr>
<td>8</td>
<td>Behaviour challenging in school. Avoiding schoolwork. Concerns about parental neglect.</td>
<td>Anger management group (6 sessions).</td>
<td>1,624</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Family support to tackle neglect (10 weeks).</td>
<td>940</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Multi-agency school inclusion group develop a plan.</td>
<td>905</td>
</tr>
<tr>
<td>10</td>
<td>First recorded involvement in criminal activities.</td>
<td>Learning support assistant/learning mentor (10 hrs per week x 36 weeks).</td>
<td>12,600</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Educational psychologist support and liaison/direct work (1hr per fortnight x 3 months).</td>
<td>245</td>
</tr>
<tr>
<td></td>
<td></td>
<td>James involved in decision-making from now on.</td>
<td>–</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Multi-agency inclusion group review and plan secondary school transfer.</td>
<td>905</td>
</tr>
<tr>
<td>12</td>
<td>School’s ‘Individual Education Plan’ notes concerns about self-esteem and motivation.</td>
<td>Mentor in mainstream school and in the community (12 months).</td>
<td>6,000</td>
</tr>
<tr>
<td></td>
<td>Suggested need for a mentor.</td>
<td>Educational psychologist support and liaison/direct work (1hr per month x 1 term).</td>
<td>123</td>
</tr>
<tr>
<td>13</td>
<td>Annual review of SEN statement. Concerns raised about school attendance and behaviour. Concerns raised about James’ negative view of special school.</td>
<td>Continue mentor support (12 months).</td>
<td>6,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Family support to tackle absentee parents (10 weeks).</td>
<td>1,210</td>
</tr>
<tr>
<td>Age</td>
<td>Key event</td>
<td>Actual agency action</td>
<td>Estimated cost (£)</td>
</tr>
<tr>
<td>-----</td>
<td>-----------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>14</td>
<td>Strong concerns about James’ behaviour in the community and about his home life.</td>
<td>Adolescent support (7hrs per week x 12 weeks).</td>
<td>2,016</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Support in school from the learning support unit on a ‘drop-in’ basis (10hrs per year).</td>
<td>350</td>
</tr>
<tr>
<td></td>
<td></td>
<td>School lunch break ‘haven’ – available all year.</td>
<td>3,731</td>
</tr>
</tbody>
</table>

Total estimated cost £42,243

Sources

The costs identified are based on information from the following sources:

Local education authority figures
Youth Justice Board
Personal Social Services Research Unit – University of Kent at Canterbury and University of Manchester: Unit Costs of Social Care
Glossary

ACPO  Association of Chief Police Officers
ASBO  Antisocial Behaviour Order
BCS   British Crime Survey
BVR   Best value review
CAMHS Child and adolescent mental health services
CCET  Community consortium for education and training
CDRP  Crime and Disorder Reduction Partnership
CJS   Criminal justice system
Connexions Government service for 13-19 year olds to help with education, training, employment and general life skills
CPS   Crown Prosecution Service
DAT   Drug action team
DAAT  Drug & alcohol action team
DTO   Detention and Training Order
ESW   Education social work
EWO   Education Welfare Officer
Governing bodies Police service, local authority, area probation board and primary care trust representatives
ISSP  Intensive Supervision and Surveillance Programme
LASCH Local authority secure children’s home
LCJB  Local criminal justice board
LEA   Local education authority
LSC   Learning and skills council
LSP   Local strategic partnership
NTA   National Treatment Agency
Section 90-92 Young people charged with grave crimes that would incur a custodial sentence of 14 years or more if they were an adult
PA (Connexions) Personal adviser for Connexions service
PACE Police and Criminal Evidence Act 1984
PCT   Primary care trust
PI    Performance indicator
PNC   Police national computer
PRU   Pupil referral unit
PSA   Public service agreement
<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>PSR</td>
<td>Pre-sentence report</td>
</tr>
<tr>
<td>PYO</td>
<td>Persistent young offender</td>
</tr>
<tr>
<td>SEN</td>
<td>Special educational needs</td>
</tr>
<tr>
<td>STC</td>
<td>Secure training centre</td>
</tr>
<tr>
<td>YIP</td>
<td>Youth inclusion programme</td>
</tr>
<tr>
<td>YISP</td>
<td>Youth inclusion and support panel</td>
</tr>
<tr>
<td>YJB</td>
<td>Youth Justice Board</td>
</tr>
<tr>
<td>YOI</td>
<td>Young offender institution</td>
</tr>
<tr>
<td>Yot</td>
<td>Youth offending team</td>
</tr>
<tr>
<td>YOP</td>
<td>Youth offender panel</td>
</tr>
</tbody>
</table>
References


41 Audit Commission analysis of Youth Justice Board data, SACHS information system.


54 Audit Commission, case file analysis, unpublished.
55 K Jones and J Pitts, *Child Protection Registration and Subsequent Involvement with a Youth Justice Team/Youth Offending Team in a London borough*, University of Luton, unpublished, 2003.


80 Mental Health Foundation, Bright Futures: Promoting Children and Young People’s Mental Health, Mental Health Foundation, 1999.


86 Cap Gemini Ernst Young, Survey of the Housing Needs of Young Offenders, Youth Justice Board (unpublished), 2002.


Victims & Witnesses – Providing better support
This report is part of an overall drive to improve confidence in the criminal justice system. It uses first hand experience of victims and witnesses to understand the level of service they currently receive and makes recommendations for improvement.


Community Safety – Learning from Audit, Inspection and Research
This report identifies how effective leadership and a clear focus on a limited number of priorities will enable multi-agency partnerships to provide safe neighbourhoods for local people.


Route to Justice – Inefficiency in Criminal Justice Pathway
This national report describes the path of four adult offenders through the criminal justice system, highlighting where system inefficiencies and failures occur and how these might be improved.


Safety in Numbers – Promoting Community Safety
The Crime and Disorder Act has made community safety a top priority for local government, as well as for other public agencies. This topical report tracks the development of the Act and calls for local partnerships to get local delivery right. Highlighting best practice, it suggests how all the agencies involved can improve joint working to tackle the problem.


Misspent Youth '99 – The Challenge for Youth Justice
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