

New Approaches to Youth Justice

Rob Allen reviews the Government's progress to date in reforming youth justice.

Sorting out youth justice was one of Labour's top priorities when they came to power. Three years on how far have they got? With press reports of 12 year old drug dealers earning thousands a week, an epidemic of mobile phone and Pokemon card robberies among London schoolchildren and a governor resigning in disgust at conditions in Feltham YOI, one might be forgiven for thinking that little has changed in the world of youth crime and justice. In fact in England and Wales we are in the midst of a sea change in responding to youth crime, with fundamental implications for the aims of the system, how they are to be met and the range of people involved.

Early intervention

Although the youth justice system's new statutory aim of preventing offending is more of rhetorical than practical importance, two other key principles have started underpinning the responses of all agencies to children in conflict with the law. The first is early, speedy and effective intervention. The pledge of halving the time from arrest to sentence for persistent young offenders to 71 days is just about on course to be met. The reprimand and final warning scheme together with the restricted

availability of conditional discharges means a lot more happens when children get into trouble than before. Indeed a range of preventive programmes are getting off the ground to identify and work with those most at risk of offending in the first place. The Youth Inclusion Programme seeks to divert the most troubled 50 teenagers from lives of crime in the most disadvantaged neighbourhoods.

Restorative justice

The second key principle is restorative justice which places a premium on young offenders taking responsibility for the harm, loss or damage they have caused. Although the emphasis on speed through the system has hindered the development of genuine restorative processes, facing up to what you've done and making amends characterises the experience of many youngsters at the final warning stage or when subject to Reparation or Action Plan Orders. Restorative justice should be more fully enshrined in the approach of the Youth Offender Panels, the new method of designing interventions for first time offenders subject to referral orders. The panels, currently being piloted in ten areas, represent a more fundamental change to the system than anything in the Crime and Disorder Act; in computing terms they are not just a new programme but a new operating system which if successful and expanded could alter totally the way in which decisions about most young people in trouble are made.

New measures

Since June the full range of new orders and measures in the Crime and Disorder Act have been in force nationally, apart from the

Drug Treatment and Testing Orders (available for 16 year olds and above) which come into effect in October. One measure, the local child curfew, has not been applied at all and there have been very few Child Safety Orders. Despite encouragement and guidance galore the Anti-social Behaviour Order seems of limited usefulness. Work with parents, whether or not under a formal parenting order, is beginning to take off and should receive a boost when a parent training video package is launched in September. The action plan and reparation orders have become routine responses to low tariff offending and while the final evaluation report on the pilots by Sheffield University is awaited, experience suggests these are popular and useful orders. It is important not to forget that orders from the ancien régime—particularly the supervision order with or without requirements—continue to play an important role with the more serious and persistent offenders.

Orders are of course only as effective as the work that goes into implementing them. The establishment of more than 400 bail support, education, mentoring, parenting, cognitive behavioural and drugs and alcohol projects have not only boosted the amount of face to face work that is done with youngsters and their families. Evaluations of each project funded by the Youth Justice Board and of each strand of work together with technical assistance programmes should also, in due course, help identify and disseminate what works best. The ASSET Assessment Profile should ensure that youngsters get the interventions they need to give them the best chance of staying out of trouble.

Progress and problems

Progress in getting all the new projects up and running has been slower than expected. For one thing, there is an emerging capacity problem. Some projects are having difficulty recruiting staff; indeed the reinvention of social policy has had an enormous impact on the

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labour market. For another, much of the last year has been spent getting the basic infrastructure, in the form of Youth Offending Teams, in place, leaving insufficient time and energy for the development of projects.

Despite all the talk of joined up thinking, YOTs remain one of the few concrete examples of members of different disciplines working together on a day to day basis to meet the needs and address the risks of people in difficulty, in this case young offenders. YOTs are big business, the largest comprising upwards of 70 staff. Despite the rhetoric of a totally new approach social services still contribute the lion's share of the resources — almost two thirds — while there is some concern about how seriously the health and education sectors have embraced the agenda.

What works?

There is no doubt that a lot of effort has gone into making the reforms stick on the ground. Will they work? Much depends on the broader prevention agenda. If the pledge to eradicate child poverty

is met, if school exclusion targets are reached, if the long term regeneration initiatives take hold, the youth crime problem should reduce. While the spending review has been relatively generous, there must be some concern about the sheer scale of social exclusion and about the level of commitment we have as a society to tackling it. The watering down of guidance to reduce school exclusion shows that there are other interests at work.

In the youth justice system itself, the agenda of early intervention brings with it the inherent danger of involving some minor offenders unnecessarily or counter productively. While labelling theory might have exercised too much influence on the old youth justice system, many have a sneaking suspicion it cannot have been entirely mistaken.

Perhaps the biggest issue concerns detention. The new Detention and Training Order (DTO) attempts to make a reality of reintegration into the community through a sentence the second half of which is served at home under supervision. There has been a

considerable effort to improve the quality of life in young offender institutions where the majority of youngsters serving DTOs are placed. But there is still a very long way to go before organisations like NACRO, which believe that under 18s should not be held in Prison Service establishments, will be satisfied. Particularly worrying is the apparent rise in numbers which will put continuing progress at risk. NACRO's 'Unlocking Potential' campaign earlier in the year called for a target of reducing custody by a third over the next five years. Unless such an approach is adopted, our high use of detention with glaring racial disparities will continue as an enormous blot on the reformed youth justice landscape. ■

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