

# Youth and Crime: a personal view

Howard Williamson reviews youth justice reforms and defends the provision of services aimed at those at risk of offending.

I have been involved with youth crime and justice – as a youth worker, researcher and latterly in policy – for some thirty years. During the late 1960s and throughout the 1970s debate raged between the advocates of ‘welfarist’ approaches and more punitive legalistic models of juvenile justice.

As more welfare-oriented approaches arguably took hold, the counterweight of a ‘justice’ model emerged, in the light of concerns that young people were receiving care-based sentences that were disproportionate to the offences for which they were appearing before the court. Subsequently, in the 1980s, more punitive regimes were restored by the Conservative administration – glasshouse detention centres and a criminal justice perspective that held that ‘prison works’.

It does not work of course (high recidivism rates remain stubbornly stable), neither for adults or juveniles, and the UK still lives with the shame that it locks up more young people than almost any other country in Europe.

On the other hand, there was never much evidence that diversionary and welfare-based measures had any effect. The idea that young people usually ‘grew out’ of trouble may have had some currency three decades ago when there was a buoyant youth labour market. But any sense of ‘benign neglect’ through ‘leaving the kids alone’ is no longer persuasive as the complexity and risk inherent in youth transitions to adulthood demands greater intervention and support. To leave the kids alone – particularly those who are most vulnerable to the risks – is tantamount to ‘malign indifference’.

The youth justice reforms that have been put into effect over the past few years do therefore represent a step-change both in philosophy and implementation. People may sometimes ridicule the Blairite mantra about being “tough on crime, tough on the causes of crime”. But the Youth Justice Board – of which I have been a member for the last two years – has endeavoured to establish a credible balance between holding young offenders to account for their behaviour and recognising that they are invariably disadvantaged young people first and offenders second.

It has sought to strike that balance, in a difficult context of recurrent media and political panics about youth crime, by working specifically on sentencing practice and more generally on the wider agenda of young offenders’ needs. In particular, it has brought to bear a restorative (rather than reformatory or retributive) agenda for those who have committed offences and also an agenda that promotes attention to, *inter alia*, the educational, mental health and substance misuse needs of young offenders.

The Youth Justice Board has achieved a significant level of cross-party political support,

having been instrumental in securing an (independently evaluated) 22% reduction in youth crime. Yet it continues to be criticised by practitioners and academics for being the standard bearer of a ‘new authoritarianism’ and for the ‘criminalisation of social welfare’. Such attacks are certainly not without substance but few can dispute that youth justice is undoubtedly at the forefront of youth policies in making some difference to the lives of young people. The Youth Justice Board has made things happen. Its statutory base, clear mission (the prevention of youth crime), innovative thinking in policy and practice development, and powers to monitor the working of the system have enabled it to transform the usually expensive and largely ineffective approaches that preceded it. Of course, nothing stands still. The Board itself has constantly introduced new measures.

## Further reform

The recent Home Office companion document (*Youth Justice: The Next Steps*) to the DfES Green Paper on children at risk (*Every Child Matters*) sets out proposals for further reform. These include the rationalisation of the range of community sentences that are now available to the courts and more flexible arrangements between custody and the community. Moreover, critics will point to the distance between some of the aspirations of the Youth Justice Board, set out in targets for the Board itself, for youth offending teams (YOTs) and for the juvenile secure estate, and the sometimes still rather grim reality on the ground. While it is easy to advance such criticisms, it is also important to consider what has been achieved over a few short years. Even the Children’s Rights Alliance for England, reporting recently on the (still) dreadful conditions of many young people in custody, noted that there had been ‘miraculous’ improvements brought about by the Youth Justice Board, albeit from an appallingly low base.

Commentators on pre-court interventions and community sentences are usually rather more complimentary; it is, indeed, Final Warnings (with appropriate interventions) at the pre-court stage which have had the biggest impact on youth offending rates.

The nub of the issue – whatever critics may say about ‘net-widening’ and accelerating young people into the system – lies in effective prevention. The Board has now established a robust prevention strategy that comprises three overarching elements: pre-crime prevention, post-crime reduction and post-crime detection.

All can be subjected to academic and professional concern and critique; all can, equally, attract a robust defence. Research evidence tells us unequivocally that offending is closely correlated to a range of risk

factors. Early intervention in the lives of those young people at risk holds some promise of preventing their later engagement in crime. This is not so much about 'labelling' young people (as future criminals, unless we step in now) as about ensuring that they receive the positive opportunities and experiences that so many young people (or at least their parents) take for granted.

Hence the establishment of Youth Inclusion and Support Panels (YISPs) and, in certain targeted schools, Safer Schools Partnerships. The latter do not involve cops with kalashnikovs in the corridors (as some of the media would have it) but are about a police presence in schools in order to ensure that learning, safety and a lack of fear prevail.

Retention in school and achievement at school remain perhaps the most powerful protective factors against crime. Those who maintain that such developments represent the 'criminalisation of social welfare' may have a case, and it would certainly be preferable if such 'offers' and provision were guaranteed to reach such young people outside of the youth justice system – but history tells us that it has not. Youth justice has secured the resources for such provision and demonstrated its value. Resting as it does between 'correctional services' and 'children's services' we may have to accept, in deference to political pragmatism, a two-way flow. YISPs may have been funded through the requirement that 25% of the Children's Fund should be dedicated to issues relating to youth crime.

But conversely, the summer SPLASH schemes that were initially established through the Youth Justice Board have now transferred to more generic summer provision under the banner of Positive Activities for Young People (PAYP). 'Prevention', as anyone working in addictions would maintain, functions at different levels. Thus while primary prevention in youth justice may be about keeping young people out of crime altogether, post-crime reduction is also essentially about preventative practice.

## Interventions

It is useful, as criminologists have done for many years, to think about offenders along the spectrum of an offending pathway or career. For policy needs, one can readily invoke a five-step classification: pre-offenders, early offenders, more serious or recurrent offenders at risk of custody, those in custody, and those post-custody. At each step, the preventative challenge is to forestall the taking of any further step – and so reducing crime. With this philosophy in mind, the Youth Justice Board has developed and refined a range of interventions. All hinge, of course, on ensuring the detection of offenders – a job for the police and the public, and one which is outside of the specific remit of the Board. But once detected, suitable dispositions have to be made which both secure public confidence and offer the prospect that offending behaviour will not be repeated.

Within the jurisdiction of the courts, the Youth Justice Board has developed Referral Orders which allow a first time offender pleading guilty to be dealt with by a referral panel composed of a member of the Youth Offending Team and two trained volunteers from the local community.

Using a restorative justice model, a programme acceptable to the victim and the young offender is agreed. This programme involves both a restorative element and activities that address the reasons for offending. Compliance diverts the young offender completely away from the court system and, after a year, erases the criminal record.

For more serious or persistent offenders at risk of custody the Board has developed the Intensive Supervision and Surveillance Programme (ISSP). This is designed to guarantee

a minimum of 25 hours a week supervision for up to three months. Young people on ISSP will often concede (privately) that it provides structure, direction and purpose – sometimes for the first time in their lives. It is proposed in *Next Steps* that both Referral Orders and ISSP will be developed and extended. Both appear to have secured some level of credibility with the courts, which otherwise would have moved participating young people more quickly 'up tariff' – in the case of ISSP, into custody.

Regrettably some (too many) young people do end up in custody (in what is now called the juvenile secure estate and comprises Young Offender Institutions, secure training centres and local authority children's homes). The Board has endeavoured to increase the level of education on offer and improve both the speed and quality of mental health and substance misuse assessment and treatment. Post-custody, attention is being paid to suitable 'resettlement' in terms of both housing and employment, without which young people are likely to regress rapidly into offending.

All this is a massive agenda, demanding attention to and the juggling of the evident needs of young offenders, the punitive clamours of the media, the capacity of the available workforce, the legitimate concerns of the magistracy and judiciary, and the incessantly changing demands and priorities of politicians. Young offenders have an entitlement to mainstream services that, if made available and more effective, would do much to obviate the need for parallel strategies within the youth justice system. Meanwhile, the Youth Justice Board will seek to target its prescribed constituency (namely young offenders and those at risk of offending) in order to address the causes of their criminality as well as respond to their offending behaviour per se.

The recent Green Paper on children at risk sets out five policy aspirations: being healthy, staying safe, enjoying and achieving, making a positive contribution, and economic well-being. Young offenders and those at risk of offending are firmly positioned at the wrong end of those aspirations. They are often in poor health (especially concerning mental health and involvement in substance misuse), as likely to be victims as perpetrators, underachieving, clearly making a negative contribution, and economically disadvantaged. If mainstream services in health, education, social services and leisure met their needs more effectively, then many of the efforts of the YJB would not be necessary.

The critics of the Youth Justice Board should perhaps take note, and redirect their energies and concerns accordingly. ■

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