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## **Ten years of Labour's youth justice reforms: an independent audit**

Thank you for your letter of June 26, which I read with interest. I look forward to debating these matters with you in more detail on July 17. However, I did want to reply in detail to your criticisms and allegations in advance of the debate. Following your lead, I am copying this letter to the other participants in that debate, as well as to the Rt Hon Alan Beith MP.

Let me start by making two broad points, by way of putting our report in context. Firstly, our report is a critical analysis of the Labour government's decade-long youth justice reforms. It is not, as your letter appears to imply, a critique of, or an attack on, the Youth Justice Board or the Youth Offending Teams. The YJB and the YOTs are ultimately implementing policies decided upon by government and parliament. The report was therefore never conceived of as an attack on you, your colleagues or your organisation.

Secondly, the Centre for Crime and Justice Studies is an independent, public interest education charity covering a wide range of policy interests in the fields of crime, social harm, criminal justice and social policy. Our purpose is to make informed and informative public policy contributions to help further better evidenced and more effective policy making. The decade-long youth justice reforms initiated by the Crime and Disorder Act 1998 are a matter of legitimate public concern. I make no apologies for Centre's seeking to make an independent assessment of these reforms. It is for others, including you, to judge its merits.

While your response to our report is largely negative, I note that you do not offer any indication that you think our conclusions are substantially in error. I would also point out that a number of eminent parliamentarians and youth justice experts have welcomed our report. On the morning of its launch the Rt Hon David Hanson MP, the Minister of State with oversight for youth justice welcomed our report. Your predecessor as YJB chair, Rod Morgan, said on the Today programme that 'the general conclusions are almost incontrovertible. They are quite apparent from all the available data'. In a House of Lords debate on the report on June 12 justice minister Lord Hunt said that it was 'a very helpful document. It was well written and is very useful for us to consider in the context of the youth crime action plan'.

I turn now to the substantive points that you raise in your letter. For ease of reference I follow the structure of your letter.

You write in paragraph one that our report 'does not offer a fair representation of the achievements, and the challenges, of the past decade'. I do not accept that this is the case, for reasons that will become apparent in this letter. However, I would emphasise that the report was never intended to offer a detailed review of all that has changed in the youth justice system since 1998. Clearly such a piece of work would need to engage in such issues. But it is no criticism of the report that we did not do what we did not set out to do.

In paragraph two you express surprise that we did not approach the YJB for comment. Our purpose was to offer an independent assessment of the youth justice reforms, not to conduct a piece of policy analysis in dialogue with the YJB or Ministry of Justice, or any other organisation (such as the National Association for Youth Justice) with an interest in the conclusions we might draw. This would inevitably have affected the independence of our conclusions. We did, however, put the draft version of the report out to review by independent experts, including Rob Allen, Maggie Blyth and Chris Wright, all of whom have worked at a senior level within the Youth Justice Board. Your criticisms of flawed methodology, lack of rigour and unjustified conclusions I return to below.

### **Data comparison**

Your express concern, in paragraph three, that we did not use baseline data from before the youth justice reforms took place, resulting in 'a hotchpotch of analysis' using comparisons from various dates. I would point out that baseline data on some of the youth justice targets – for instance, those relating to meeting the needs of young offenders – are not, to our knowledge, publicly available. Some pre-1998 data, such as that on self-report youth offending, we did draw on as it helped to ground the discussion of the youth crime targets.

More substantively, the baseline data we did examine was that used by the government and YJB in setting the targets. Given that we were assessing performance against targets set by the government and YJB, it would have been odd had we not started with that baseline data. If this has resulted in a 'hotchpotch of analysis', a criticism I would in any case refute, it is, with respect, a hotchpotch that has originated from government and the YJB. If pre-1998 baseline data had been used and published, we would have drawn on it in our analysis.

### **Methodology**

In paragraphs four, five and six you criticise our supposedly 'unusual methodology' that, by focusing on 'specific (numerical) targets' does not 'offer sufficient analysis of what has been achieved'. I dispute your charge that our methodology is 'unusual'. It is a tried and tested approach, first used by the Centre in its audit of Labour's criminal justice reforms.<sup>1</sup> Moreover, it is similar to the methodology used by the King's Fund in its 2005 audit of Labour's NHS reforms.<sup>2</sup>

I would also add that our report was not a review of all that had changed in the youth justice system since 1998. We chose to focus on the youth justice targets because it is these that are used by the Treasury to assess the value for money of the youth justice reforms and, more broadly, by the government as a means of claiming success, or otherwise, of their youth justice reforms. Had, as you suggest, the YJB set less stretching targets we would, as we did in our report, have assessed the value of those targets being hit. The report, in other words, was not *merely* a tick-box exercise. It sought to examine what it meant for the government and YJB to hit, or miss, the targets they set themselves.

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<sup>1</sup> Solomon, E; Eades, C. Garside, R. and Rutherford, M. (2007), *Ten years of criminal justice under Labour: An independent audit*. London: Centre for Crime and Justice Studies. [www.crimeandjustice.org.uk/opus582.html](http://www.crimeandjustice.org.uk/opus582.html).

<sup>2</sup> King's Fund (2005), *An independent audit of the NHS under Labour (1997-2005)*. London: King's Fund. [http://www.kingsfund.org.uk/publications/kings\\_fund\\_publications/an\\_independent.html](http://www.kingsfund.org.uk/publications/kings_fund_publications/an_independent.html).

### **Youth justice spending**

You write in paragraph eight that we do not define 'social' and 'criminal justice' budgets. This is untrue. On page 26 of our report we write of 'areas traditionally associated with social spending: social services, health, education'. As for criminal justice or, in the context of this report, 'youth justice' budgets, we devote a whole chapter to examining expenditure. We make it clear, for instance in table 1 on page 20, that by 'youth justice expenditure' we mean total spending by the YJB and statutory agencies on the youth justice apparatus.

On the matter of pre- and post-reform social expenditure, referred to in paragraphs eight and nine of your letter, we do not dispute that social services and other 'social' expenditure would have been spent, pre-1998, on young people identified as offenders. The point that we were making is that a portion of statutory monies came to be included in the youth justice budgets, and thus became an element of criminal justice expenditure. On page 26 of our report we acknowledge the argument in favour of such a move, while pointing out that 'this arguably represents a disinvestment in "social" responses to the problem of youth crime and disorder'. I stand by this observation.

In paragraph ten you write that we 'completely ignore the large range of budgets spent outside the YJB or YOTs'. This is untrue. We refer to YOT funding from other sources in footnote 3 on page 19. On page 25 we refer to the additional partnership funding received by YOTs. However, as our report was focusing on the youth justice system we did not look at other programmes, such as the neighbourhood renewal programme.

You criticise the report in paragraph eleven, for not looking in detail at spending on particular aspects of youth justice – such as prevention, community sentences and custody. The purpose of the spending chapter was to look, in broad brush terms, at real terms changes in expenditure. It was not possible, in a work of this length, to look at the detailed impact of such expenditure. Nor was it necessary for the purposes of the report.

### **The youth justice process**

You comment, in paragraph twelve, on our apparently 'strange conclusion' that 'the only success has been the targets on arrest to sentence and processing cases through the youth court'. The report, you claim, also acknowledges that the target to reduce first time entrants has been met. This is incorrect. On page 40 we write that 'the target could be met if there is a further reduction although the YJB's most recent annual report states the target is "at risk"'.

In paragraph thirteen you write that 'the report fails to acknowledge' new funding for prevention programmes. In fact the report does refer to this funding, in footnote 8 on page 25. However, since the report was a retrospective analysis of the past decade, rather than prospective consideration of future developments, a detailed examination of future funding would have been misplaced.

Regarding the custody target, which you refer to in paragraph 14, it is the case that the report does not consider the changes in the proportion of sentences resulting in custody. This is because the custody target related to numbers in custody, not the proportion of those sentenced to custody. As for the data on the severity and frequency of reconvictions, we do refer to it on page 51 of the report. However, the reconviction target related to the proportion of reconvictions, not severity and frequency, which is why we did not look at these figures.

In paragraph sixteen you compare our report, unfavourably, with the 'rigorous research' carried out by the Audit Commission in 1996 and 2004. I would enter a note of caution over your apparently uncritical acceptance of their findings. The Audit Commission methodology

has itself been subjected to detailed critique.<sup>3</sup> This is not to deny that the Audit Commission reports contain much interesting analysis. We ourselves found them useful in preparing our report.

**Ten years of reform: achievement and developments in the youth justice system 1998 - 2008**

I turn finally to the appendix to your letter, setting out what you consider to be the 'significant achievements and improvements in the youth justice system' over the past ten years.

Had we sought to provide a comprehensive assessment of the decade-long reform programme for the youth justice system, we would no doubt have considered a number of the initiatives you highlight. Our report, as I have already emphasised, had the rather more focused purpose of scrutinising performance against those key targets government and the YJB set.

I would add, however that your list, like any such list, is itself worthy of critical scrutiny and reflection, including by those who would contest a number of your assertions. At the Centre for Crime and Justice Studies we seek to provide a forum for such debate, evidenced by our publication last year of a series of essays examining aspects of the youth justice reforms.<sup>4</sup> This publication included essays, such as the lead essay by Rob Allen, that was broadly sympathetic to the government's youth justice reforms. Other essays, such as those by Phil Scraton, Barry Goldson and John Muncie, were rather more critical in their assessment.

In summary, I do not accept your general charge that our report was partial, unfair or methodologically flawed. I have sought to explain, in detail, my reasons for this.

I look forward to debating these matters with you and the other panellists on July 17.

Richard Garside  
Director

Cc. Al Aynsley Green, Robin Lustig, Maggie Atkinson, Fiona Miller, Enver Solomon, Rt Hon Alan Beith MP

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<sup>3</sup> See, for instance, Jones, D. (2001), "'Misjudged Youth": A Critique of the Audit Commission's Reports on Youth Justice', *British Journal of Criminology* 41: 362-380.

<sup>4</sup> Davies, Z. and McMahon, W. (2007), *Debating youth justice: From punishment to problem solving?* London: Centre for Crime and Justice Studies. <http://www.crimeandjustice.org.uk/opus207/youth-justice-2007.pdf>.