

# Youth justice in England and Wales: the good, the bad and the ugly?

Rob Allen reviews both the positive and the disappointing elements of New Labour's reforms of youth justice.

Reforming youth justice was a top priority for New Labour before and after May 1997. Its famous 'pledge card' issued before the election included a commitment to halve the time from arrest to sentence for persistent juvenile offenders. But reducing delay was merely part of a more far-reaching structural reform to what Jack Straw called the 'secret garden of youth justice'. Straw and his advisers Norman Warner and Ruth Allan sought to address the fundamental weaknesses in the system comprehensively catalogued by the Audit Commission's 1996 report *Misspent Youth*. Once in office, a task force set up under Warner's chairmanship (with *Misspent Youth* author Mark Perfect as Secretary) put flesh on the bones of policy. Most of the task force proposals found their way, via the Home Office White Paper *No More Excuses*, into the *Crime and Disorder Act 1998* and *Youth Justice and Criminal Evidence Act 1999*. Warner and Perfect moved to run the newly created Youth Justice Board, which

When the Audit Commission had another look at Youth Justice in 2003, they concluded the reforms had created a system that was "a considerable improvement on the old one" (Audit Commission 2004). But few would claim that the problem of youth crime has been solved, not least the government themselves. Tony Blair's response to public concern about the issue was to vow during the 2005 election campaign to "make this a particular priority for this government, how we bring back a proper sense of respect in our schools, in our communities, in our towns and our villages." Early 2006 saw a *Respect Action Plan* and the promise of much more in the way of swift, summary and straightforward justice. More recently the Prime Minister signaled the need for "a complete change of mindset, an avowed, articulated determination to make protection of the law-abiding public the priority and to measure that not by the theory of the textbook but by the reality of the street and community in which real

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since 1998 has been responsible for delivering the vision of a multi-agency system united in the aim of preventing offending, and in 2000 assumed responsibility for commissioning and purchasing places for those locked up in custody.

Labour's reforms were always controversial. The effective lowering of the age of criminal responsibility to ten by the removal of the safeguard of *doli incapax*, the rigidity of the new system of pre-court diversion, Compulsory Parenting Orders and the determination to plough on with the controversial secure training centre programme met with considerable opposition from expert and practitioner opinion. So too did the ASBO, though at this stage, it was not intended to be used greatly for juveniles. But for many practitioners involved at the time (including the author who became one of 12 founder members of the YJB), the reforms held some promise – for a more systematic multi-disciplinary approach to youth crime through which the underlying educational, health and social needs of young offenders could be better met; for greater use of restorative justice; and for reductions in the use of custodial remands and sentences which had risen sharply since the early 1990s.

people live real lives." Part of this requires "far earlier intervention with some of these families, who are often socially excluded and socially dysfunctional."

So how are we to judge ten years of youth justice under New Labour?

There are aspects of Labour's reforms which have had a positive impact. There is much to admire in the development of youth inclusion and other projects working with children at risk of being drawn into crime, the creation of multi-disciplinary teams to address the personal, social and educational deficits which underlie so much offending, and the increasing involvement of both victims of crime and the wider public in local arrangements such as youth offender panels.

There are other elements which are deeply disappointing; the increasing criminalisation of young people involved in minor delinquency and the stubbornly high use of custodial remands and sentences. Finally there are some developments of which we really should be ashamed – in particular aspects of the way we lock up children, the gross over-representation of racial minorities in custody, the demonisation of young people involved in anti-

social behaviour, and the coarsening of the political and public debate about how to deal with young people in trouble. The state of the youth justice system can perhaps best be described as the good, the bad and the ugly.

In terms of future directions, the main lesson is that we need a fundamental paradigm shift in how we approach the issue of youth crime. There are four key dimensions to such a shift.

First, although we pay lip service to the notion of prevention, we need to make a reality of it for far more young people. With the UK at the bottom of a league table of child wellbeing in the EU, the infrastructure of services available for young people and their families is simply not on the scale to meet the problem. Much greater investment is needed in early intervention with children who struggle and their parents, if the growing incidence of mental health and educational problems are not to manifest themselves in delinquency. Recent reports on mental health and special education have revealed substantial shortfalls in provision.

Second, we currently define and treat too much misbehaviour by young people as a crime to be punished rather than a problem to be solved, with the result that children are criminalised at a far earlier age than most comparable countries. The increase in young people sentenced by the courts has been almost twice the average since the present government came to power. We need to raise the age substantially at which young people can be prosecuted in the criminal courts. In its place we need more appropriate ways of holding youngsters to account for their mistakes and triggering the services they need to help them stay out of further trouble.

Third, the current responses to the most damaged children who present the greatest needs and highest risks are inadequate and can make matters worse. We need a wider range of community-based and residential placements for young people who cannot stay with their families, with an immediate end to prison service custody for those under 16 and a programme to phase it out for under 18s by 2010. Efforts to reduce custody levels through the intensive supervision and surveillance programmes have had mixed results. More radical approaches such as requiring local authorities to meet some or all of the costs of juveniles sentenced to custody need to be tried urgently.

Finally the organisational arrangements at the centre and locally are inconsistent, fragmented and contain perverse incentives. Policy and practice is led by the wrong department of government, the Home Office, whereas it should properly fall within

the ambit of the Department of Education and Skills (DfES). Under the DfES, the Youth Justice Board should play a much stronger role in setting standards in secure establishments and promoting alternatives to detention, while giving up its role in prevention. This should be left to local area agreements, preventive efforts integrated and led by mainstream services provided by schools, health care and social work with families.

The change in Labour leadership and shift in tone from the Opposition provide a chance to change the emphasis on youth justice in England and Wales and to move from punishment to problem solving. Unless we do, we will remain out of kilter with international norms and can expect a fresh bout of criticism when the government submits its next periodic report on implementation of the *Convention on the Rights of the Child* in July.

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