

Was the reprieve of the Youth Justice Board a good thing?

The Youth Justice Board (YJB) was one of a number of non-departmental public bodies due to be culled in the *Public Bodies Bill* last year. However, following opposition in the House of Lords, plans to merge the YJB's functions into the Ministry of Justice were abandoned in November.

Anna Souhami, Rod Earle, Enver Solomon, and Stephen Case and Kevin Haines offer their perspectives on the continuation of the Youth Justice Board

Anna Souhami: The YJB gives youth justice a dedicated presence in central government

Youth justice is a deeply politicised, volatile area of policy. It is also highly complex, straddling a range of competing and often contradictory policy areas such as health, criminal justice, education and local government. Policy changes in any of these areas can have a dramatic impact on youth justice, making it vulnerable to change from multiple directions. In the current climate of swingeing cuts and threats to major public services, the continued existence of the YJB is particularly important.

Most simply, the YJB gives youth justice a dedicated presence in central government. This allows for a focus on the implications of policy change for young people in trouble, and, crucially ensures that youth crime is treated differently from other areas of criminal justice in policy terms. Of course, the government promised that it would retain a specific focus on youth justice if the YJB was abolished. But it is precisely the YJB's location as an non-departmental public body (NDPB), at arm's length from government departments – and the civil service – which is so crucial.

Firstly, it means that YJB staff understand youth justice. In other areas of government, advisers are drawn from the civil service which is deliberately structured around superficial knowledge with careers dependent on experience of a wide range of policy areas. By contrast, as a NDPB, the YJB has a board of experts to advise on policy making; YJB staff are not civil servants but have backgrounds in youth justice or related areas of practice; and the YJB has been able to establish

secondments to draw current Youth Offending Team staff directly into the business of policy making. The effect is a closer connection between professional expertise, practice and policy than in any other area of government, and a continuity and stability of knowledge. If absorbed into the civil service, there is no question that this would quickly dissolve.

Secondly, by giving an arms-length, expert body a statutory role in advising on policy, the establishment of the YJB in effect incorporated critical, external voices into the policy process. Some have argued however that the YJB isn't openly critical enough. Yet the YJB has to maintain a delicate balance. It can't easily be revolutionary: it is still part of government and publicly speaking out against policy, risks losing its influence entirely. However, behind the scenes it is able to campaign more quietly, advising and briefing practitioners and policy makers. Of course, the government can choose to ignore its advice – but it must make a positive decision to do so.

The way the YJB operates may be flawed and like any government body it is right that it continues to be held up to scrutiny and criticism. Its authority is also precarious: it can easily be ignored and cut adrift by central government. But its establishment has significantly changed the central policy environment of youth justice and has introduced a buffer against the populist impulses of Whitehall, however fragile. This is something we should not give up lightly. ■

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Rod Earle: 'Is that it? Is that as good as it can get?'

The survival of the YJB came as something of a surprise to me. The decision to abolish it had always seemed like an opportunistic and ill-conceived attack on one of the symbols of New Labour's approach to government. That the YJB proved to be a harder target than they anticipated is testimony both to power of 'events' in politics and to the slipperiness of the Conservative-led Coalition project. The riotous disorder in many English cities in August 2011 combined with a robust defence of the YJB in the House of Lords secured its survival, but at the YJB annual convention in November 2011, I listened as Crispin Blunt MP assured the audience of its imminent demise.

I am pretty certain that with a lot less resources and a very much less coherent government agenda the new YJB won't be the same as the old YJB, so the question is 'was the old YJB a good thing?'. At the risk of sounding like a politician myself, my answer is both 'yes' and 'no'.

For 'yes', I recall working in a London Social Services department in a relatively large, well organised service combining a variety of approaches to address the problems faced by, and caused by, young people's offending in the borough. The struggle for resources in the late 1980s and early 1990s was bitterly fought as round after round of Conservative government spending cuts fragmented projects and disoriented staff. I remember meeting a colleague from another borough who was astonished by the range and breadth of our services. I asked him how they were organised. He said 'Basically, it's me and Steve working out of a broom

cupboard in County Hall'. As practitioners we were becoming acutely aware of 'justice by geography'. The establishment of Youth Offending Teams and the YJB under New Labour funnelled much needed resources, policy focus and organisational experience into working with children and young people. It provided a reasonably coherent rationale for multi-agency practice and a mandate for its distribution across England and Wales. The YJB was, literally, central to this process.

However, as with much of what was achieved under New Labour I am left asking, 'is that it? Is that as good as it can get?' The Open University Foundation Degree in Youth Justice that I now work on is aligned with much of what was established by the YJB in terms of evidence based practice but it also promotes a wider vision of justice, consistent with the founding mission of the Open University to promote social justice. The Open University was established in 1969 by Harold Wilson's Labour government. At around the same time Lord Kilbrandon in Scotland launched a vision for an entirely different way of working with children and young people in trouble, a system of Children's Hearings. These hearings, so evocative in name and innovative in practice, have endured, as has The Open University. In their names you can find the question to which they were seen as the answer. I've never really been able to do that with the YJB. In this difficulty lies something of the difference between Old Labour and New Labour. One saw in the functions of government the organisation of hope, while the other the organisation of management. ■

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Enver Solomon: Abolishing it would have led to a takeover under the adult system and far worse outcomes for children

When I worked at the Centre for Crime and Justice Studies I co-authored a report on Labour's record on youth justice. The report, *Ten years of Labour's youth justice reforms: an independent audit* (Solomon and Garside, 2008), was a pretty damning indictment highlighting failure to meet a range of targets, notably reductions in reoffending and reductions in custody. It concluded that spending large sums of taxpayers' money creating a youth justice system with the YJB at the centre and Youth Offending Teams in local areas had, at best, delivered mixed results with there being no decline in youth offending. It legitimately said that some hard questions needed to be asked about continuing with such investment.

Given this verdict, abolishing the YJB could be seen as a sensible and cost effective solution particularly at a time of austerity. However, it overlooks the fact that, recently, the YJB has driven through some important reforms. Most significantly it has made a concerted effort to push down the numbers of children in custody.

Through engaging with high custody areas and also driving through a reduction in the number of first time entrants, the YJB has contributed to an important decline in the number of children in custody. This is no mean achievement given that numbers had risen year-on-year for such a long time.

There are of course many areas where the YJB has not made the impact many reformers had hoped for. Effective resettlement of children leaving custody has not improved and falls short in too many cases with, for example, vulnerable children being placed in unsafe accommodation on release. The regimes in Young Offender Institutions remain unacceptable with high levels of self harm, bullying and too many children saying they feel unsafe. The quality of mental health support and education provision is also not as good as it should be given the years of investment.

However, to comply with the United Nations Convention on the Rights of the Child and other international conventions there has to be a distinct and

separate system for children in trouble with the law. Abolishing the YJB would not facilitate this. Indeed, there should be a discrete, child focused body responsible for all aspects of the youth justice system. In particular, it is crucial that the commissioning within the secure estate remains separate; the government should be working towards a completely separate children and young people's secure estate that is able to meet all the needs of vulnerable and damaged children, as well as protect the public.

The YJB clearly has not been as effective as many in the children's lobby, including myself, would like. But abolishing it would have led to a takeover under the

adult system and far worse outcomes for children. Now the YJB is to be retained, the challenge is to make the case for it to adopt a greater focus on child welfare and for there to be formal cross-departmental arrangements or protocols to ensure that those departments with responsibility for child health, education and welfare are fully involved in the development of policies and services in youth justice. ■

Reference

Solomon, E. and Garside, R. (2008), *Ten years of Labour's youth justice reforms: an independent audit*, London: Centre for Crime and Justice Studies.

Enver Solomon is Director of Policy at The Children's Society

Stephen Case and Kevin Haines: Supporting an evolving and devolving YJB

The YJB has manifested multiple personalities since its inception as the government quango overseeing the Youth Justice System. Addressing policy-practice tensions through a range of different identities at different times: prescriber, regulator, manager, adviser, moderator, mediator, critical friend and through a variety of objectives, priorities and behaviours. Allegations of managerialism and practice prescription (e.g. excessive use of performance management, target setting, quantified risk assessment) have been well-founded, as have accusations of a lack of engagement with academics and bodies of research. However, we are disposed to support the recent reprieve of the YJB for a number of reasons:

- Its flaws have been a product of *misguided policy* rather than malevolence
- The roots of over-management and prescription lie in the restricted, depersonalised and decontextualised *inspection processes* of Her Majesty's Inspectorate of Prisons (more narrow, prescriptive, out-of-touch and harmful to Youth Offending Service (YOS) practice and young people than the activities of the YJB)
- The current manifestation of the YJB is that of a *more reflective, consultative and dynamic/malleable* organisation afforded more time and space to engage with academics and practitioners
- The YJB provides a critical, but YOS-oriented and child-friendly, interface between the political vicissitudes of government and the field
- The *devolution of youth justice to Wales agenda* has opened up exciting possibilities for a more principled, 'children first' youth justice, progressed in partnership between the YJB and Welsh government

As academic researchers critical of risk-based youth justice, our recent experience of the YJB has been

positive. Rather than being marginalised, our work and that of others has been evaluated by the YJB and we have participated in consultations regarding the future of youth justice. A notable outcome has been YJB proposals for significant revisions to the 'Scaled Approach' assessment and intervention process based on de-emphasising risk and prioritising holistic assessment, processes of desistance, maximising strengths and promoting children's rights. Although currently in need of a strengthened philosophical basis, these proposed revisions are a critical, reflective and practical breakthrough following a 'trialogue' between policy, practice and research/theory.

Furthermore, the political and organisational context in Wales, with partial devolution of relevant issues (education, social services, health, but not youth justice itself) and a distinctive policy orientation for young people (rights- and entitlements-focused), provides conceptual and practical space for progressive youth justice. The YJB for Wales is at once regional and national. Therefore, the close-knit geographical nature of Welsh politics, alongside the 'unique' YJB-Welsh government relationship, has enabled the YJB in Wales (more so than many English colleagues) to engage closely and intensively with key stakeholders such as YOS managers, the Children's Commissioner for Wales, young people (through a bespoke 'Assembly') and academics in pursuing a distinctive 'children first' Welsh youth justice.

Despite reasons to be critical of its past behaviour and activities, the YJB has recently embarked on a new and different trajectory - more outward-facing, listening and consultative, research-aware and constructive. We hope that these positive characteristics are not damaged or impeded by any changes resulting from Ministry of Justice restrictions following the YJB's reprieve, but that they are fostered and flourish in the future. ■

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