

CENTRE FOR CRIME  
AND JUSTICE STUDIES

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

Enver Solomon and Richard Garside



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# Summary

Soon after entering government, Labour embarked on a 'root and branch reform' of youth justice 'to prevent offending' and tackle what it described as the emergence of 'an excuse culture' (Home Office, 1997). The 1998 Crime and Disorder Act established a new youth justice system with youth offending teams (YOTs) and a Youth Justice Board (YJB). Since then, spending has substantially increased and a comprehensive reform programme has been delivered.

But ten years on, what has been the impact? This report makes an independent assessment of the reforms. Success, it argues, has been far more mixed and ambiguous than the government often claims.

## Youth justice spending

Since 2000–2001, when YOTs were being rolled out across England and Wales and the YJB had taken over responsibility for commissioning custodial places, spending on youth justice has increased in real terms by 45 per cent. Excluding probation, youth justice has received the largest real-terms increase of all the main criminal justice agencies.

In 2006–2007, total spending on the youth justice system – money specifically allocated for youth justice by the YJB and the various statutory agencies that contribute to YOT budgets – amounted to £648.5 million. YJB funding accounts for just over two-thirds of this money.

Most of the YJB's spending, 64 per cent, purchases custodial places for children. More than ten times more is spent on custody than on prevention, which accounts for 5 per cent of YJB expenditure. An examination of changes in YJB spending shows that the largest real-terms increase of all the main expenditure categories has been on the YJB's operational costs.

Funding provided by statutory agencies at local authority level is made up of resources provided by police, probation, education, social services (now children's services), health and local authority chief executives. Social services has provided half of all funding. Since the creation of YOTs there has been a significant deployment of social expenditure into youth justice budgets.

**Verdict:** There has been a substantial increase in expenditure on youth justice, but the relatively small amount spent on prevention projects and the large amount spent on custody is striking, especially given the fact that a significant tranche of youth justice money has been drawn from 'social', rather than criminal justice, budgets.

## Youth crime

Targets set to reduce self-reported youth offending on paper appear bold and ambitious. However, in reality, the targets committed the government to maintaining self-reported offending by young people at close to the level it had been since 1997.

The targets have been missed, although the overall picture is a stable one, with self-reported offending not increasing.

Targets were also set to reduce vehicle crime, burglary and robbery based on the number of children and young people found guilty in court of these offences. Data on performance

against the targets have not been published since 2004, so it is not possible to establish whether the targets have been met. However, from the available data, it is clear that all were on course to be met comfortably. It is important to recognise that, given the way these targets have been measured, they do not provide an accurate indication of changing youth crime levels for these so-called 'volume' crimes.

**Verdict:** The government's record on youth crime reduction is less impressive than many would have expected following a wide-ranging programme of youth justice reform and substantial investment. This raises questions about the success of the reforms in making an impact on the number of children and young people who offend, and demonstrates that the youth justice agencies can do little more than regulate youth crime.

## The youth justice process: first-time entrants; arrest to sentence; the use of custody; reducing re-offending

### First-time entrants

The government and the YJB have sought to reduce the number of children who receive a youth justice disposal, either pre-court or at court, for the first time. These children are known as first-time entrants.

Meeting the target has proved to be a demanding task against the background of increasing numbers of children being drawn into the youth justice system. Latest figures show that the target may be met. Even if the first-time entrants target is met, it masks the fact that overall, in recent years, the trend has been for more children to be drawn into the youth justice system.

### Arrest to sentence

Speeding up the time from arrest to sentence was an early priority for the government in 1997, and targets were set for so-called persistent young offenders and for the processing of cases in the youth court. The targets were met ahead of schedule; however, more recently, performance has been mixed. In the youth court, the time taken for guilty pleas has increased and performance against the target for committals has worsened compared to what was achieved four years earlier.

### The use of custody

Despite regular commitments made by the YJB to reduce the number of children sentenced to custody, the latest targets have not been met. In fact, at present, performance is deteriorating, with numbers increasing by 8 per cent since March 2003 against a target of a 10 per cent reduction. Further, the introduction of the Intensive Supervision and Surveillance Programme (ISSP) has not led to the intended reduction in custody numbers but appears to have had a net-widening impact.

### Reducing re-offending

Several targets have been set for re-offending but none have been met. Initial claims of great success had to be corrected and the latest figures show there has been very little progress. The government has been beset with problems in setting, revising and failing to hit its reconviction targets for children. These are partly due to its own lack of clarity about what it is trying to achieve.

**Verdict:** The only success has been in meeting the targets on arrest to sentence and processing cases through the youth court. This raises important questions about the expansion of the youth justice net, in terms of the number of children dealt with for minor transgressions and the number imprisoned, and the intended outcomes of the youth justice reform programme.

## Meeting needs: accommodation; education, training and employment; substance misuse; mental health

### Accommodation

There has been success in ensuring that every YOT has an accommodation officer, but the target to ensure that all young people subject to community interventions or released from custody have suitable accommodation to go to has not been met. After initial progress, the proportion of children in suitable accommodation has plateaued. Performance against the target masks the level and complexities of housing issues faced by young people in the youth justice system.

### Education, training and employment

Only just over two-thirds (69 per cent) of children and young people supervised by YOTs are in suitable full-time education, training or employment, well below the 90 per cent target. This means that nearly a third are not receiving full-time education, training or employment. Provision of education, training and skills programmes has increased in the secure estate, with significant numbers in local authority secure children's homes (LASCHs) and secure training centres (STCs) making progress against targets for literacy and numeracy. However, in young offender institutions (YOIs), where the majority of children and young people are held, each year far fewer are making progress in numeracy and literacy, partly due to overcrowding and the high turnover rates, but also as a result of the lower levels of staffing and difficulties in accessing courses.

### Substance misuse and mental health

None of the targets for substance misuse screening, assessment and intervention and mental health referral have been met. YOTs are struggling to ensure there is sufficient provision in the face of huge demand from children and young people who are often extremely emotionally fragile and vulnerable. There are significant issues concerning the value of these targets. Assessment and referral is important, but there is no way of knowing whether the quality of drug treatment or mental health services is appropriate or whether these services are effectively meeting the high level of need.

**Verdict:** The overall picture is of a youth justice system that was designed with the best intentions of providing effective multi-agency provision but that in practice is struggling to meet the needs of a group of vulnerable children and young people who require carefully co-ordinated specialist support. YOTs do not appear to be able to successfully meet the complex needs of children and young people. This raises questions about the significant investment in youth justice and whether resources should instead be directed to social support agencies outside the criminal justice arena.

## Conclusion

Overall, most of the targets have been missed and success in achieving the desired outcomes has been far more elusive than the government claims. In reality, the record on youth justice reform is at best mixed. Despite the huge investment, self-reported youth offending has not declined and the principal aim of the youth justice system set out in the 1998 Crime and Disorder Act, 'to prevent offending by children and young persons', has yet to be achieved in any significant sense.

Fundamental questions need to be asked about whether the youth justice agencies can really address the complex economic and social factors which are the cause of so much youth offending. Has the government placed too high expectations on the youth justice system and should it be clearer about its limitations? Are more effective solutions to be found outside the youth justice system in the delivery of co-ordinated services through



mainstream local authority children's and young people's provision and more effective children's services? After a number of years of expansion, is it time to scale back youth justice and scale up social support? The time has come to reappraise the role and purpose of the youth justice system and to consider what it can realistically achieve in addressing youth offending.

# Introduction

The reformed youth justice system that Labour established in 1998 is considered by the government to be one of its major success stories of the last decade. The Justice Secretary, Jack Straw, who pioneered the reforms as Labour's first Home Secretary, made this clear in a recent speech, stating, '[We] have radically overhauled the youth justice system... which is having a positive impact both in terms of delivering justice and stopping the spiral into crime before it starts' (Straw, 2007). Success for the reforms is also claimed by influential figures beyond ministerial circles. Hence, when Professor Rod Morgan resigned as chair of the Youth Justice Board (YJB) in January 2007, he told staff: 'This is one part of the criminal justice system that every informed commentator believes is 'fit for purpose'' (Morgan, 2007).

Ten years after the inception of the government's youth justice reforms, this report makes an independent assessment and considers the extent to which the government has delivered on its ambitious programme. It follows on from a report published by CCJS in early 2007 – *Ten Years of Criminal Justice under Labour: An Independent Audit* (Solomon et al., 2007) – which looked at the government's record against its key criminal justice targets a decade after Labour entered government. This report takes a similar approach but focuses solely on youth justice.

Our purpose is not to make value judgements on the philosophy or principles behind Labour's various youth justice reforms over the past decade nor to critique the virtues or otherwise of using targets as a means of driving performance. Rather, we have focused on implementation examining whether the government and the YJB hit the targets they set for themselves, using this as a means of assessing the impact of the legislative activity, changes in practice and increased resourcing. The intention behind setting the targets was not just to ensure they were met but also to marshal resources and focus energies on addressing key priorities. We therefore also consider the consequences of prioritising what have been identified as critical areas of activity. We hope the report contributes to an enhanced understanding of the nature of youth crime in contemporary society and the role of youth justice in addressing it.

We have assessed performance against the YJB's main corporate targets as set out in its corporate and business plans and against the relevant youth justice targets set out in the Public Service Agreements (PSAs) between the Treasury and government departments. We have also looked at the Labour Party manifestos for 1997, 2001 and 2005 and a range of official documents and statistics.

Making this assessment is not easy. Robust information can be hard to come by and data and statistics can, at times, be contradictory. At various points during the research and drafting of this report we have been struck by the lack of consistent and robust data upon which an assessment of progress can be made.

More fundamentally, it is far from clear what impact the youth justice system, however reformed, will have on levels of youth crime and on levels of safety and victimisation experienced by children and young people. It has long been recognised by many criminologists that crime levels and crime patterns are a product of a complex interplay of social processes. At any given time, factors such as employment levels, relative levels of income inequality, demographic breakdown, cultural practices and a society's



technological progress will have an impact on levels of crime and safety. These factors are themselves the result of long-term historical developments. The relationship between these various factors, the historical processes that have given rise to them and particular crime levels is complex and difficult to account for. This makes the distinctive and particular contribution made by the various youth justice agencies to levels of youth crime extremely difficult to quantify with any confidence. For these reasons we do not attempt to make such quantification in this report.

The report starts by outlining the main features and themes of Labour's youth justice reforms before going on in Chapter 2 to look at youth justice expenditure. Chapter 3 examines the record on youth crime levels. Chapter 4 looks at the youth justice process – first-time entrants, time from arrest to sentence, the use of custody and reducing re-offending – and tries to judge what has been achieved in each of these areas against the targets that have been set. Finally, Chapter 5 looks at meeting the needs of children and young people who enter the youth justice system, including those related to accommodation, education, training and employment, substance misuse and mental health. It examines performance in each of these areas against the main targets.

Inevitably, a report of this nature cannot consider every aspect of activity on youth justice. It does not examine work with victims or parents. Notably, it does not look at anti-social behaviour legislation and the 'Respect' agenda, partly because these were examined in the analysis of Labour's overall record on criminal justice reform published in 2007, but also because the government has not set explicit targets on anti-social behaviour by children and young people. Furthermore, anti-social behaviour has already been the focus of much independent scrutiny.

It is important to note that the focus of this report is on youth justice in England and Wales. Scotland and Northern Ireland have separate, distinct youth justice systems with their own courts, agencies and legislation. There are some interesting comparisons to be made between the different approaches but this report has, in general, not sought to make them.

# Labour's vision for the youth justice system

Prior to the 1997 general election, youth crime had become a major political battleground. The youth justice system in England and Wales was criticised by commentators from across the political spectrum as being too soft on young criminals. The criticisms were given credence by a highly influential Audit Commission report, *Misspent Youth* (Audit Commission, 1996). It had little positive to say, while condemning the system as uneconomic, inefficient and ineffective.

Labour published a pre-election consultation document, *Tackling Youth Crime: Reforming Youth Justice*, which echoed the findings of the Audit Commission's report. It proposed a radical reform of the youth justice system (Labour Party, 1996). This included the replacement of repeat cautions with a single final warning and the creation of youth offending teams (YOTs) in every local authority area. However, it was the proposals to 'streamline' youth courts to make them more 'effective', and specifically the pledge to halve the time it took from arrest to sentence for young offenders, that Labour chose to publicise in particular. In the run-up to the 1997 election it became one of the five pledges on a special pledge card that was a key part of the party's campaign.

Labour's proposed youth justice reforms were central to its repositioning as the new 'law and order' party. In its 1997 election manifesto, Labour claimed that 'youth crime and disorder have risen sharply, but very few young offenders end up in court, and when they do half are let off with another warning' (Labour Party, 1997). Both Jack Straw, then shadow Home Secretary, and Tony Blair believed that a focus on youth crime would cement public confidence in a Labour government and give it greater credibility in relation to law and order.

Yet more was at stake in Labour's youth justice proposals than the mere repositioning of Labour as New Labour, however significant that seemed at the time and has since. Nearly two decades of deindustrialisation, rising unemployment and poverty had resulted in deeply ingrained social problems, many of them concentrated in Labour heartlands. In the parliamentary debates on the Crime and Disorder Act 1998, leading Labour MPs argued that they had noticed a fundamental change in their constituency case files, from everyday complaints about service delivery or benefits to growing concerns about local crime and anti-social behaviour.<sup>1</sup> Many came to believe that it was necessary to take crime seriously in order to rebuild deprived communities and to ensure that those communities could be safe places to live.

Political rhetoric and media reporting about 'problem youth' might at times have been exaggerated. Yet there were objective social problems in many neighbourhoods that presented themselves partly as problems of 'order'. As David Blunkett so eloquently argued in his 2001 book *Politics and Progress*: 'We need to appreciate the scale of the social disaster brought about by the neo-liberal period' (Blunkett, 2001).

In constructing a response to those problems that placed great emphasis on criminal justice solutions, Labour drew on research that appeared to give credence to the view that

1. Hansard, 8 April 1998, *Crime and Disorder Debate*: Col. 408, Chris Mullin MP; Col. 414 Hazel Blears MP.

certain 'risk factors' associated with family background and a child's upbringing had a profound effect on later behaviour.<sup>2</sup> Labour's emphasis on nipping problem behaviours 'in the bud', and using a retooled youth justice system partly to achieve this objective, could claim to have a credible intellectual basis.

It is significant that Labour chose to place great emphasis on the youth justice system as a means of dealing with deeply rooted social problems. As will become clear at various stages in this report, this emphasis was arguably misplaced, even if the aspiration to deal with such social problems was appropriate.

Once in office, the government embarked on a flurry of activity to reform youth justice. Within less than two months, six consultation documents on youth crime were published (Newburn, 2002). The major proposals were brought together in the government's flagship legislation, the Crime and Disorder Act 1998, which set out the key elements of what has been described as the 'new youth justice' (Goldson, 2000): the establishment of the Youth Justice Board (YJB); the creation of locally accountable YOTs; the replacement of cautions with a new reprimand and final warning scheme; and the restructuring of non-custodial penalties available to the youth court.

For the first time the reforms contained an overarching mission for the whole youth justice system. Section 37 of the Crime and Disorder Act established: 'It shall be the principal aim of the youth justice system to prevent offending by children and young persons.' Controversially, the 1998 Act also reduced the age of criminal responsibility to ten, one of the lowest in western Europe, by abolishing the principle of *doli incapax*.<sup>3</sup>

During Labour's first term in office, youth justice was a major priority. Between 1998 and 2001 there were four separate acts of parliament that introduced new legislation concerning the youth justice system.<sup>4</sup> Labour's ten-year criminal justice plan published in 2001 presented the reforms as a significant achievement that demonstrate 'in a concrete way what can be achieved if organisations come together and share skills and resources to pursue a common goal' (Home Office, 2001). After the 2001 election, attention moved to other areas of criminal justice. However, more recently, the government has begun to focus again on youth crime. Another criminal justice bill, which received royal assent in May 2008, sets out reforms for a new single generic community sentence for under-18 year olds, and the government has announced plans to publish a *Youth Crime Action Plan* and a 'post-justice continuity of care' Green Paper later this year (Home Office, 2007; Department for Children, Schools and Families, 2007).

So what are the key elements of the government's radical reform of youth justice? The first and perhaps most significant is a move away from a welfare approach to dealing with children and young people who offend to one which relies far more on punishment – what has been described as the development of a 'punitive turn' or a 'new punitiveness' in youth justice (Goldson, 2000; Pratt et al., 2005). The marginalisation of welfare was made clear in the White Paper, *No More Excuses* (Home Office, 1997), which preceded the 1998 Crime and Disorder Act. It stated: 'punishment is important to signal society's disapproval of criminal acts and deter offending. It is the appropriate response to children and young people who willfully break the law'. The rise in the number of children in custody in England and Wales and the increasing number who have been criminalised, examined in Chapter 4, are evidence of this commitment to discipline and punishment, which has been a key driver behind the 'new youth justice'.

The second key element is a reliance on systemic managerialism and central control. The creation of the YJB and YOTs, with key performance indicators, National Standards, financial incentives and penalties to reinforce priorities,<sup>5</sup> is an example of how Labour,

2. A review of this line of argument can be found in Home Office Research Study 225, *Intervening to Prevent Antisocial Personality Disorder: A Scoping Review*, by Patricia Moran and Ann Hagell, September 2001.

3. *doli incapax* is the presumption that a child aged between ten and 13 is incapable of committing a criminal offence.

4. As well as the 1998 Crime and Disorder Act, there were the Youth Justice and Criminal Evidence Act 1999, which created youth offender panels, the Criminal Justice and Court Services Act 2000, which introduced restorative cautioning, and the Criminal Justice and Police Act 2001, which extended child curfew schemes to children under the age of 16.

5. For each individual YOT, the central funding from the YJB for its operational costs have been conditional on progress against key performance indicators.



following the Audit Commission's analysis of the youth justice system in 1996, adopted a more managerialist approach to tackling youth crime. The focus on creating a more efficient system for the 'processing' of young offenders from arrest to sentence is another example. We examine this in Chapter 4 and look at the various key performance indicators for meeting the multiple needs of young offenders in Chapter 5.

The third and final element is the concerted focus on early and rapid intervention, resulting in the youth justice system expanding into areas of policy which have not traditionally been part of its remit. Thus the YJB has developed parenting programmes, summer 'Splash' schemes for children in high crime areas and Youth Inclusion and Support Programmes (YISPs) to identify children who are 'at risk' of offending. These are discussed at various points in the report.

At the heart of Labour's youth justice programme has been a strong commitment to regulate more effectively the behaviours of certain children and young people, and to instil a new sense of order into their lives. Under the Conservatives, Labour claimed, the youth justice system was 'in disarray' and did not work (Labour Party, 1996). The party entered office in 1997 determined to embark on a radical reform agenda that would ensure that there were 'no more excuses' for youth crime.

As this report demonstrates, success has been far more mixed and ambiguous than the government often claims.



# Youth justice spending

Government expenditure on youth justice has grown significantly in recent years following the implementation of Labour’s wide-ranging youth justice reform programme. In 2000–2001, when most YOTs were established and the YJB had taken over responsibility for commissioning custodial places, approximately £380 million was spent on the youth justice system. By 2006–2007, expenditure had nearly doubled to £648.5 million, a real-terms growth of 45 per cent. In cash terms, since 2002, actual spending on the youth justice system in England and Wales has totalled £2.9 billion.

This is a substantial injection of additional resources. Compared to other criminal justice agencies, youth justice has received one of the largest real-terms increases in funding. This chapter looks in detail at youth justice expenditure, examining where the money comes from, where it goes, and what the recent trends in spending are. It concludes with a commentary on the changes in expenditure.

The chapter does not attempt to quantify expenditure by all the different criminal justice agencies that deal with children and young people suspected of offending. That would be a complex task and involve crude estimates of, for example, the proportion of police, Crown Prosecution Service or Courts Service resources spent on dealing with under-18 year olds. It therefore looks at money specifically allocated for youth justice by the YJB and the various statutory agencies that contribute to YOT budgets.

## Recent expenditure trends

The YJB and the 156<sup>1</sup> YOTs account for all the targeted spending on youth justice in England and Wales. The YJB’s funding is mainly in the form of grant in aid from the Ministry of Justice (formerly the Department of Constitutional Affairs).<sup>2</sup> Resources for YOTs, however, come from a variety of statutory agencies, as they are essentially local authority services comprising representatives from the police, probation, children’s services (formerly education and social services), health, and also include other specialist workers such as housing officers and substance misuse workers.<sup>3</sup>

The YJB, which oversees the youth justice system in England and Wales and purchases custodial accommodation for children, accounts for the majority of spending on youth justice. Figure 1 shows that of the total £648.5 million spent on youth justice in 2006–2007, the YJB contributed just over two-thirds of spending (69 per cent), amounting to £445.4 million. The statutory agencies that support YOTs contributed £203.1 million. The YJB spends a significant amount each year on purchasing secure accommodation, which explains why it accounts for the vast majority of youth justice expenditure. Overall, spending on custodial places accounts for 43 per cent of total youth justice expenditure.

Youth justice expenditure significantly increased from April 2000 when the YJB began commissioning custodial places for children remanded and sentenced by the courts to secure facilities. It was also from this time that Labour began injecting substantial extra resources into the criminal justice system (Solomon et al., 2007). This chapter has therefore taken 2000–2001 as the starting point for examining trends in youth justice expenditure.

1. According to the YJB in 2006–2007 there were 156 YOTs, 138 in England and 18 in Wales (Youth Justice Board, 2008).

2. From June 2007, following the creation of the Ministry of Justice, grant-in-aid funding switched from the Home Office to the Ministry of Justice.

3. Over the years, YOTs have received funding from additional sources including Europe, the government’s Single Regeneration Budget, the Neighbourhood Renewal Fund, the Children’s Fund and Quality Projects. This income is not included in this chapter unless stated, as the figures are not published separately.

**Figure 1:** Breakdown of youth justice expenditure, 2006-2007, England and Wales *Source: Youth Justice Board (2007), Annual Report and Accounts 2006/07, London: Youth Justice Board; Hansard, House of Commons written answers, 19 November 2007*

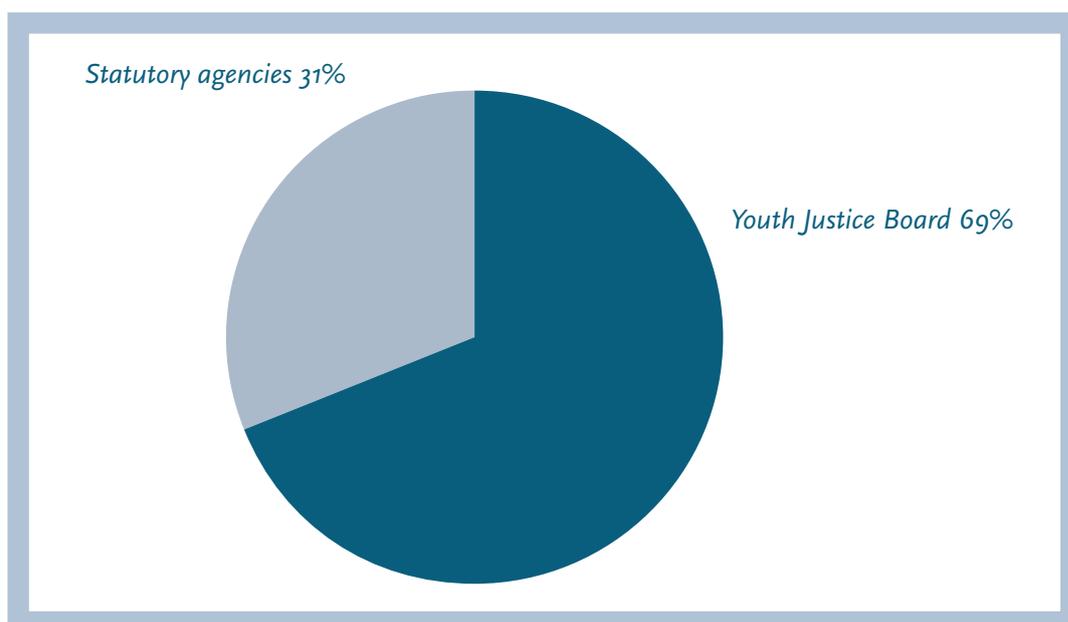


Table 1 and Figure 2 show that total spending on youth justice increased by £267.2 million between 2000–2001 and 2006–2007, a real-terms increase of 45 per cent. There was a substantial increase of £130.7 million between 2000–2001 and 2002–2003 when YOTs were becoming fully operational across England and Wales. Spending was then increased more gradually until 2004–2005. After that, there was another substantial year-on-year rise of £61 million. This was largely a result of having to pay for additional secure accommodation owing to a rise in the number of children in custody (see Chapter 4). Most recently between 2005–2006 and 2006–2007 spending increased by a more modest £32.5million.

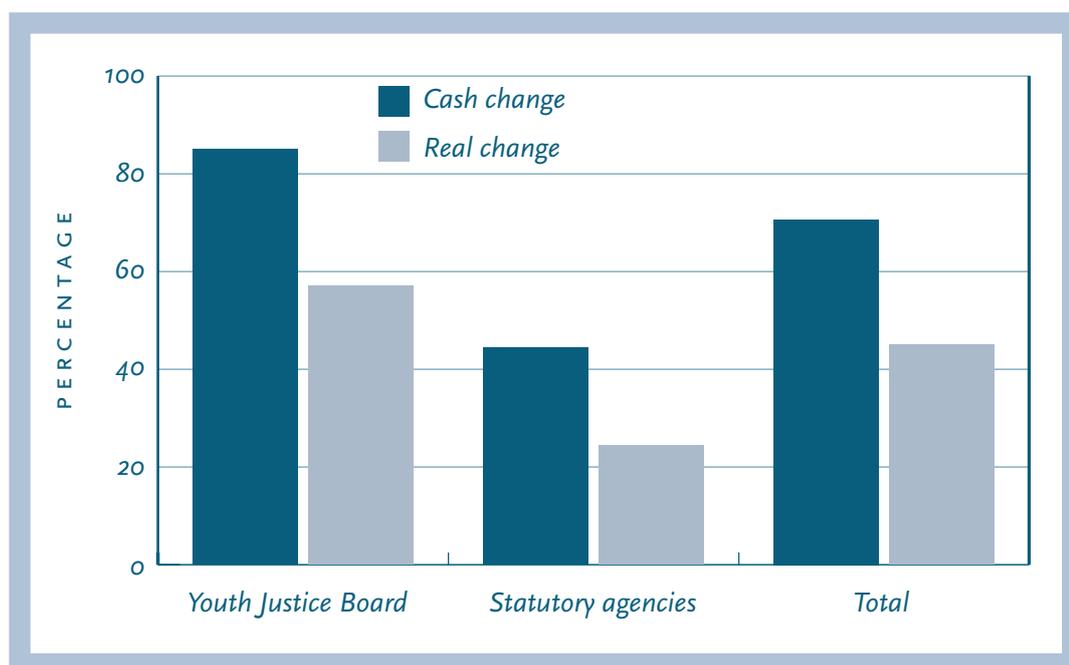
**Table 1:** Total spending on youth justice, 2000-2001 to 2006-2007 (£ million) *Source: Youth Justice Board, annual accounts for each year from 2000-2001 to 2006-2007; Hansard, House of Commons written answers, 19 November 2007*

Year	2000– 2001	2001– 2002	2002– 2003	2003– 2004	2004– 2005	2005– 2006	2006– 2007
YJB	241.3	292.2	356.7	363.7	372.3	420.9	445.4
Statutory agencies	140	n/a	155.3	170.3	182.7	195.1	203.1
Total	381.3	n/a	512	534	555	616	648.5

*N.B. Data for statutory agencies' spending have only been published from 2002-2003. The figure for 2000–2001 is a projected spending figure given in the Youth Justice Board for England and Wales' Statement of Accounts 1999/00, p.5.*

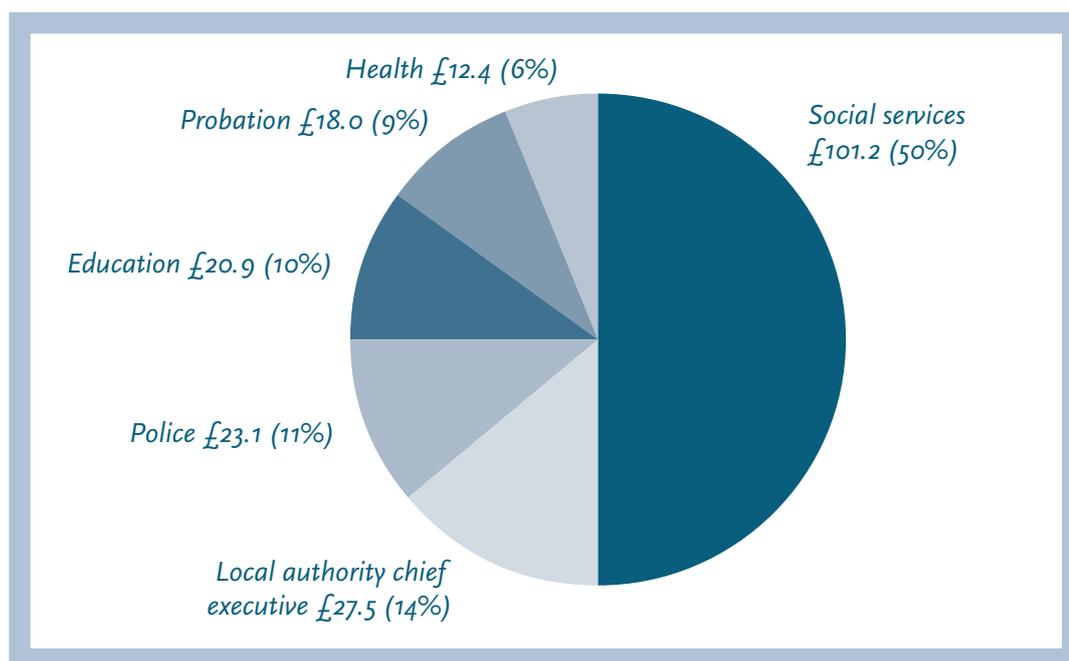
The increases in spending have largely been funded by extra resources from the YJB. Between 2000–2001 and 2002–2003 the YJB provided an additional £115.4 million in expenditure (see Table 1). YJB spending remained stable for the next two years. Most recently, since 2004–2005, spending has increased again by £73 million. Overall there has been a 57 per cent real-terms increase in spending by the YJB since 2000–2001 (see Figure 2).

**Figure 2:** Percentage changes in cash and real (GDP deflated) spending on youth justice, 2000–2001 to 2006–2007 *Source: Youth Justice Board, annual accounts for each year from 2000–2001 to 2006–2007; Hansard, House of Commons written answers, 19 November 2007*



Looking at funding by statutory agencies, in 2006–2007, police, probation, social services, education,<sup>4</sup> health and local authority chief executives provided a total of £203.1 million. This compares to around £140 million in 2000–2001 and is a real-terms increase of 24 per cent (Figure 2). Social services provided half of all funding, a total of £101.2 million, which is by far the largest proportion. The next largest share was from local authority chief executives, followed by police, education, probation and health (Figure 3). Given the high level of mental health need amongst children in the youth justice system (see Chapter 5) it is perhaps surprising that health services make the smallest contribution.

**Figure 3:** Breakdown of statutory agencies' funding for youth offending teams, 2006–2007, England and Wales (£ million) *Source: Hansard, House of Commons written answers, 19 November 2007*



4. Since 2007 the provision of social services and education for children have been amalgamated into overarching local authority Children's Services.

In most cases, the proportionate share of each funding stream has remained relatively stable over the years. However, as Table 2 shows, there have been some notable changes. Funding provided by local authority chief executives has more than doubled, from just over £13 million in 2002–2003 to nearly £27.5 million in 2006–2007, a real-terms increase of 89 per cent. Funding from education has also increased substantially, although this rise has only occurred very recently. For each year until 2005–2006 funding from education was around £13 million; it then increased by 36 per cent in real terms to £20.9 million.

**Table 2:** Real-terms change in statutory agencies' contributions to youth offending teams, 2002–2003 to 2006–2007 (£ million) *Source: Youth Justice Board (2006a), Youth Justice Annual Statistics 2005/06, London: Youth Justice Board; Hansard, House of Commons written answers, 19 November 2007*

Agency	2002–2003	2006–2007	Real-terms change (per cent)
Social services	83.7	101.2	8.9
Police	19.2	23.1	8.3
Probation	16.2	18.0	0
Education	13.8	20.9	36.4
Local authority chief executive	13.1	27.5	89
Health	9.5	12.4	17.5
Total	155.5	203.1	17.6

It is worth noting that, as a proportion of the total spending on the criminal justice system in England and Wales, the amount allocated to youth justice has been relatively small. Based on an analysis of criminal justice expenditure in 2004–2005, spending on youth justice in that year was £555 million out of a total £17 billion spent on criminal justice (Solomon et al., 2007). Formal expenditure on youth justice therefore accounted for only 3.3 per cent of total spending on the criminal justice system, although this does not take into account the fact that agencies such as the police will devote resources to dealing with young people suspected of offences. This is considerably less than most of the other criminal justice agencies. For example, in 2004–2005, expenditure by the Prison Service was £2.4 billion (14 per cent of total criminal justice spending) and Probation Service expenditure was £900 million (5 per cent) (ibid).

When looking at actual and real-terms growth in expenditure, however, the youth justice agencies have received one of the largest increases. Figure 4 shows that, between 2000–2001 and 2006–2007, youth justice has had the largest real-terms increase apart from probation.

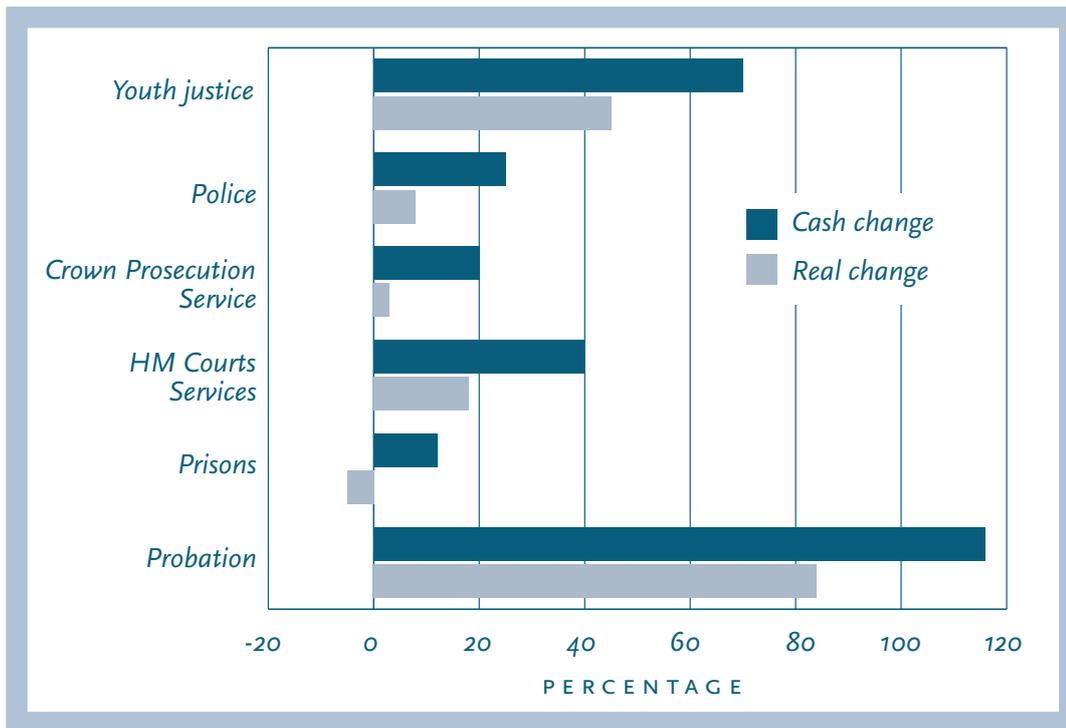
### Where has the money gone?

There are no published figures looking at the proportionate breakdown of total spending on youth justice. However, by looking at the YJB's annual accounts, it is possible to determine where the two-thirds of total funding provided by the YJB has gone.

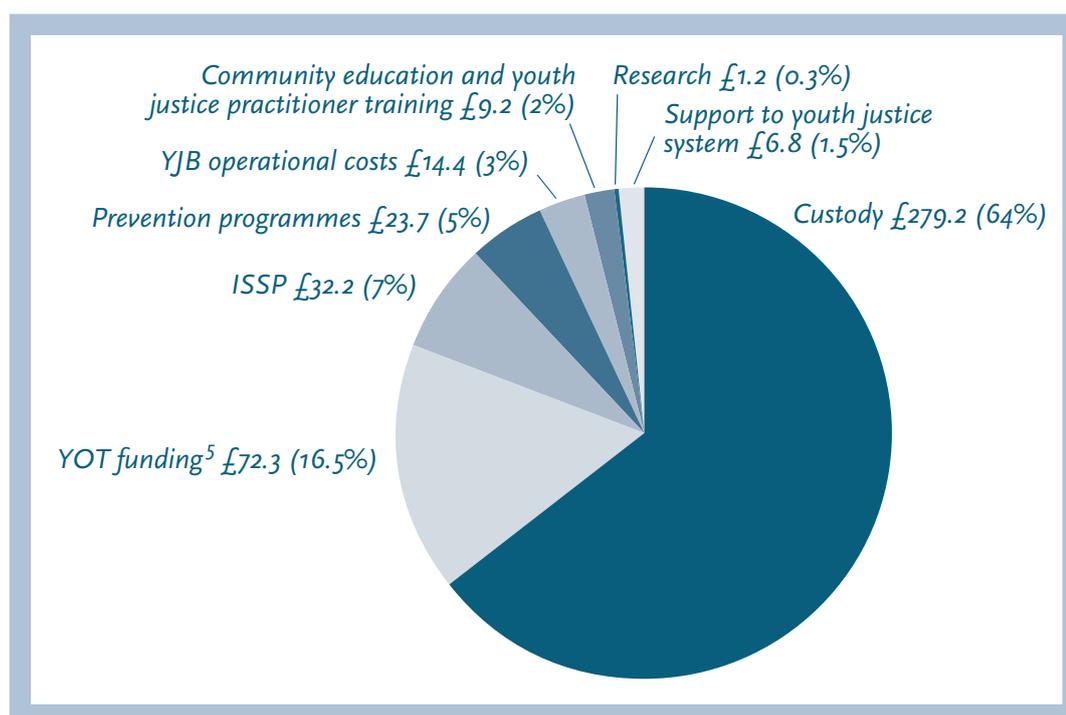
Figure 5 shows that by far the largest proportion of the YJB's money is spent on providing places for children remanded and sentenced to custody. In 2006–2007, £279.2 million, nearly two-thirds (64 per cent) of total funding, was used to purchase secure accommodation. This covers training and the provision of beds in secure units including young offender institutions (YOIs), secure training centres (STCs) and secure children's homes (LASCHs). Each year there are more than 14,000 decisions to sentence or remand

to custody that require escort services between the youth courts and these units; costs for these services are included in the expenditure on custody (Youth Justice Board, 2007a).

**Figure 4:** Percentage changes in cash and real (GDP deflated) spending on the main criminal justice agencies, 2000-2001 to 2006-2007 Source: Home Office (2007a), Home Office Departmental Report 2007, London: Home Office; Home Office (2006), Home Office Departmental Report 2006, London: Home Office; DCA (2007), DCA Departmental Report 2006/07, London: DCA; DCA (2006), DCA Departmental Report 2005/06, London: DCA; Home Affairs Committee (2007), Police Funding, Fourth Report of Session 2006/07, London: Stationery Office



**Figure 5:** Breakdown of Youth Justice Board expenditure, 2006-2007 (£ million) Source: Youth Justice Board, (2007), Annual Report and Accounts 2006/07, London: Youth Justice Board

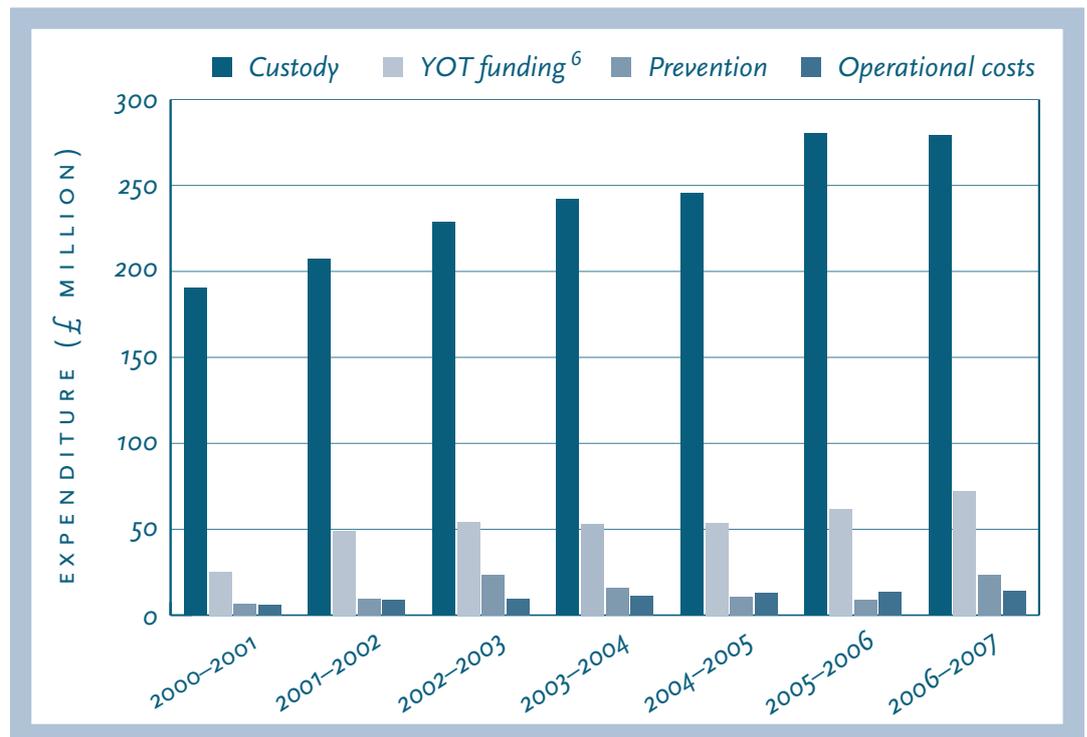


5. This category includes money to support effective practice and performance improvement described in the YJB's annual accounts as 'direct YOT funding', and also money for substance misuse programmes and other 'intervention' programmes.

The next highest proportion of YJB expenditure (16.5 per cent) is funding to YOTs to support effective practice and performance improvement and to provide substance misuse and other intervention programmes. This is followed by funding for the Intensive Supervision and Surveillance Programme (ISSP), the alternative to custody developed in 2001, spending on prevention programmes (just 5 per cent of total expenditure) and the operational costs of the YJB. It is striking that more than ten times more is spent on custody than on prevention.

Looking at the changes in spending for each of the main categories of YJB expenditure since 2000–2001 gives an indication of significant trends (see Figure 6). Not surprisingly, expenditure on purchasing secure accommodation steadily increased between 2000–2001 and 2006–2007 (Youth Justice Board, 2000, 2002, 2003, 2004, 2005 and 2006) in line with the rise in the number of children sentenced and remanded to custody (see Chapter 4). It is noticeable that spending on custody rose by a substantial amount, £35 million, between 2004–2005 and 2005–2006. The 2005–2006 YJB annual report notes that ‘demand for custodial places remained high (rising by 4 per cent during the year)’ (Youth Justice Board, 2006). Overall, there was a 25 per cent real-terms increase in spending on custodial places between 2000–2001 and 2006–2007.

**Figure 6:** Youth Justice Board expenditure on custody, youth offending team funding, prevention and operational costs, 2000–2001 to 2006–2007 (£ million) *Source: Youth Justice Board, annual accounts for each year from 2000–2001 to 2006–2007; Ashford, B. (2007), Towards a Youth Crime Prevention Strategy, London: Youth Justice Board*



6. This category includes money for operational costs, described in the YJB’s annual accounts as ‘direct YOT funding’, and also money for substance misuse programmes and other ‘intervention’ programmes.

Funding to YOTs has also increased. This mainly comprises money for operational costs, described in the YJB’s annual accounts as ‘direct YOT funding’, but also includes substance misuse programmes and other intervention programmes such as cognitive behaviour programmes and education, training and employment projects. For each YOT, the money for running costs is conditional on the achievement of its individual performance targets.

Figure 6 shows that, as YOTs were set up across England and Wales, there was an increase in funding between 2000–2001 and 2002–2003. Funding then stabilised for the

next two years until 2004–2005. Expenditure increased again as a result of the introduction of the Resettlement and Aftercare Provision scheme, designed to ‘tackle the substance misuse, mental health and accommodation needs of young people leaving custody’ (ibid). This resulted in an injection of £18.5 million additional funding to YOTs (ibid). Overall funding to YOTs has more than doubled in real terms.

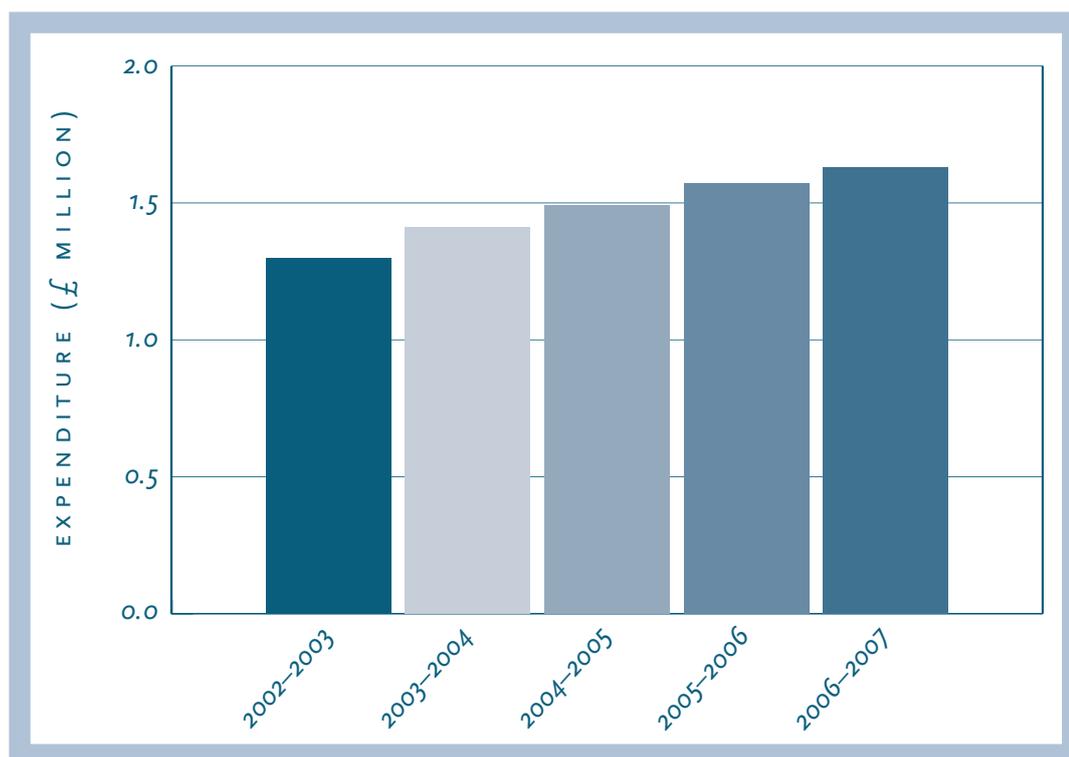
The fluctuation in the expenditure on prevention is particularly striking compared to the sustained rise in spending on custody and YOT funding. As the YJB’s prevention strategy states: ‘Until 2005, our resources were limited and the only significant medium term funding was for the Youth Inclusion Programme (around £7 million per year between 1999 and 2005)’ (Ashford, 2007).<sup>7</sup>

There was a major boost to prevention funding in 2002–2003 owing to an injection of funds from the government’s Children’s Fund. It required children’s services to collaborate with YOTs and led to the establishment of around 90 Youth Inclusion and Support Programmes (YISPs), which target eight to 13 year olds ‘considered to be at high risk of offending’. More recently, in 2005–2006, the YJB gained additional government funding of £45 million until 2007–2008 for Youth Inclusion Programmes (YIPs) and for parenting projects.<sup>8</sup> However, overall, prevention work has been relatively underfunded, especially compared to the amount spent on custody, which accounts for ten times more expenditure. The YJB acknowledges this but emphasises that ‘each YOT typically secures £1.25 of additional partnership funding (cash and in kind) for every £1 of YJB prevention grant’ (Ashford, 2008).

Finally, the YJB’s operational costs have steadily increased since 2000–2001, almost doubling in real terms. The rise has been particularly marked in recent years, increasing from £9.4 million in 2002–2003 to £14.4 million in 2006–2007. This equates to a 38 per cent real-terms increase, the largest real increase of all the main expenditure categories over that period.

**Figure 7:** Average youth offending team budget, 2002–2003 to 2006–2007 (£ million)

Source: Hansard, House of Commons written answers, 19 November 2007



7. The Youth Inclusion Programme (YIP), established in 2000, is for eight to 17 year olds who are identified as being ‘at high risk of involvement in offending or anti-social behaviour’. The programmes are also open to other young people in the local area.

8. A further £99 million over the three years to 2010–2011 is to be provided by the government.

In terms of individual YOT budgets, it is interesting to examine how the average budget for YOTs has changed over the years. Official data are only available from 2002–2003. They show that between then and 2006–2007 the average budget has increased by £330,000 (Figure 7), a real-terms rise of 13 per cent. This is broadly consistent with the real increase in the YJB’s overall expenditure over the same period. However, it is far less than the real-terms rise in the YJB’s operational costs.

### Commentary

A number of issues emerge from the analysis above, three of which are of particular interest.

First there is the matter of the growth in direct expenditure on youth justice of some 45 per cent in real terms over six years. Arguably, in part, this is the inevitable result of the setting up of the YJB, YOTs, and the whole paraphernalia of youth justice associated with these structural reforms. But, inevitable or not, such reforms were entered upon with the intention of improving the way in which young people suspected of offences were dealt with. Ultimately the intention was to have a positive impact on youth offending. One of the aims of this report is to examine the degree to which the government achieved what it set out to achieve and, therefore, whether the expenditure on youth justice was money well spent.

Second, there is the issue of where the money came from for the increased expenditure. It is striking that such a significant proportion of the cash injection into the youth justice system has been drawn from areas traditionally associated with social spending: social services, health, education. Those who supported the creation of YOTs argued that this was necessary to direct much needed resources at children and young people who had been neglected by mainstream services. Regardless of the strength of this argument and the government’s wider case for reform of the youth justice system, this arguably represents a disinvestment in ‘social’ responses to the problem of youth crime and disorder.

This is not an insignificant consideration. When the Audit Commission looked at the impact of the youth justice reforms in 2004, it highlighted the fact that focusing on prevention is a far more effective way of tackling youth crime and disorder. It said that ‘mainstream agencies, such as schools and health services, should take full responsibility for preventing offending by young people’ (Audit Commission, 2004). This raises questions about the value of pouring substantial sums of public money into an expanded youth justice system.

Third, there is the matter of the composition of youth justice expenditure, the lion’s share of which has gone on the provision of custodial places. This is hardly surprising given that custodial provision is by far the most expensive means of dealing with a young person convicted of an offence. Nonetheless, the relatively small amounts spent by the YJB on prevention projects is notable, especially given the fact that a significant tranche of youth justice money has been drawn from ‘social’, rather than criminal justice, budgets.

### Verdict

Since embarking on its wide-ranging youth justice reforms, the government has substantially increased expenditure in this area of criminal justice. In real terms, between 2000–2001 and 2006–2007, there was a 45 per cent increase in youth justice spending. Apart from probation, youth justice received the largest real-terms increase of all the major criminal justice agencies.



The majority of youth justice spending has been used to pay for custodial places for the increasing number of children being imprisoned in England and Wales. By comparison, much less has been spent by the YJB on prevention programmes. It is also notable that the operational costs of the YJB have risen significantly in recent years, particularly compared to the rise in the average YOT budget.

At the local authority level, there has also been a significant deployment of social expenditure into youth justice budgets, demonstrating how investment in responses to youth crime and disorder has been primarily through the youth justice agencies, with a small proportion allocated to prevention.

Whether the overall additional expenditure represents value for money for the taxpayer is a question that will be addressed in the remaining chapters of this report.



# Youth crime

This chapter examines the targets on youth crime levels and assesses recent trends. It starts by examining the targets the YJB and the Home Office set themselves and assesses performance against those targets. It then goes on to assess critically the nature of these targets. It concludes with some comments on the extent to which the government might credibly claim success in dealing with ‘youth crime’.

## Youth crime targets

The YJB has set two targets relating to youth crime levels. The first set of targets relates to self-reported offending by young people. The dataset used to measure this has been the MORI Youth Survey (YS), a survey of 11 to 16 year old children in mainstream education conducted annually between 1999 and 2005. The most recent target, published in 2003–2004, was to reduce self-reported youth offending as measured by the YS to below 26 per cent. An earlier target, published in the previous year, was simply to reduce the percentage of young people who self-reported offending according to the YS. No baseline figure was included in that target.

In addition to the YJB’s targets on youth crime, the Home Office set a separate target on self-reported offending in its 2002–2003 and 2003–2004 annual reports. This involved a reduction in youth crime as measured by the Offending, Crime and Justice Survey (OCJS) in the two years to 2004. Following a review of the Home Office’s key objectives and priorities, this target was discontinued and has not appeared in subsequent annual reports or business plans.

The second set of targets relate to three specific offence categories: vehicle crime, domestic burglary and robbery. This mirrors a target set by the 2002 Spending Review for the criminal justice system as a whole. The targets aimed to reduce the number of young people who are ‘usually resident in the YOT’ who receive a ‘substantive outcome’ for each of the three offence categories (Youth Justice Board, 2004a).

The 2002 Spending Review target for the criminal justice system used the numbers of offences recorded by the police as the means of measuring the target. By contrast, the YJB target used the number of children and young people found guilty in court of robbery, burglary and vehicle crime in each of the YOT regions to measure performance against the target (Youth Justice Board, 2004a). This distinction is important for understanding the significance of the youth justice targets, a point we return to below.

The YJB has not set any further targets relating to youth crime since those set out in Table 3, which were published in 2003–2004 and 2002–2003.

## What has been delivered?

### Self-reported youth offending

Self-reported offending levels as measured by the YS remained fairly static over the five years to 2005. The most recent figures show that, in 2005, 27 per cent of schoolchildren admitted to having committed an offence in the last 12 months (Phillips and Chamberlain, 2006). This compares with 26 per cent in 2002, 2003 and 2004 (see Figure 8).

**Table 3: Youth crime targets**

Target	Deadline
Reduce the percentage of young people who self-report offending in the previous year from 26% in 2002 as measured by the MORI Youth Survey. (Youth Justice Board, <i>Corporate and Business Plan 2003/04–2005/06</i> )	2003 and 2004
Reduce the involvement of young people who are usually resident in the YOT area in: <ul style="list-style-type: none"> <li>• vehicle crime by 30% in 2004;</li> <li>• domestic burglary by 16% by 2004 and 25% by 2005;</li> <li>• robbery (in those YOT areas within the ten Street Crime Initiative areas) by 10% in 2004 and 15% in 2005</li> </ul> (Youth Justice Board, <i>Corporate and Business Plan 2003/04–2005/06</i> )	2004 2004 and 2005 2004 and 2005
Reduce the percentage of young people who self-report offending in the previous year as measured by MORI Youth Survey. (Youth Justice Board, <i>Corporate Plan 2002/03–2004/05 and Business Plan 2002/03</i> )	2002–2003 to 2004–2005
Reduce the involvement of young people who are usually resident in the YOT area in vehicle crime by 20% in 2003 and 30% by 2004; in domestic burglary by 8% in 2003, 16% by 2004 and 25% by 2005; in robbery (in those YOT areas within the principal cities) by 5% in 2003, 10% in 2004 and 15% in 2005. (Youth Justice Board, <i>Corporate Plan 2002/03–2004/05 and Business Plan 2002/03</i> )	2003 and 2004
Ensure that the levels of youth offending are lower by 2004 compared with 2002 as measured by the Offending Crime and Justice Survey. (Home Office, <i>Annual Report 2003–04 and Home Office, Annual Report 2002–03</i> )	2004

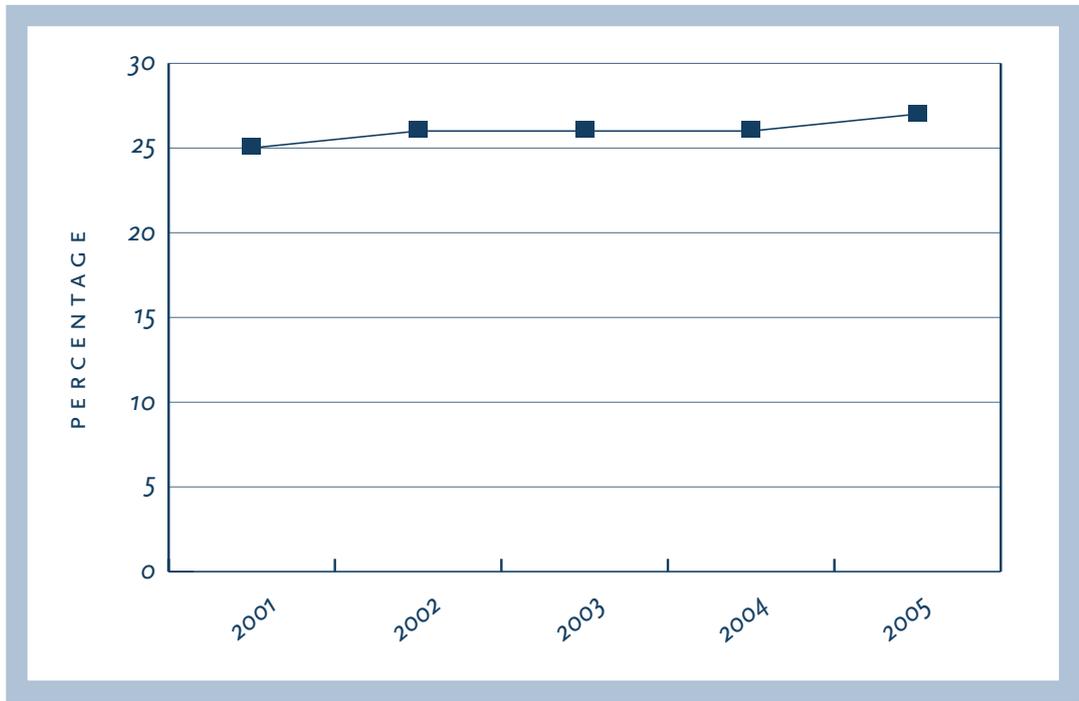
1. Although the surveys are not directly comparable because of the different methodology used and the age groups included, the OCJS data provide a useful comparison with the YS data.

2. The OCJS trend data are based on 'fresh sample only to ensure direct comparability to 2003 figures', which explains why the figure relating to the number of children who had committed at least one offence in the previous 12 months for 2005 in the trend analysis is 26 per cent rather than the 28 per cent identified in the overall 2005 OCJS sample (see Wilson, D., Sharp, C. and Patterson, A. (2006), *Young People and Crime: Findings from the 2005 Offending Crime and Justice Survey*, London: Home Office, p.24 and Table 2.5, p.31).

Strictly speaking, then, the YJB has not met its target to reduce self-reported offending below the 2002 figure of 26 per cent, although self-reported offending has in effect remained stable.

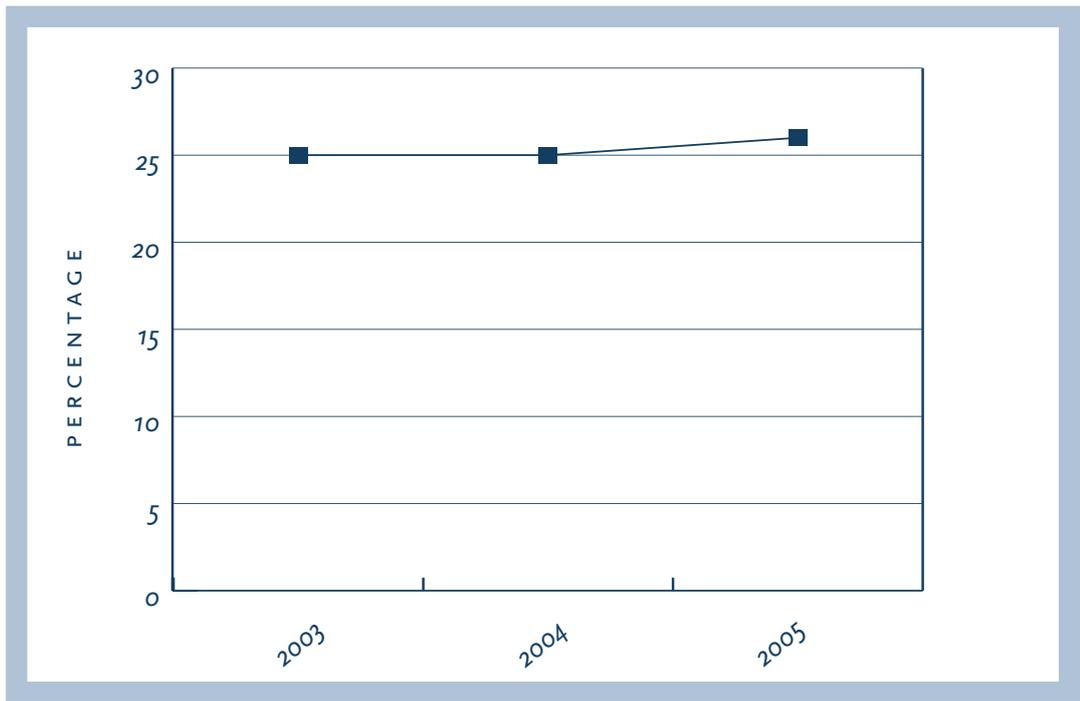
Trends in the OCJS show a similar story.<sup>1</sup> According to the 2005 OCJS, 28 per cent of 10 to 17 year olds said they had committed at least one of the core offences covered in the survey in the previous 12 months. The report says that this equates to an estimated 1.6 million children in that age range in the general household population (Wilson et al., 2006). Comparing the 2005 OCJS results with previous sweeps of the survey in both 2003 and 2004 shows that offending levels are stable at 26 per cent (Figure 9).<sup>2</sup>

**Figure 8:** Trends in MORI Youth Survey percentage of 11 to 16 year olds who self-reported offending in the last 12 months, 2001 to 2005 Source: Adapted from Phillips, A. and Chamberlain, V. (2006), *MORI Five-Year Report: An Analysis of Youth Survey Data*, London: Youth Justice Board, p.3



The target that the Home Office set – to reduce OCJS-measured youth offending in the two years to 2004 – was therefore not met. But, as with the YJB data, the trend in OCJS self-report offending is in effect stable.

**Figure 9:** Trends in Offending Crime and Justice Survey percentage of 10 to 17 year olds who self-reported offending in the last 12 months, 2003 to 2005 Source: Wilson, D., Sharp, C., and Patterson, A. (2006), *Young People and Crime: Findings from the 2005 Offending Crime and Justice Survey*, London: Home Office, Table 2.5



The overall picture that emerges from both the YS and the OCJS is that of a stable level of self-reported youth offending, with no statistically significant rises or falls in the proportion of children who say they committed a crime in the previous year.

### Convictions for vehicle crime, burglary and robbery

The government and the YJB can claim significant success in hitting the targets for successful convictions for so-called 'volume' crimes: burglary, vehicle crime and robbery.

#### Vehicle crime

The target set in the YJB *Corporate and Business Plan 2003/04–2005/06* was 'to reduce the involvement of young people who are usually resident in the YOT area' in vehicle crime by 30 per cent from 2001 to 2004 as measured by court data (Youth Justice Board, 2004b).

The only published figures on performance against this target are presented in the YJB's *Youth Justice Annual Statistics 2002/03* (Youth Justice Board, 2004a). The document states that 19,489 young people were found guilty of vehicle crime in each of the YOT regions in England and Wales in 2001. By 2002, the figure was 9,908, a reduction of 49 per cent. The target of 30 per cent reduction from 2001 to 2004 was therefore clearly on course to be met. However, it is not possible to establish whether the target was met as, at the time of writing, the YJB had not published any further data on performance against the target.

#### Burglary

The target set in the YJB *Corporate and Business Plan 2003/04–2005/06* was to reduce the number of young people involved in domestic burglary by 25 per cent between 2001 to 2005.

Once again, the only published figures on performance against this target are presented in the YJB's *Youth Justice Annual Statistics 2002/03*. The statistics state that there were 8,804 young people found guilty of burglaries of domestic properties in England and Wales in 2001. By 2003 this figure had almost halved to 4,735, a decline of 46 per cent (Youth Justice Board, 2004a). The target of a 25 per cent reduction by 2005 was therefore clearly on course to be met.

#### Robbery

Between 2000–2001 and 2001–2002 the government launched the Street Crime Initiative (SCI), covering the ten police areas in England that accounted for the majority (83 per cent) of police recorded robberies. It was a concerted effort by the government, police and other agencies to clamp down on street robberies in those areas. The YJB's *Corporate and Business Plan 2003/04–2005/06* set a target to reduce robbery committed by young people in the ten SCI areas by 15 per cent between 2001 and 2005.

The only published figures on performance against this target are presented in the YJB's *Youth Justice Annual Statistics 2002/03*. The statistics state that there were 3,389 young people found guilty of robbery in the ten SCI areas in 2001. By 2003 this figure had halved to 1,536, a decline of 55 per cent (Youth Justice Board, 2004a). The target of a 15 per cent reduction by 2005 was therefore clearly on course to be met.

### Summary

Data on performance against the targets on vehicle crime, burglary and robbery have not been published since 2004. It is therefore not possible to establish whether the targets have been met. However, from the available data, it is clear that they were all on course to be met comfortably.

The targets on self-reported offending have been missed, although the overall picture is a stable one, with self-reported offending also not increasing.

But what does it mean if targets have been met or missed? In what ways, if at all, have the government's youth justice reforms contributed to success, or failure, in targets being achieved and, in particular, to the levels of self-reported offending by children remaining stable? To answer these questions we need to consider in more detail the self-report survey and conviction data used by the government and the YJB as a means of measuring success.

## Assessing youth crime targets: the OCJS and the YS

### Measuring youth crime levels

Most offences are neither reported to the police by the public nor detected by the police. An even smaller number of offences recorded by the police lead to an individual being convicted in court. Police and conviction data do not therefore offer a particularly reliable basis for understanding the extent of and trends in acts and behaviours currently defined as 'criminal' (Garside, 2004).

A number of alternative datasets – usually based on asking members of the public about their experience of crime, either as victims or perpetrators – have therefore been created in recent years to enhance understanding of the nature and extent of crime and offending behaviour. The main survey covering the adult population is the British Crime Survey (BCS).<sup>3</sup> The YS and the OCJS, upon which the YJB and Home Office have based their youth crime targets, cover different portions of the children and young people population. Prior to the development of these two surveys, there was the Youth Lifestyles Survey (YLS), conducted on two separate occasions in the 1990s.

In this section we examine in more detail these self-report surveys.

### MORI Youth Survey (YS)

The market research company MORI conducted the YS for the YJB annually between 1999 and 2005. The expressed aim of the YS was to examine the experiences of crime, of both offenders and victims, among 11 to 16 year olds in education in England and Wales. The last published YS was in 2004 and was based on a sample of 4,715 pupils and 687 excluded young people aged 11 to 17 years old attending a special project. In 2005, a final survey was conducted of 5,463 schoolchildren aged 11 to 16. Some data from this survey were published as part of a five-year analysis of YS data from 2000 to 2005 which did not look at children excluded from school (Phillips and Chamberlain, 2006).

In each survey the children were asked if they had committed certain types of offences during the previous 12 months. The main offence categories covered related to carrying weapons, stealing or handling stolen goods, criminal damage, theft of a vehicle or being a passenger in a stolen vehicle, and threats and assaults (MORI, 2004). The schoolchildren are also asked if they have been a victim of physical assault, theft, bullying or racial harassment during the previous 12 months.

Compared to police recorded offence data – which are notoriously partial and do not provide any information about the age of suspected offenders – the YS offers a basis for estimating the prevalence of certain offences admitted to by certain secondary school pupils. But, as with all surveys, there is a risk of data inaccuracy. For, as the YJB pointed out in its 2002–2003 annual report, there is a risk of 'distortion as a result of young people either not reporting or falsely reporting offences' (Youth Justice Board, 2003a). Moreover, its sample is limited to children in secondary school education rather than all children under the age of 18 and does not cover all legal offences. At best it gives an indication of trends in certain offence types, committed in certain, largely public, places by certain groups of young people.

3. In May 2008 the Home Office announced proposals to extend the BCS to cover under 16-year-olds.

### *Offending Crime and Justice Survey (OCJS)*

The first OCJS was conducted in 2003 and was initially a survey of the general household population between the ages of 10 and 65. This survey clearly showed that offending – even in the narrow range of offences covered by the survey – was generalised across the population and across age groups. Since 2004 the survey has been limited to the 10 to 25 year age range. It is perhaps symptomatic of the government’s preoccupation with the ‘problem’ of youth crime that the survey has been narrowed in this way.

The survey focuses on levels and trends in youth offending, anti-social behaviour (ASB) and victimisation. The OCJS is currently based on a sample of just over 5,200 young people aged 10 to 25 years old living in private households in England and Wales. These individuals are asked about their involvement as offenders in certain types of crime over the previous 12 months. The core offence categories covered are vehicle-related thefts, other thefts, criminal damage, assaults, burglary, selling drugs and robbery. The survey does not cover all legal offences. Serious violence offences such as homicide and sexual offences are omitted (Wilson, Sharp and Patterson, 2006).

The OCJS also asks the young people about their experiences of being a victim of either a personal theft or an assault in the last 12 months. And it also looks at young people’s involvement in so-called anti-social behaviour and ‘other problem behaviours’. For the purpose of the survey, anti-social behaviour includes noisy behaviour, neighbourhood complaints, public graffiti and racially or religiously motivated abuse. ‘Other problem behaviours’ include fare evasion, truancy, joyriding, driving while thought to be over the limit, speeding and driving without vehicle insurance or a valid driving licence (ibid).

The OCJS probably provides a more reliable estimate of certain offences committed by young people than the YS as it covers young people both in education and in the community and a wider age range of offences. But, as with the YS, it only covers a relatively narrow range of possible offences and is therefore hardly a comprehensive measure of ‘total’ youth offending.

### *Youth Lifestyles Survey (YLS)*

The YLS was conducted in 1992–1993 and 1998–1999. The first survey was based on a sample of 2,529 14 to 25 year olds living in private households in England and Wales (Graham and Bowling, 1995). The second survey had a larger sample size of 4,848 people and the age range was wider, covering young people between 12 and 30 years old living in private households in England and Wales. The participants were asked about their involvement as offenders in certain types of crime over the previous 12 months. In the 1998–1999 survey the main offence categories included criminal damage, property offences, fraud and violent offences (Flood-Page et al., 2000).

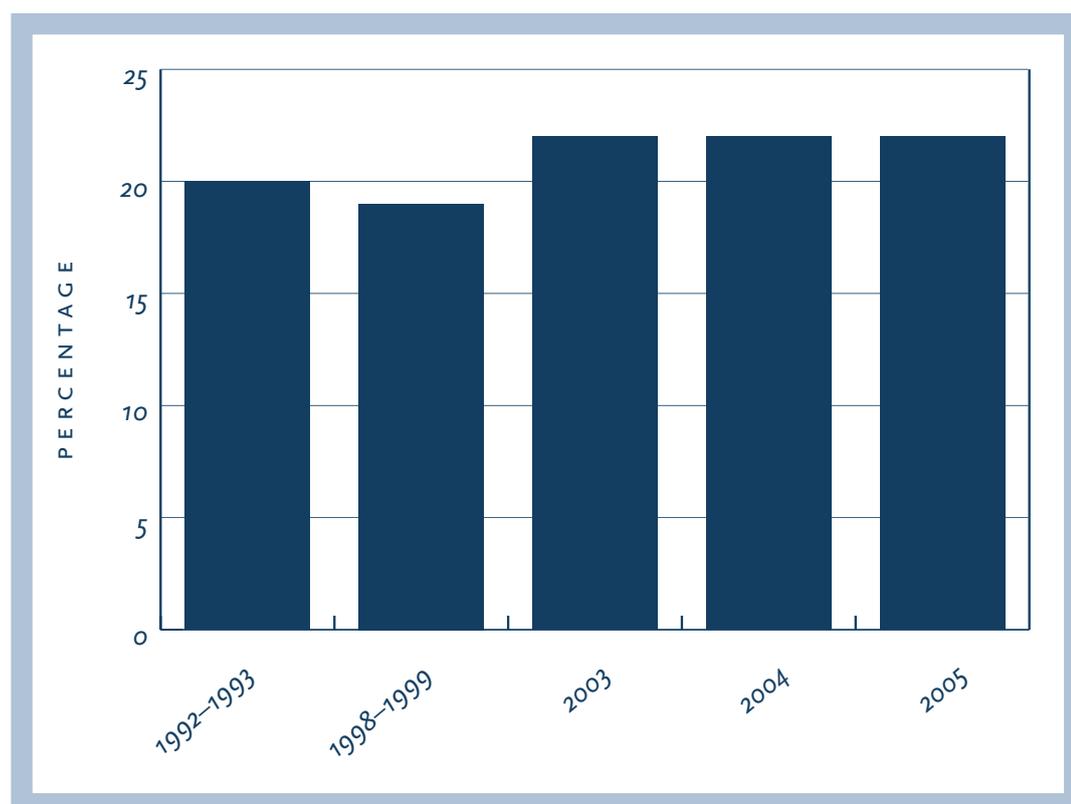
The main purpose of the YLS was to measure the extent of offending among young people, although it also asked about their experience of education and bullying, their home life, victimisation, use of leisure time and their attitudes to and worries about crime.

### *Trends in self-reported youth offending*

The YS and the OCJS, and the YLS before them, therefore attempt to measure, in different ways, the extent of and trends in certain offences as admitted to by children and young people of different ages and in different circumstances. The surveys differ in terms of sample size, age range, methodology and mode of administration, making comparisons and long-term trend analysis far from straightforward. However, they are the only available official data and provide an indication of changing patterns in self-reported offending by children and young people in England and Wales.

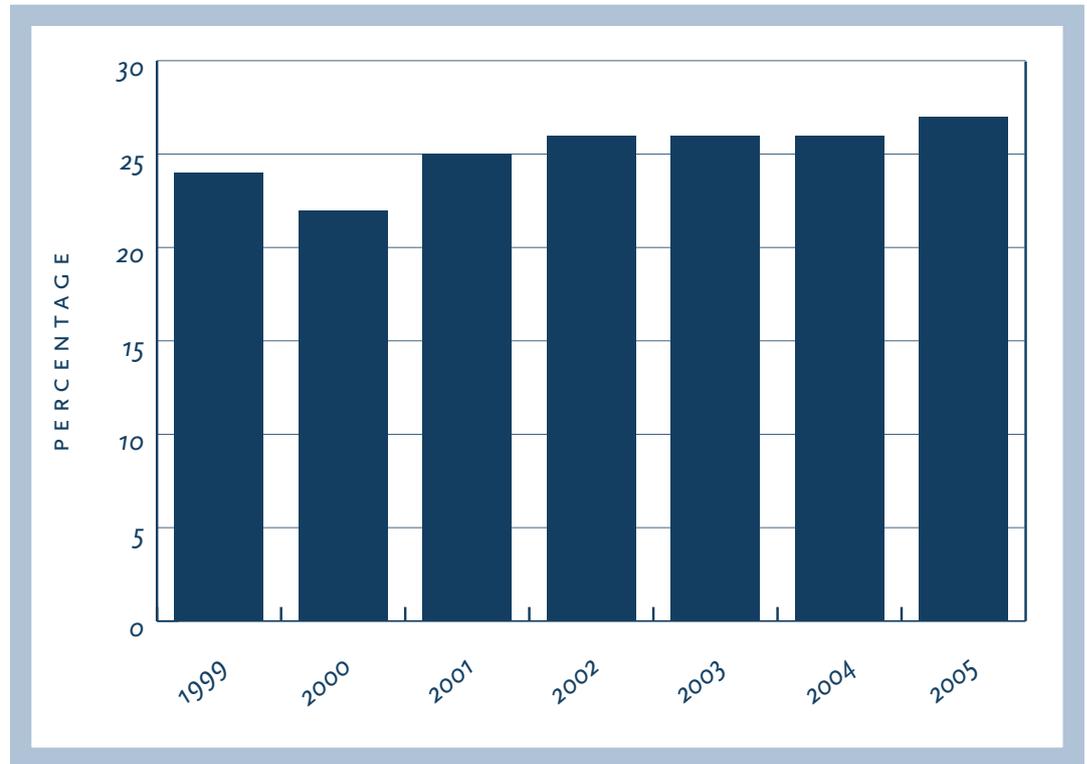
The first YLS, carried out in 1992–1993, found that 20 per cent of 15 to 25 year olds admitted committing an offence in the previous 12 months (Graham and Bowling, 1995). Five years later, the second YLS found that 19 per cent of young people aged between 12 and 30 said they had committed an offence in the last year (Flood-Page, Campbell, Harrington and Miller, 2000). The first OCJS, conducted in 2003, included data on self-reported offending by 12 to 30 year olds. It found that 19 per cent of this age range admitted to an offence in the previous 12 months (Budd, Sharp and Mayhew, 2005). More recently, comparative sweeps of the OCJS between 2003 and 2005 found the rate of offending for 10 to 25 year olds to be stable at 22 per cent (Wilson, Sharp and Patterson, 2006). Overall, therefore, as Figure 10 shows, self-reported offending for children and young people up to the age of 25 or 30 has been stable at between 19 and 22 per cent in the 13 years between 1992 and 2005.

**Figure 10:** Trends in percentage of young people who self-reported offending in the last 12 months as shown in the Youth Lifestyle Surveys and Offending Crime and Justice Surveys, 1992–1993 to 2005 Source: Graham, J. and Bowling, B. (1995), *Young People and Crime*, Home Office Research Study 145, London: HMSO; Flood-Page, C., Campbell, S., Harrington, V. and Miller, J. (2000), *Youth Crime: Findings from the 1998/99 Youth Lifestyle Survey*, Home Office Research Study 209, London: Home Office; Budd, T., Sharp, C. and Mayhew, P. (2005), *Offending in England and Wales: First Results from the 2003 Crime and Justice Survey*, Home Office Research Study 275, London: Home Office; Wilson, D., Sharp, C., and Patterson, A., (2006), *Young People and Crime: Findings from the 2005 Offending Crime and Justice Survey*, London: Home Office



Looking at the YS, it is possible to examine trends from 1999 when the first survey was conducted. Figure 11 shows that, despite a slight dip in 2000, self-reported offending among schoolchildren has also been stable, with around a quarter saying they have committed an offence in the last 12 months.

**Figure 11:** Trends in percentage of 11 to 16 year olds who self-reported offending in the last 12 months as shown in the MORI Youth Surveys, 1999 to 2005 *Source: MORI, (2003), MORI Youth Survey 2003, London: Youth Justice Board; Phillips, A. and Chamberlain, V. (2006), MORI Five-Year Report: An Analysis of Youth Survey Data, London: Youth Justice Board*



It is striking to note from both the YS and the OCJS that there is no indication that the creation of the YJB, YOTs and the greater focus on youth offending, particularly in Labour’s first term in office between 1997 and 2001, had an impact on reducing self-reported youth offending levels. At best, all that can be said is that the wide-ranging reforms have contributed to a continuing stabilisation of self-reported youth offending at the level the government inherited when it came to power in 1997. Given the wide-ranging nature of the youth justice reforms and the substantial levels of investment highlighted in Chapter 2, the youth crime targets have been also somewhat unambitious.

It might equally be argued that all the expenditure and activity in this area has had no measurable impact. Given the long-term trends in self-reported youth offending, many may draw this conclusion. This inevitably raises the question of the purpose of and prudence involved in the various youth justice reforms and the increased expenditure that accompanied them. The implications of this conclusion will be drawn out later in this report.

### Questions of measurement

A further question relates to what exactly it means to use self-report surveys to set a youth crime reduction target. Although the OCJS and YS are in many ways more informative than police recorded crime data and provide interesting and valuable indications of trends in youth offending, they are nonetheless based on the admissions of children and young people who might exaggerate or even understate their experiences. They may therefore fail to measure a substantial amount of crime.

More significantly, the YS and the OCJS focus on a relatively narrow range of offences. Serious offences such as homicide and sexual offences are omitted for instance. There

may be good practical reasons for excluding such offences. Given that both surveys are confidential in nature, the admission by an interviewee to a serious sexual or violent offence would risk placing the interviewer in a deeply difficult situation. But, given the public and political interest in and concern about serious acts of violence by young people, the omission is problematic.

### **Assessing youth crime targets: vehicle crime, burglary and robbery**

As indicated above, the targets on vehicle crime, burglary and robbery were on course to be met comfortably. But what does it mean for these targets to be met, and what contribution, if any, has been made by the government's youth justice reforms towards achieving these targets?

The first point to bear in mind is that the reduction in the number of children and young people convicted of vehicle crime and burglary mirrors the decline in the number of these offences recorded by the police (Nicholas, Kershaw and Walker, 2007). Other things being equal, a fall in the number of offences recorded by the police would be expected to result in a fall in the number of prosecutions undertaken and convictions achieved. In other words, the reduction in convictions may simply be the predictable result of a decline in recorded vehicle crime and burglary. Moreover, the declines in recorded burglary and vehicle crime are part of a long-term trend that predates Labour coming to power in 1997 and thus its various criminal justice reforms (Solmon et al., 2007). This places in some doubt confident claims that the falls in youth convictions for these offences are related to recent government reforms.

The second point to bear in mind is that the targets on burglary, vehicle crime and robbery are for a reduction in the number of convictions rather than in self-reported offending or offences recorded by the police. This makes them susceptible to Crown Prosecution Service decisions to prosecute and also to the availability of diversion from prosecution schemes. Given the recent efforts of the YJB and YOTS in attempting to divert children and young people from criminal prosecution, this target might more accurately be considered as aimed at reducing youth criminalisation rather than reducing youth crime. In other words, meeting the targets does not necessarily give an indication of the real levels of offending behaviour by children and young people in relation to these particular offences.

### **Verdict**

The YJB's and the government's record on reducing youth crime is at best mixed.

On paper, the target for reducing overall youth offending appears ambitious and bold. No previous government had set such an explicit target for youth crime. In reality, however, it is a modest target which committed the government to maintaining self-reported offending by young people at close to the level it had been since 1997. Given that it was not met, despite the significant investment, focus and political energy expended on reforming youth justice, the target and the results are far from impressive.

Furthermore, the overall youth crime target is not an accurate measure of actual youth offending and victimisation. This undermines the meaning and value of the target itself and raises questions about the merits of setting it in the first place.

The specific targets related to particular offences – burglary, vehicle crime and robbery – are also less impressive than they appear. Although there has been some success in meeting these targets, they do not provide an accurate indication of changing youth crime levels for these so-called 'volume' crimes.



The government's record on youth crime reduction is less impressive than many would have expected following a wide-ranging programme of youth justice reform and substantial investment. This raises questions about the success of the reforms in making an impact on the number of children and young people who offend. It also demonstrates that the youth justice agencies can do little more than regulate youth crime and have an extremely limited impact, if any, on reducing it.

# The youth justice process: first-time entrants; arrest to sentence; the use of custody; reducing re-offending

The government and the YJB have pursued a variety of initiatives intended to reform the operation of the youth justice system and the numbers processed by it. Initially the focus was on speeding up the court process, reducing the time from arrest to sentence. More recently, a target has been set to reduce the number of children and young people entering the system for the first time. There has also been a commitment to reducing the numbers in custody and thus the likelihood of them being convicted for further offences.

The rationale for much of this activity has been a concern that the youth justice system was failing to deliver. This view, supported by the Audit Commission's analysis in 1996, was that the system was grossly inefficient and ineffective. This chapter looks at the key targets that were intended to address these failings.

First, we look at how the government has sought to process children and young people who offend more swiftly from the point of arrest to sentence. Second, we look at attempts to reduce the numbers who are given a disposal for the first time – so-called 'first-time entrants' to the youth justice system. Third, we look at whether the aim to reduce the use of custody has been achieved. And finally we look at attempts to reduce 're-offending'. This chapter looks at performance in each of these areas and scrutinises the targets that have been set.

## First-time entrants

The government and the YJB have considered targeted early intervention, as an effective mechanism for reducing the number of children and young people who offend and get caught up in the youth justice system. To this end, the YJB has attempted to reduce the number of first-time entrants.

### The targets

The target to reduce the number of children entering the youth justice system for the first time is relatively new, introduced by the YJB in 2005. First-time entrants are defined as those children and young people who have received their first substantive outcome: either a reprimand, a final warning with or without an intervention or a court disposal.<sup>1</sup> The target commits the YJB to reducing the number of first-time entrants by 5 per cent in the three years to March 2008.

The YJB only began collecting data related to this target in April 2005. It therefore revised the baseline to include all first-time entrants in the 12 months of the 2005–2006 financial year. The aim was to achieve the 5 per cent reduction over the next two financial years, 2006–2007 and 2007–2008 (Table 4).

1. A court disposal refers to a community or custodial sentence and also to other so-called 'first-tier disposals' that a court can give, which include an absolute discharge, a bind over, a compensation order, a conditional discharge, a fine, a referral order, a reparation order or a deferred sentence.

**Table 4:** Targets for first-time entrants

Target	Deadline
Reduce the number of first-time entrants to the youth justice system by 5% compared to the March 2005 baseline. (Youth Justice Board, <i>Corporate and Business Plan 2005/06–2007/08</i> )	March 2008
Reduce the number of first-time entrants to the youth justice system by 5% compared to the number in 2005–2006. (Youth Justice Board, <i>Annual Report and Accounts 2006/07</i> )	March 2008

A key mechanism for meeting the target has been the early intervention and parenting programmes introduced by the YJB. The Youth Inclusion Programmes (YIPs) and the Youth Inclusion and Support Panels (YISPs) are both intended to prevent children ‘at risk of offending from entering the youth justice system’ (Youth Justice Board, 2006a). As highlighted in Chapter 2, the £45 million funding increase for prevention programmes for the period 2005–2006 to 2007–2008 has enabled the YJB to substantially expand these schemes. By 2008 the aim was to have 220 YISPs and 110 YIPs in England and Wales, as well as 87 new parenting schemes (Youth Justice Board, 2006).

There are of course limitations to what can be achieved by relying on these schemes and programmes.<sup>2</sup> The fact that they have been the primary focus for reducing the number of first-time entrants raises questions about how committed the government has really been to stopping children being drawn into the criminal justice system. If it had wanted to make a significant impact, it would have also needed to invest in and support social programmes rather than task the YJB, whose primary purpose is to oversee work with children in the youth justice system, to fund projects.

### What has been delivered?

Reducing the number of first-time entrants has proved to be a demanding task against the background of increasing numbers of children being drawn into the youth justice system. Thus the YJB’s latest annual report refers to ‘the need to bring down the number of young people in the youth justice system’ (Youth Justice Board, 2007).

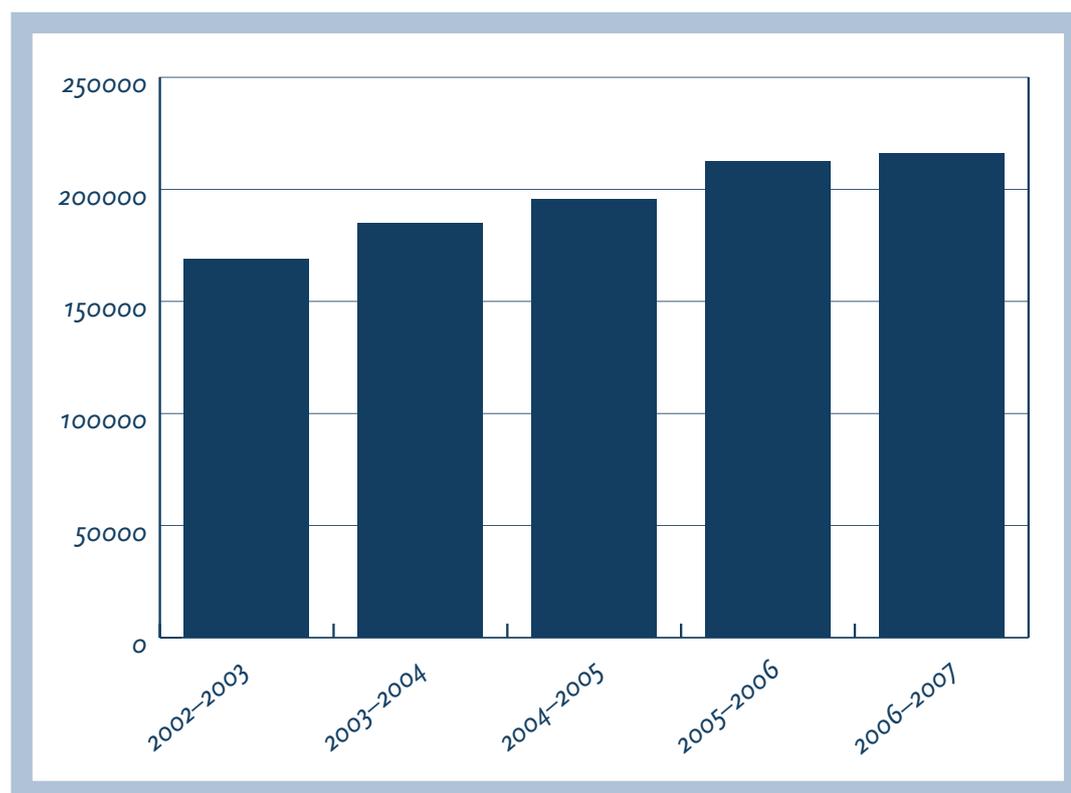
According to the YJB there were 97,329 first-time entrants in 2005–2006, the baseline year (Youth Justice Board, 2007). The target commits the YJB to reducing this figure by 5 per cent by March 2008. The number of first-time entrants would therefore have to be reduced to 92,463. The latest YJB annual statistics show that, in 2006–2007, the number of first-time entrants was 93,730, a 3.7 per cent reduction (Youth Justice Board, 2008). This suggests 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’ (Youth Justice Board, 2007).

Even if the first-time entrants target is met, it masks the fact that overall, in recent years, the trend has been for more children to be drawn into the youth justice system. Youth Justice Board data shows that in the five years 2002–2003 to 2006–2007, the total number of disposals either pre- or post-court given to children increased by 28 per cent, rising from 168,673 to 216,011 (Figure 12). The former chair of the YJB, Professor Rod Morgan, has calculated that, although these figures cover disposals, they also equate to the actual number of children given a youth justice sanction. Hence, in his resignation letter, he stated, that the increase signalled ‘a form of mission creep’ that was ‘silting up’ the youth justice system (Morgan, 2007 and personal communication). In addition,

2. An evaluation of the YIP found that it had a mixed impact (Morgan Harris Burrows, 2003). A quarter of children who had not been arrested before joining the programme were arrested after completing it. But of those who had been arrested before starting the YIP, following completion three-quarters were arrested for fewer offences so their overall detected offending decreased. However, their undetected offending may have increased.

a recent analysis published by the crime reduction charity, Nacro, found that, in the three years to 2006, there was a 19 per cent increase in the number of children given a reprimand, final warning or conviction for serious indictable offences and a 39 per cent increase in the numbers dealt with formally for summary or minor offences (Nacro, 2008). The latter, in particular, demonstrates the significant shift towards formal criminal justice responses in dealing with children's misbehaviour.

**Figure 12:** Total number of disposals reported by youth offending teams, 2002–2003 to 2005–2006 Source: Youth Justice Board (2006), Youth Justice Annual Statistics 2005/06, London: Youth Justice Board; Youth Justice Board (2008) Youth Justice Annual Workload Data 2006/07, London: Youth Justice Board



A key factor which is drawing more children and young people into the youth justice system is the government's offences brought to justice target. Increasing the number of suspected offences that result in an individual being cautioned, convicted or otherwise sanctioned – known as offences brought to justice – has been a key priority for Labour since 1997. The target of increasing the number of crimes for which an offender is brought to justice to 1.25 million by 2007–2008 was met by 2006. However, as the Centre for Crime and Justice Studies' audit *Ten Years of Criminal Justice under Labour* highlighted, this was largely due to a rise in the number of administrative penalties for minor offences (Solomon et al., 2007)

The YJB's 2007 annual report highlights concerns that the offences brought to justice target has led to many more children and young people being drawn into the youth justice system. It states:

'There is evidence to suggest that changes in police practices are leading to higher numbers of young people entering the Criminal Justice System for the first time. The National Criminal Justice Board has noted that the public service agreement to bring 1.25 million offences to justice in 2007/08 has resulted in lower order offences

making up a greater proportion of offences brought to justice. Minor offences are disproportionately committed by young people, therefore as greater volumes of lower order offences are detected by the police, so the number of young people who offend and are brought to justice increases.’

(Youth Justice Board, 2007)

The increase in children entering the system has had serious consequences for workload. In its annual report on the joint inspection of YOTs, HM Inspectorate of Probation notes that these have ‘not been anticipated or resourced – in one area this was up 41% in less than 12 months’ (HM Inspectorate of Probation, 2007).

The YJB is hoping that the new Public Service Agreements (PSAs) for 2008–2011, which refocus the offences brought to justice target on the more serious violent and sexual offences as a proportion of police recorded crime, will ‘help rebalance the current trend’ (Youth Justice Board, 2007).

Other developments might also increase the likelihood of the target being hit. For one thing, the target has now been elevated to a PSA target, with the intention of encouraging the police to work more closely with YOTs to reduce the number of children entering the youth justice system. In addition, the recently published *Children’s Plan* makes a commitment ‘to significantly reduce by 2020 the number of young people receiving a conviction, reprimand or final warning for a recordable offence for the first time’ (Department for Children, Schools and Families, 2007).

However, if this is to be achieved, the current trend of dealing with low-level offences through formal interventions, rather than informally, needs to be reviewed, so that far fewer children and young people are drawn into the youth justice system. More broadly, the general policy drift of dealing with troublesome children through criminal justice mechanisms – embodied in the existence of the YJB as a specialist criminal justice agency – requires careful reflection. This is a point returned to in Chapter 5.

## Arrest to sentence

Labour’s first key youth justice pledge was to reduce the amount of time that it takes from initial arrest to eventual sentence for children. The 1997 election manifesto argued that ‘far too often young criminals offend again and again while waiting months for a court hearing’ (Labour Party, 1997). Once in government, Labour’s *No More Excuses* White Paper went further, stating that delays in the youth justice system were a growing concern: ‘They impede justice, frustrate victims and bring the law into disrepute. And delays do no favours to young offenders themselves: they increase the risk of offending on bail and they postpone intervention to address offending behaviour’ (Home Office, 1997). The YJB’s early priority, therefore, was to reduce the time from arrest to sentence for so-called persistent young offenders and to speed up youth court cases.

### The targets

From its inception, the YJB set two types of targets to address the time it takes from arrest to sentence for children and young people. One focused on the so-called persistent young offenders and the other focused on the processing of cases in the youth court (Table 5).

#### *Persistent young offenders*

Prior to the 1997 election, Labour made five pledges to the public on which it asked to be judged at the end of a first term in office. One of the pledges was to halve the time from arrest to sentence for persistent young offenders; significantly, it was the only pledge that related to criminal justice. This demonstrates the importance that the government initially attached to delivering on youth justice reform. Consequently, one of the YJB’s first targets was for persistent young offenders.

**Table 5: Arrest to sentence targets**

Target	Deadline
<i>Persistent young offenders</i>	
Halve from 142 to 71 days the average time from arrest to sentence for persistent young offenders. (HM Treasury Spending Review 1998)	None
Halve from 142 to 71 days by 2002 the time taken from arrest to sentence for persistent young offenders and maintain that level thereafter. (HM Treasury Spending Review 2000)	March 2002
Reduce the time from arrest to sentence for persistent young offenders to 71 days or lower from March 2002 onwards. (Youth Justice Board, <i>Corporate Plan 2001/02–2003/04 and Business Plan 2001/02</i> )	
Ensure that the average time from arrest to sentence for persistent young offenders is brought below 71 days in all criminal justice areas from 2003-2004 onwards. (Youth Justice Board, <i>Corporate and Business Plan 2003/04b–2005/06</i> )	March 2004
<i>Youth courts</i>	
Reduce the time for arrest to sentence for all offenders in the youth court cases to 61 days by March 2004, with 80% of all cases completed within their time targets. (Youth Justice Board, <i>Corporate Plan 2001/02–2003/04 and Business Plan 2001/02</i> )	March 2004
Deal with 80% of youth court cases within their time targets. (HM Treasury Spending Review 2000)	March 2004
Ensure that the average time from arrest to sentence for all youth court cases is reduced to 51 days by March 2003 and that 80% of all cases are completed within their time targets. (Youth Justice Board, <i>Corporate Plan 2002/03–2004/05 and Business Plan 2002/03</i> )	March 2003

After the age limit was raised to 18 in 1992, the most common conviction age for young men (Home Office, 1997a; Home Office, 2000), by 1996 busier courts had resulted in an average time from arrest to sentence for persistent young offenders of 142 days. This figure was taken as the baseline for the persistent young offender target. Following on from the manifesto pledge, the 1998 Spending Review set the specific objective of halving the time to 71 days and the YJB made a commitment to achieve this. However, it was not until two years later, in the next Spending Review, that a deadline for 2002 was set for achieving the target. The YJB's *Corporate Plan 2001/02–2003/04 and Business Plan 2001/02* therefore set a target to reduce the time from arrest to sentence for persistent young offenders to 71 days or lower from March 2002 onwards (Youth justice Board, 2001).

Subsequently, the 71-day target was amended. In its *Corporate and Business Plan 2003/04–2005/06*, the YJB made a commitment to ‘ensure that the average time from arrest to sentence for persistent young offenders is brought below 71 days in *all* criminal justice areas’ [emphasis added] from 2003–2004 onwards (Youth Justice Board, 2004b).

Since then the YJB has no longer set it as a corporate target but it has continued to remain in place as part of key local criminal justice board targets, though in a revised form of ‘71 days or fewer’ rather than ‘below 71 days’ (Youth Justice Board, 2006b).

#### *Time targets for youth courts*

The YJB’s *Corporate Plan 2001/02–2003/04 and Business Plan 2001/02* set a target to reduce the time from arrest to sentence for all offenders in the youth court to 61 days by March 2004, with 80 per cent of cases dealt with inside targets set by the government. This was in line with the 2000 Spending Review target for dealing with 80 per cent of youth court cases within specific time targets set to a March 2004 deadline.

In its next corporate and business plan, released the following year, the target was amended by the YJB to make it more demanding. It said it would ‘ensure the average time from arrest to sentence for all youth court cases is reduced to 51 days by March 2003 with 80 per cent of all cases completed within targets set by the Government’ (Youth Justice Board, 2002a) (see Table 6 for the youth court time targets).

The target was then dropped, and it was decided by the government that performance indicators for all youth court cases should be set locally from April 2003.

#### **What has been delivered?**

##### *Persistent young offenders*

In its *Corporate Plan 2002/03–2004/05 and Business Plan 2002/03* the YJB reported that the average time taken to deal with persistent young offenders had fallen from 142 days in 1996 to ‘70 days by the third quarter of 2001’ (Youth Justice Board, 2002a). This was ahead of the original deadline of March 2002, so the YJB and the government had successfully delivered on the pledge six months early. Figure 13 shows that the target was then met year on year until 2006 when the average time was 72 days, just above the original target. Performance improved the following year in 2007 when the average time was 65 days.

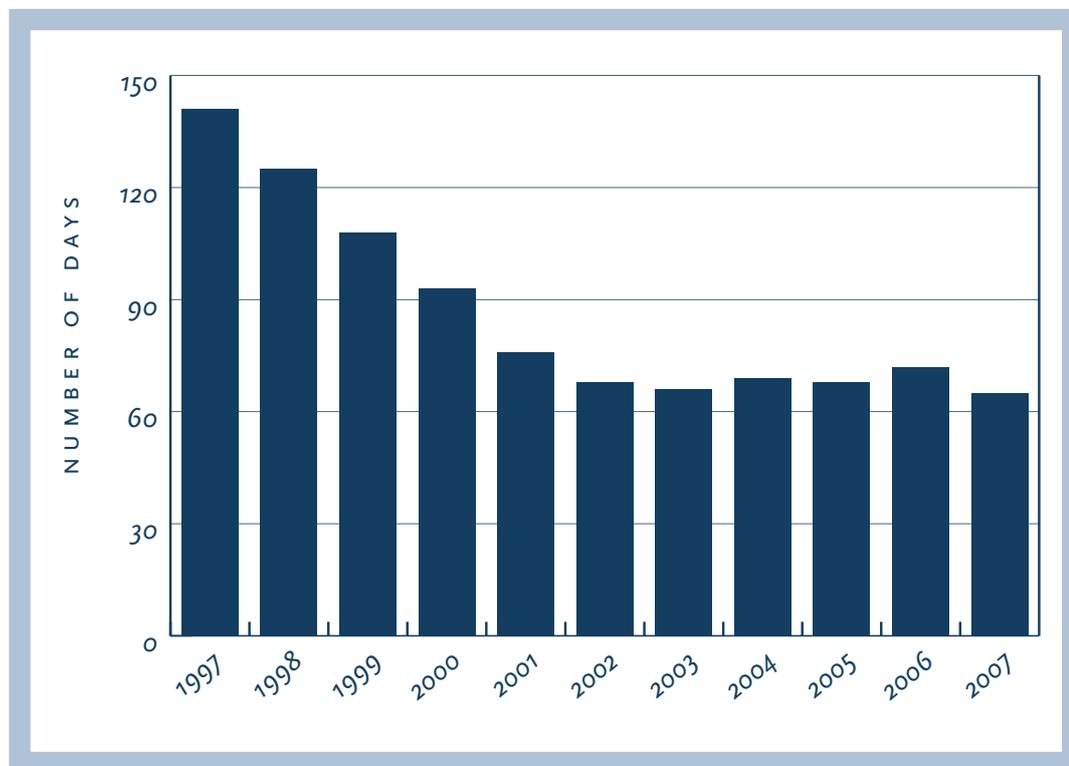
Looking at each criminal justice board area, Figure 14 shows that while in most areas there was initial improvement in performance (between 2003 and 2005 more than three-quarters of areas met the target), more recently performance has been more mixed. In 2006 half of areas did not meet the target, the lowest number for five years. However, in the following year, 2007, performance improved, with 35 areas meeting the target.

References to persistent young offenders notwithstanding, it is worth remembering that what is being referred to here is young people who are regularly convicted of offences, rather than all young people who might commit offences regularly, many of whom will not be caught.

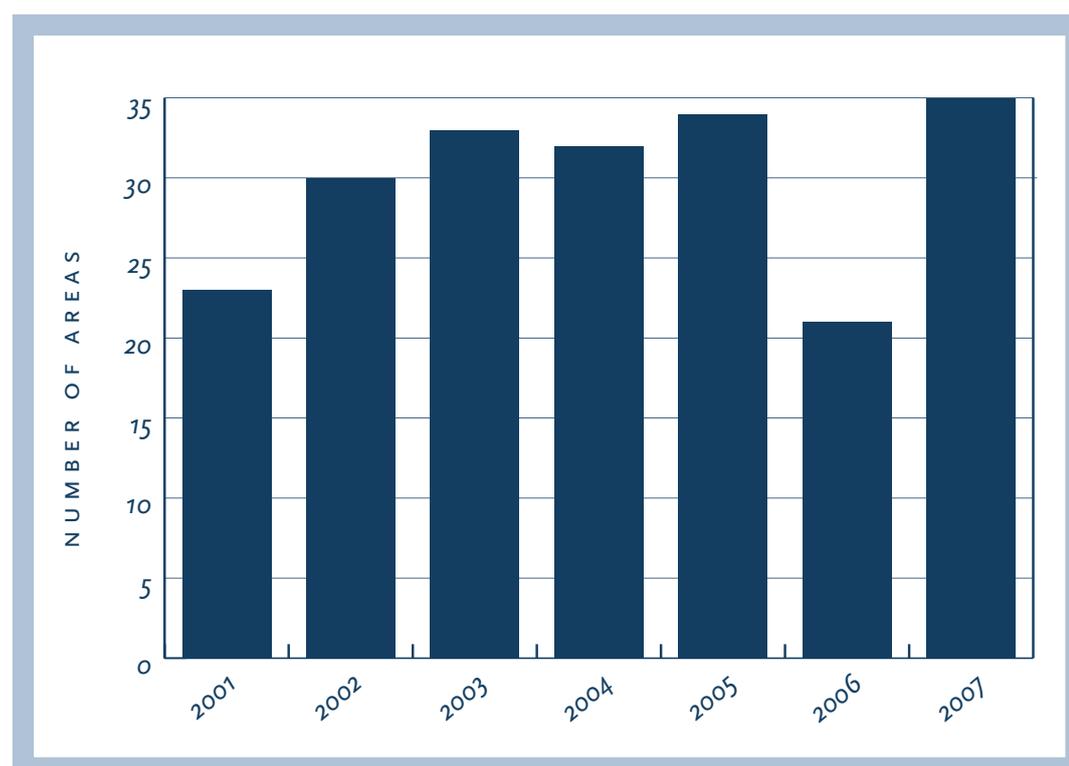
##### *Time targets for youth courts*

Figures for the time from arrest to sentence for offenders in the youth court are not published by the Ministry of Justice. However, according to the YJB, ‘the average time from arrest to sentence for all young offenders was 56 days in March 2003’ (Youth Justice Board, 2005a), which is above the target of 51 days. The target was subsequently dropped by the YJB.

**Figure 13:** Average time from arrest to sentence for persistent young offenders in England and Wales, 1997 to 2007 Source: Ministry of Justice (2008), 'Average time from arrest to sentence for persistent young offenders January 2008', Ministry of Justice Statistics Bulletin, London: Ministry of Justice



**Figure 14:** Number of 42 criminal justice areas achieving the 71-day target for persistent young offenders, 2001 to 2007 Source: DCA (2007), *Statistical Bulletin: Statistics on Persistent Young Offenders, Issue 3/2007*, London: DCA; Ministry of Justice (2008), *Statistical Bulletin: Statistics on Persistent Young Offenders, Issue 3/2008*, London: Ministry of Justice



**Table 6:** Youth court time targets and performance at March 2002 for youth court cases  
*Source: Home Office (2001a), Business Plan 2001/02, London: Home Office; Home Office (2003), Departmental Report 2003, London: Home Office, p.18*

Disposal	Target	Performance
Guilty pleas	70 days	49 days
Not guilty pleas	150 days	124 days
Committals	125 days	85 days

Looking at the specific time targets, Table 6 shows that the targets were met by March 2002, well before the 2004 deadline. The time targets were also subsequently dropped by the YJB. However, the Ministry of Justice continues to monitor timeliness in the youth courts and publishes quarterly national, as well as local, performance figures. National Standards have been set for timeliness with all youth defendants since 2004.

**Table 7:** National Standards for youth court time targets and performance at December 2007  
*Source: Ministry of Justice (2008), 'Statistics on magistrates' courts', Statistical Bulletin: Time Intervals for Criminal Proceedings in Magistrates' Courts, December 2007, England and Wales, Issue T1/2008, London: Ministry of Justice*

Disposal	Standard	Performance
Guilty pleas	59 days	91
Not guilty pleas	176 days	93
Committals	101 days	95

In December 2007, 92 per cent of youth court cases were completed within the standards (Ministry of Justice, 2008), which is well above the YJB's original target of 80 per cent. However, as Table 7 shows, recent performance has been mixed. The time taken for guilty pleas is 32 days longer than the target of 59 days. In addition, performance against the target for committals was running at 95 days. Although this is within the current target of 101 days, four years earlier, in March 2002, it was only 85 days (Table 6).

This latest performance is perhaps surprising given the fact that the number of cases involving children under the age of 18 coming before the courts decreased from 150,000 in 2001 to 126,000 in 2006 (Ministry of Justice, 2007).

### The use of custody

The number of children in custody has risen in recent years, and England and Wales has the highest number of children in prison in western Europe (Council of Europe, 2004). Of all the countries in the European Council, only Ukraine locks up more children (ibid). The YJB has set targets to reduce the numbers in custody but with little success.

### The targets

Since the YJB began commissioning secure accommodation in 2001, it has set various targets for a reduction in the number of children in custody. After initially setting separate targets for those remanded to custody and those sentenced to custody, a single target has been set to reduce numbers by 10 per cent, but the deadline for achieving this has changed and so has the number against which the reduction is to be achieved (Table 8).

Initially, a target was set to reduce the numbers remanded to custody by 15 per cent and sentenced to custody by 10 per cent between 2001 and 2005. A single target was then set

to reduce all children sent to custody by the same proportion (10 per cent) but from 2002. The following year, the target was modified. The aim was still to reduce numbers by 10 per cent but against a baseline of October 2003, and a new deadline of March 2006 was set. More recently, in 2005, the target was further changed, with the aim of reducing numbers by 10 per cent between March 2005 and March 2008.

This target was to be achieved partly through a focus on an extended availability and access to the ISSP, introduced in 2001 as a ‘robust alternative to custody’ for young people (Youth Justice Board, 2003a). Widening the use of the ISSP became a specific YJB target in 2003, with the pledge to ensure that at least 4,000 young offenders each year were intensively supervised in the community by March 2005. This target was recently dropped from the latest set of corporate targets due to new legislation that introduces a generic community sentence for all under-18 year olds.

**Table 8:** Targets on reducing the number of children in custody

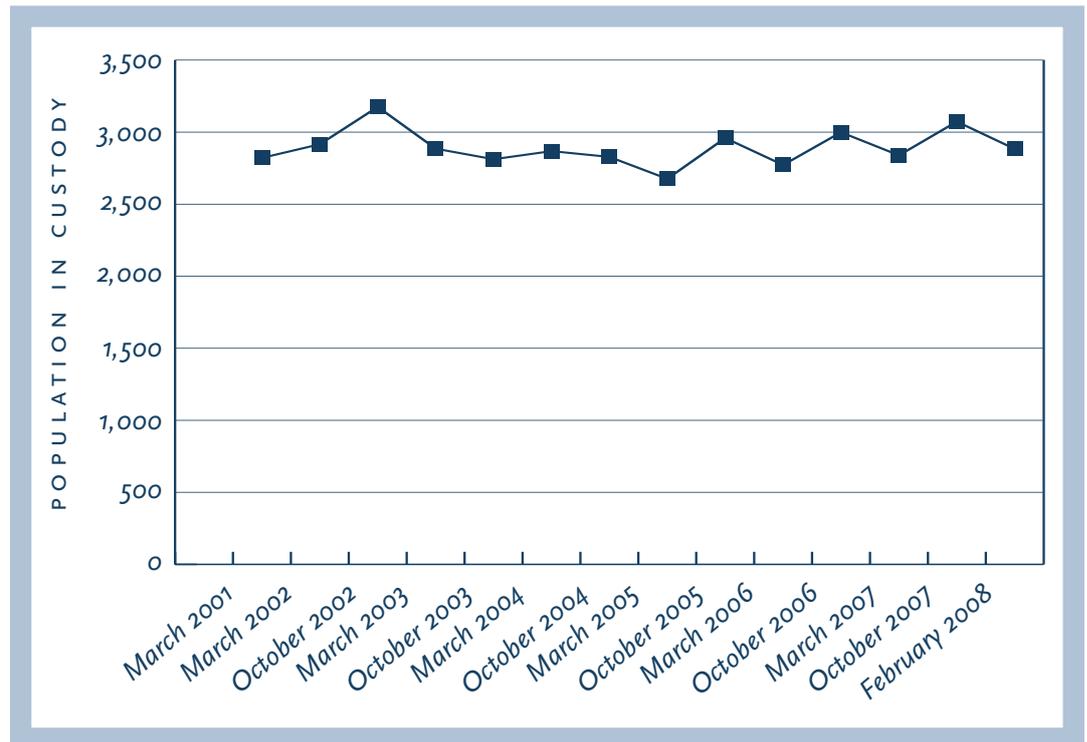
Target	Deadline set
Reduce number of under-18s remanded to secure facilities by 15% from March 2001 level by March 2005.	March 2005
Reduce number of under-18s sentenced to secure facilities by 10% from March 2001 level by March 2005. (Youth Justice Board, <i>Corporate Plan 2002/03–2004/05 and Business Plan 2002/03</i> )	
Ensure that, by March 2005, at least 4,000 young offenders a year are intensively supervised in the community and reduce the number of under-18s remanded and sentenced to secure facilities by 10% from the October 2002 level. (Youth Justice Board, <i>Corporate and Business Plan 2003/04–2005/06</i> )	March 2005
Ensure that, by March 2005, at least 4,000 young offenders each year are intensively supervised in the community and reduce, by March 2006, the number of under-18s remanded and sentenced to secure facilities by 10% from the October 2003 level. (Youth Justice Board, <i>Corporate and Business Plan 2004/05–2006/07</i> )	March 2006
Between 31 March 2005 and 31 March 2008, reduce the size of the under-18 custodial population by 10%. (Youth Justice Board, <i>Corporate and Business Plan 2005/06–2007/08</i> )	March 2008

### What has been delivered?

The number of children in custody in England and Wales has remained at or above 2,800 since March 2001, apart from in March 2005 and March 2006 when the numbers fell below that figure (see Figure 15). Consequently the YJB has failed to meet nearly all the targets that have been set to reduce the number of children locked up.

**Figure 15:** Number of under-18 year olds in custody, March 2001 to February 2008

Source: Youth Justice Board (2007), 'Comparison of under 18-year-old secure estate population since 2000', available at: [www.yjb.gov.uk/NR/rdonlyres/E66D3601-C2AF-469F-8CA7-410F5CA3A678/0/February2008CustodyFiguresSummary.pdf](http://www.yjb.gov.uk/NR/rdonlyres/E66D3601-C2AF-469F-8CA7-410F5CA3A678/0/February2008CustodyFiguresSummary.pdf)



The initial target was to reduce the numbers in custody by 10 per cent between March 2001 and March 2005. While the total child population in custody did decline by 145 over this period, it was a fall of only 5 per cent.

However, the next target of a 10 per cent reduction between October 2002 and March 2005 was achieved, with numbers falling by 499, a decline of 16 per cent. This was largely due to the end of the peak in custodial numbers in 2002 caused by the Street Crime Initiative (SCI) against robbery, during which time many more young people were targeted than was the norm.

The revised target of a 10 per cent decline between October 2003 and March 2006 was not achieved; the number of children locked up declined by just 40 during this period, a fall of 1.4 per cent.

More recently, the overall rise in the number of children sentenced to custody since March 2005 means that the current target to reduce numbers by 10 per cent in the three years to March 2008 will not be met (Figure 15). Performance is deteriorating, with the number of children in custody rising by 207 from 2,676 in March 2005 to 2,883 in February 2008, an 8 per cent increase. This is the first time there has been an overall increase in custodial numbers during a period when the YJB was aiming to achieve a reduction since the very first target was set.

The recent failure to meet the targets is set against the fact that the YJB has met its target of at least 4,000 children being on ISSPs each year. During 2004–2005, 4,960 children started the ISSP and this figure rose to 5,568 in 2005–2006 (Youth Justice Board, 2006b).

Although the increase in ISSP use did occur, research found that the resultant reduction in the use of custody was lower than expected due to a net-widening effect. Some commentators argued that this was entirely to be expected: custody would continue to be used and the ISSP would replace other, less demanding, community sentences. The YJB's own research has suggested that this is indeed what has tended to happen (Youth Justice Board, 2004c). Follow-up research has pointed out that stricter enforcement procedures for breaches of ISSPs have also been a factor in the rise in the number of children in prison (Youth Justice Board, 2005). However, overall, the rise in imprisonment is due to the courts adopting a more punitive approach, locking up proportionately more children and for longer. For example, the number of custodial sentences imposed in 2004 was 60 per cent higher than in the early 1990s and the average custodial sentence for burglary imposed by the youth court increased from four months in 1994 to 9.5 months in 2004 (Nacro, 2006). This harsher sentencing regime is also a consequence of the prevailing political agenda adopted by New Labour, to be tough on youth crime and make 'no more excuses' for child law breaking (Home Office, 1997).

It should not be forgotten that there has been a terrible human cost behind the rise in the number of children in prison. Since 1990, 30 children have died in custody, nearly all of them suicides. The most recent was in November 2007 when 15 year old Liam McManus hanged himself at HM YOI Lancaster Farms. Research has found that the risk of suicide for incarcerated boys is 18 times higher than for those in the community (Faze, Benning and Danesh, 2005).

## Reducing re-offending

Both the Home Office and the YJB have set several targets on re-offending over a number of years (Table 9). Most have been modified or missed. The lack of clarity about what 're-offending' means, along with slippage over definitions and targets, has bedevilled this area of youth justice policy.

### Clarifying terms: understanding 're-offending'

To understand better the government's and the YJB's record on re-offending, it is important to distinguish between two different categories that the government tends to use interchangeably: 're-offending' and 'reconviction'.

#### *Re-offending*

'Re-offending' refers to the activity of an individual committing and recommitting crime. In some circumstances the individual will be prosecuted and convicted of those crimes. In many cases, his or her offending activity will go undetected. An individual can be a multiple re-offender without ever being convicted. Measuring re-offending is therefore fraught with difficulties, although research based on asking individuals, in confidence, about offences they may have committed (so-called 'self-report surveys') has thrown up some interesting results.

#### *Reconviction*

'Reconviction' refers to the process whereby an individual is found guilty of one or more criminal offences, having previously been found guilty of one or more other criminal offences. Measuring reconvictions is relatively straightforward, involving the court conviction records of individuals or whole populations. Historically, the government has tended to use a two-year time window to measure reconvictions. In the case of community sentences, fines or other non-custodial disposals, an individual is said to have been

reconvicted if he or she has been convicted of a fresh offence within two years of a previous conviction. In the case of a former prisoner, he or she is deemed to have been reconvicted if he or she is convicted of a fresh offence within two years of release from prison. However, for young offenders, the government has measured reconviction one year after the original disposal, on the basis of either a pre-court, court disposal or release from custody. More recently, the government has announced new measures based on frequency and severity of reconviction.<sup>3</sup>

Regardless of how they are measured, it should be clear that re-offending and reconviction are very different categories. Unfortunately the government tends to elide the two, generally using 're-offending' to refer to what should more properly be described as 'reconviction'. This has resulted in a significant confusion, to which we will return. In the following section, inaccurate references to 're-offending' when what is meant is 'reconviction' will be signalled by 'sic'.

### The targets

The targets on reconviction have chopped and changed considerably since they were first set (Table 9). Initially the 1998 Spending Review outlined the general aim of reducing levels of reconviction through 'effective execution of the sentences of the courts so as to reduce re-offending' (HM Treasury, 1998). By the time of the 2000 Spending Review, this had become an explicit target 'to reduce re-offending' [sic] by 5 per cent compared to the predicted rate. This was reflected in the YJB's *Corporate Plan 2001/02–2003/04* and *Business Plan 2001/02* which set the goal of achieving a reduction in reconviction rates for young offenders by 5 per cent by March 2004.

The target was modified in the next Spending Review in 2002 and the YJB's next corporate plan. A new target was set to reduce re-offending [sic] by 5 per cent for young offenders by March 2006 against a 2000 baseline. This target was then kept in place in the YJB's subsequent corporate and business plans until 2006. The reason for this was because, in its 2004 Spending Review, the government decided not to set a new specific percentage target for reducing reconviction.

More recently, a new target was set in the YJB's *Corporate and Business Plan 2006/07–2008/09*: 'Support the youth justice system to protect victims and communities by reducing re-offending [sic] by children and young people by 5% by March 2008 compared with the 2002/03 baseline, working towards a 10% reduction by the end of the decade' (Youth Justice Board, 2007a). For 2006–2007 YOTs were set a specific target to achieve a 5 per cent reduction in the re-offending [sic] rate compared to the 2002 baseline (Youth Justice Board, 2008).

### What has been delivered?

The government initially reported great progress against the reconviction targets for young offenders, with the YJB reporting in 2005 that the target of reducing re-offending [sic] by 5 per cent by March 2004 was achieved ahead of target. It stated that the 'Home Office's One-Year Reconvictions Study shows that this reduction has already been achieved' (Youth Justice Board, 2005a). However, this proved not to be the case.

Initially the government claimed that it had achieved a dramatic 22.5 per cent reduction in reconviction rates against the 5 per cent target. This was then corrected to 7.7 per cent. However, criminologists Anthony Bottoms and James Dignan raised further doubts about methodology. In response, the Home Office released another report, with a further correction, noting that further investigation into research methods showed that the Home Office had again 'overestimated the reduction in reconviction rates' and in fact the figure should have shown only 'a 2.4 per cent reduction' (Home Office, 2004). This was clearly a great embarrassment for the government.

3. The changes to measuring reconviction were announced on 7th May 2008. Frequency and severity of reconviction have now become the new headline measure against which targets set out in the 2008-2011 Public Service Agreements have been set. See: <http://www.justice.gov.uk/news/announcement070508b.htm>

**Table 9:** Targets on reconviction rates

Target	Deadline set
Effective execution of the sentences of the courts so as to reduce re-offending. (HM Treasury Spending Review 1998)	None given
Reduce reconvictions of young offenders by 5%. (Youth Justice Board, <i>Corporate Plan 2001/02–2003/04 and Business Plan 2001/02</i> ; HM Treasury Spending Review 2000)	March 2004
Reducing re-offending by young offenders by a further 5% compared with the 2000 baseline. (Youth Justice Board, <i>Corporate and Business Plan 2003/04–2005/06</i> ; HM Treasury Spending Review 2002)	March 2006
Reducing re-offending by children and young people by 5% compared with the 2002–2003 baseline, working towards a 10% reduction by the end of the decade. (Youth Justice Board, <i>Corporate and Business Plan 2006/07–2008/09</i> ; Home Office, <i>Strategic Plan 2004–08</i> )	March 2008 and 2010

Home Office research now shows that the target to reduce re-offending by 5 per cent by March 2004 has not been met (Home Office, 2004). As the YJB's most recent annual report states, '[T]he latest data shows that, in 2004, the re-offending [sic] rate for children and young people reduced by 3.8% compared to 1997... therefore the Spending Review target of a 5% reduction [by March 2004] was not achieved' (Youth Justice Board, 2007).

In terms of progress against the 5 per cent target for March 2006, current performance is not promising. The latest government research shows that, in 2005, reconviction rates for children and young people reduced by 0.1 per cent compared to 2000. It notes that, 'A reduction of 5 per cent is required to meet the PSA target to be measured on the 2006 cohort' (Medhurst and Cunliffe, 2007). Not surprisingly, the YJB's assessment is that the target is 'at risk' (Youth Justice Board, 2007).

Despite this, the YJB's latest annual statistics states that there has been progress with a '2.2% reduction from the re-offending [sic] rate of the 2002 cohort' (Youth Justice Board, 2008). Based on new measures looking at severity and frequency of re-offending [sic] the government also says there has been 'a substantial reduction' in the number of 'juvenile re-offences' (Ministry of Justice, 2008a; Ministry of Justice, 2008b).

The government has been beset with problems in setting, revising and failing to hit its reconviction targets for children. These are partly a result of its own lack of clarity about what it is trying to achieve. In particular, its use of reconvictions as a proxy measure of re-offending has arguably been the cause of acute conceptual confusion.

While the aspiration to reduce re-offending is a largely uncontroversial one, the same cannot be said for the reduction in reconvictions. Indeed, it is arguable that a government concerned with reducing crime and bringing more young offenders to justice would wish to increase the rate of conviction. If, as the government claims, 'around half of youth crime is committed by a small minority of prolific offenders' (Department for Children, Schools and Families, 2007a), then driving up the rate of reconviction would logically be a desirable policy outcome. In reality, most crime is not the preserve of a small criminal hardcore

(Garside, 2004). Driving up the rate of reconviction is far more likely to unnecessarily criminalise young people than do something meaningful to address levels of crime and harm.

It should also be recognised that the failure to reduce reconviction levels is in part a reflection of the lack of service provision available to children and young people once they leave custody or the supervision of a YOT, as well as broader socio-structural factors. Although the YJB has attempted to improve provision with initiatives such as the Resettlement and Aftercare Provision scheme, many young people continue to be left unsupported, unable to continue with education or training or with substance misuse or mental health programmes on completion of their sentence, and often without suitable accommodation. The government acknowledges this gap in service provision and the recent *Children's Plan* sets out proposals to explore improvements in 'post-justice continuity of care' (Department for Children, Schools and Families, 2007).

For many, notably the prison reform lobby and children's charities, the high number of children locked up is a black mark against Labour's name. But there has never been any indication from government that the numbers in custody, or indeed the expanded youth justice net, has been an unintended consequence of the youth justice reforms. Rather, it would appear that ministers regard it as logical outcome.

### Verdict

This chapter has examined four key elements of the youth justice process: the time from arrest to sentence, the numbers entering the youth justice system for the first time, the numbers in custody and re-conviction levels.

There has been success in meeting the targets on arrest to sentence and processing cases through the youth court, it is unclear yet if the first time entrants target will be met and targets in the other two areas have not been met. This demonstrates how the key priority was speeding up the youth justice process. It is only recently that the government has been concerned with addressing the increasing numbers being caught up in the youth justice net in terms of first-time entrants. Consequently, political attention has not been directed at shrinking the number of children processed by the system or incarcerated. The primary aim has been to process children more quickly.

This raises important questions about the criminalisation of increasing numbers of children who have multiple social needs (as examined in Chapter 5) and the intended outcomes of the youth justice reform programme. It is clear that the increase in investment in the youth justice system highlighted in Chapter 2 has not simply been provided to respond in a more coordinated, efficient and effective way to children who get in to trouble with the law, but has been necessary to resource formal criminal justice-led responses to children who behave in disruptive and challenging ways. For Labour, this was arguably an intended outcome of its reforms and so is regarded as a reasonable and understandable consequence rather than a failure.

On 're-offending' the government has failed to make any progress. All the targets have been missed, representing a significant failure for a system that is designed to reduce the likelihood of further conviction. The confusion over the difference between re-offending and reconviction has not helped, creating targets that at worst appear largely meaningless.

# Meeting needs: accommodation; education, training and employment; substance misuse; mental health

So far this report has explored the criminal justice-related aspects of the youth justice targets and reforms. But alongside these, the government and YJB also set a series of targets related to what might more broadly be defined as the social and personal needs of those children and young people caught up in the justice system.

There is little doubt that children and young people who enter the youth justice system have a disproportionately high level of multiple social needs. These are invariably linked to the problematic behaviours they are engaged in, making them particularly vulnerable to capture by the criminal justice agencies. Significant efforts have therefore been made by the YJB to provide more integrated service provision. The establishment of YOTs as multidisciplinary teams including drugs workers, health specialists and education officers was intended to ensure that there was a far more effective joined-up response to the problems presented by children and young people who enter the youth justice system. Far from being marginal to the youth justice reforms, this marshalling of multidisciplinary resources and initiatives under the auspices of the YJB and the YOTs was arguably a central innovation of the government's entire youth justice programme.

This chapter focuses on four key areas of need – accommodation; education, training and employment; substance misuse; and mental health. It considers how YOTs and the YJB have performed in each of these areas by scrutinising the targets that have been set and considering whether or not they provide a meaningful assessment of progress. The chapter concludes by considering what can meaningfully be achieved by investing in criminal justice responses to address the broken lives of young people.

## Accommodation

Accommodation needs are high among children and young people in the youth justice system (Youth Justice Board, 2007b). From multiple moves to 'sofa surfing' and sleeping rough, young people who come into contact with the youth justice system are in greater need of stable accommodation than the youth population as a whole.

Recent research commissioned by the YJB into the housing needs and experiences of young people who have been convicted found that, of a sample of 152 young people in both community and custodial settings, all were in housing need. Three-quarters (75 per cent) 'had lived with someone other than a parent at some time' and 40 per cent 'had

been homeless or had sought formal housing provision and/or support' (ibid). The research also discovered that two-thirds of the sample had moved at least twice in the previous 12 months, with 17 per cent moving between five and 14 times. A range of factors were identified as triggering housing needs, including relationship breakdown with parents or relatives, which was the most common factor, concerns about safety and the harm posed to others, leaving custody and leaving care.

In an attempt to address the housing needs of young people and children the YJB has set a range of targets.

### The targets

For every year since 2002–2003 there has been a target to 'ensure that YOTs have a named accommodation officer and all young people subject to community interventions or on release from the secure estate have suitable accommodation to go to' (Youth Justice Board, 2003a).

Suitable accommodation is defined by the YJB in accordance with the Children (Leaving Care) Act 2000. The Act states that suitable accommodation is accommodation:

'Which so far as reasonably practicable is suitable for the child in the light of his [sic] needs, including his health needs and any needs arising from any disability;

'In respect of which the responsible authority has satisfied itself as to the character and suitability of the landlord or other provider; and

'In respect of which the responsible authority has so far as reasonably practicable taken into account the child's wishes and feelings and education, training and employment needs.'

(Leaving Care, England, Regulations, 2001)

### What has been delivered?

According to the latest figures every YOT now has an accommodation officer in place, which means that this part of the target has been met (Youth Justice Board, 2006). However, the target to ensure that all young people subject to community interventions or released from custody have suitable accommodation to go to has not been met.

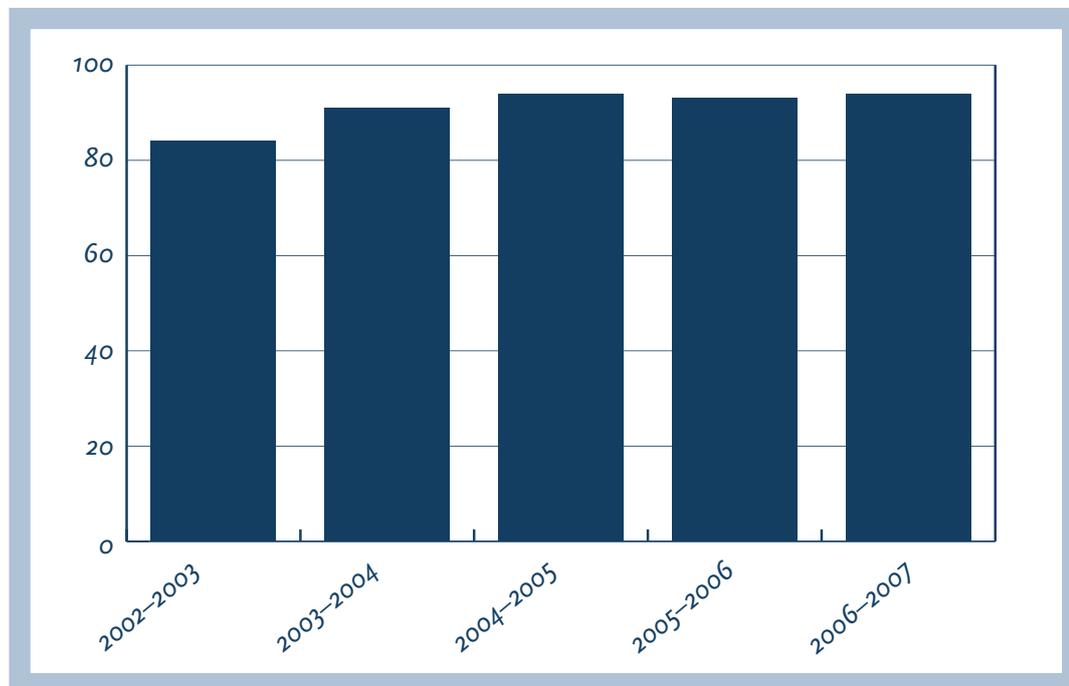
Figure 16 shows that initially there was good progress, with the proportion of young people in suitable accommodation rising from 83.6 per cent in 2002–2003 to 91.3 per cent in 2003–2004. However, since then, progress has stalled, and each year the YJB has continued to miss the target by at least 6 per cent. In the last three years there has been no progress, with the proportion remaining at 93 or 94 per cent.

It is important to look more closely at the targets and consider whether or not they are making a difference to the young people they are intended to support. In practice, what does having a named accommodation officer actually mean?

According to research by the YJB it is difficult to determine the role and function of each officer in each of the 156 YOTs. The research says that 'the majority of plans were not detailed enough for analysis of how this function was discharged or what role the accommodation officer was expected to play. While some accommodation officers had a strategic brief, representing the YOT in a range of housing forums, the role more frequently appeared to be focused at the operational level, and involve locating individual placements as the need arose, and supporting young people in these placements' (Youth Justice Board, 2007b).

This suggests that the accommodation officer's role is primarily concerned with supporting young people in accommodation need on an individual case by case basis.

**Figure 16:** Percentage of young people subject to community interventions or released from secure estate on licence who have suitable accommodation to go to, 2002–2003 to 2006–2007 Source: Youth Justice Board (2006), Youth Justice Annual Statistics 2005/06, London: Youth Justice Board; Youth Justice Board (2008) Youth Justice Annual Workload Data 2006/07, London: Youth Justice Board



This work is, of course, important. However, the ability of YOTs to effect strategic change at a local authority level and to raise awareness with key agencies of any lack of sufficient provision is likely to be extremely limited.

The YJB’s research found that ‘in 9 out of 10 of the research sites, stakeholders reported insufficient accommodation in their local area for young people who had offended’ (ibid), and the Audit Commission has reported that each year 9,000 young offenders are placed in unsuitable accommodation such as bed and breakfast or unsupervised tenancies (Audit Commission, 2004). Clearly there is a need for YOTs and their accommodation officers to work with local authorities to address the shortage of suitable accommodation for young people. However, at present, it would appear that they are finding it difficult to play this more strategic role. Without suitable guidance detailing the role and function of the accommodation officers, affording them the opportunity to become involved with local housing forums and laying out their responsibility for tracking and recording local issues, the opportunities for using crucial information and achieving more strategic outcomes are lost.

There are also questions to be raised about whether meeting the target actually results in sustainable, appropriate accommodation for young people. A child or young person may have a suitable accommodation place but there is no commitment to ensure that it is stable or long term. Therefore he or she could easily leave it within a matter of days. As the target does not measure the period of time that the young person stays in the accommodation, there is no way of knowing whether the efforts of accommodation officers and other YOT staff have secured stable medium- or long-term housing. Performance against the target masks the level and complexities of housing issues faced by children and young people caught up in the youth justice system, and by vulnerable and needy young people more generally.

## Education, training and employment (ETE)

The link between poor educational attainment and a child or young person entering the youth justice system has been well established. More than ten years ago the White Paper *No More Excuses: A New Approach to Tackling Youth Crime in England and Wales*, which set out the government's plans for reforming the youth justice system, noted:

'[T]he odds of offending for youngsters who truant from school are three times higher than for those who do not and there is similarly a strong correlation between school exclusions and offending; and figures for 1995 show that nearly 60% of convicted youths aged 16 or 17 were unemployed and not in training or education at the time that they were sentenced, when for 16 and 17 year olds in general, the proportion unemployed and not in training or education was only 12%.'  
(Home Office, 1997).

The importance of young people remaining engaged with education and/or skills training is clearly crucial and is one of the key areas of need for many under the supervision of YOTs.

### The targets

The YJB has set a range of targets to improve education and training provision for children and young people in the youth justice system. Initially it set an overall target for YOTs to ensure that, by March 2004, at least 90 per cent of young offenders were in suitable full-time education, training and employment (ETE) during and at the end of their sentence. The deadline was subsequently dropped but the target has remained in place (Table 10). For those who are serving sentences in the community, full-time ETE is defined as 25 hours per week, which is the current statutory entitlement (Youth Justice Board, 2004d).

**Table 10:** Education, training and employment targets for youth offending teams

Youth offending team target	Deadline
<i>Community targets</i>	
Ensure that 90% of young offenders supervised by YOTs are in suitable full-time education, training or employment by March 2004 (and 80% by 2003). (Youth Justice Board, <i>Corporate Plan 2002/03–2004/05 and Business Plan 2002/03</i> )	2003 and 2004
Ensure that 90% of young offenders supervised by YOTs are in suitable full-time education, training or employment. (Source: Youth Justice Board, <i>Corporate and Business Plan 2005/06 to 2007/08</i> )	None

Separate targets have been set for the secure estate to provide specific hours of education (Table 11). Initially all custodial settings had the same target, but then, in 2004, different targets were set for YOIs managed by the Prison Service, for secure training centres (STCs) managed by the private sector and for local authority secure children's homes (LASCHs). For YOIs the target is to ensure that each child spends 25 hours in education and/or training each week. In addition, YOIs are to ensure that attendance rates for timetabled education and training sessions do not fall below 90 per cent. For STCs and LASCHs, the target is to ensure that 90 per cent of children receive 30 hours a week of education, training and personal development. The targets have been in place for each year since 2004–2005.

The less demanding target for YOIs partly reflects the fact that they are larger prison establishments with more children and young people for each member of staff. However, this means that there is, in effect, two-tier provision, with YOIs providing less ETE provision that reaches fewer children and young people.

For children in custody, the YJB also set a target to ensure that all young people are tested for literacy and numeracy and that they improve by one skill level or more compared to the level they were on when they were received into custody (Table 11).

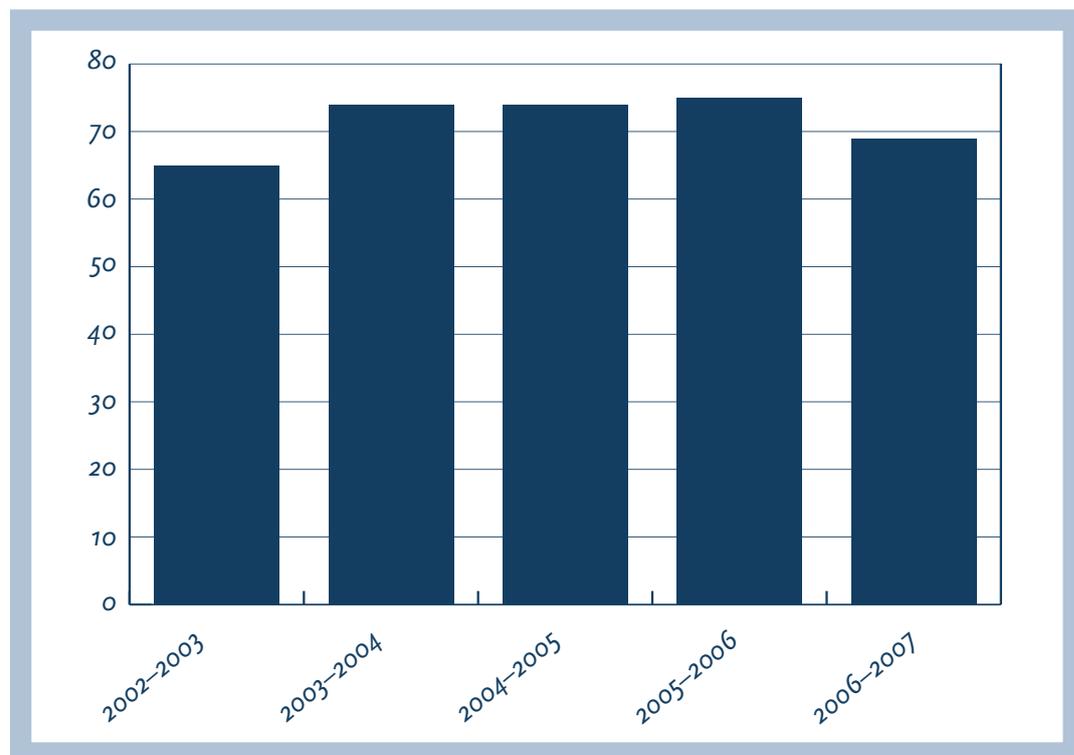
**Table 11:** Secure estate targets for education and training

Target	Deadline
<i>Hours of education and training</i>	
95% of young people to receive 15 hours per week of education, training and employment during 2002–2003 (Youth Justice Board, <i>Corporate Plan 2002/03–2004/05 and Business Plan 2002/03</i> )	March 2003
90% of young people will receive 30 hours a week of education, training and personal development activity compliant with the National Specification for Learning and Skills.	Each year from 2004–2005 to 2007–2008
For young people in YOIs, the expected performance will be 25 hours.	
Additionally, YOIs will ensure that attendance rates for timetabled education and training sessions do not fall below 90%. (Youth Justice Board, <i>Corporate and Business Plan 2004/05–2006/07</i> )	
<i>Literacy and numeracy</i>	
All young people entering secure facilities will be tested for literacy and numeracy, with 80% of young people on DTOs of six months or more in STCs and LASCHs, or 12 months or more in YOIs, improving by one skill level or more in literacy and/or numeracy to the level of need set out in their individual learning plan. (Youth Justice Board, <i>Corporate and Business Plan 2004/05–2006/07</i> )	Each year from 2004–2005 to 2006–2007

### What has been delivered?

The target for the percentage of young people in the community in full-time ETE has not been met in any year since it was first set. As Figure 17 shows, initially there was promising progress, with the percentage rising from 65 per cent in 2002–2003 to 74 in 2003–2004. There was then only a marginal improvement, with the best performance achieved in 2005–2006 when three-quarters were in ETE. However, the most recent data show that progress has stalled, with the proportion in ETE falling to 69 per cent. The YJB says that changes in the counting rules ‘may have contributed to the decline in performance’ (Youth Justice Board, 2007a).

**Figure 17:** Percentage of young people supervised by youth offending teams who are in suitable full-time education, training or employment at the end of their order, 2002–2003 to 2006–2007 Source: Youth Justice Board (2006), Youth Justice Annual Statistics 2005/06, London: Youth Justice Board; Youth Justice Board (2008) Youth Justice Annual Workload Data 2006/07, London: Youth Justice Board



Performance in the secure estate overall has been more successful. In YOIs the target of ensuring 25 hours per week ETE has been met for the last three years (Table 12). However, a recent review conducted by the YJB found that this success masks the fact that there is considerable variation in the number of hours of teaching provided. Children and young people serving short sentences of just a few weeks or months are getting far less than 25 hours each week (Youth Justice Board, 2006a). Furthermore, it is not possible to determine attendance rates for education and training sessions because performance against the target of ensuring attendance does not fall below 90 per cent is not published.

**Table 12:** Performance against targets for children in custody in full-time education, training or employment, 2002–2003 to 2006–2007 Source: Youth Justice Board (2006), Youth Justice Annual Statistics 2005/06, London: Youth Justice Board; Youth Justice Board (2008) Youth Justice Annual Workload Data 2006/07, London: Youth Justice Board

Year	YOIs (hours ETE per week)	LASCH (percentage in 30+ hours per week)	STC (percentage in 30+ hours per week)
2003–2004	n/a	79	100
2004–2005	25	73	98
2005–2006	28	80	99
2006–2007	26	80	100

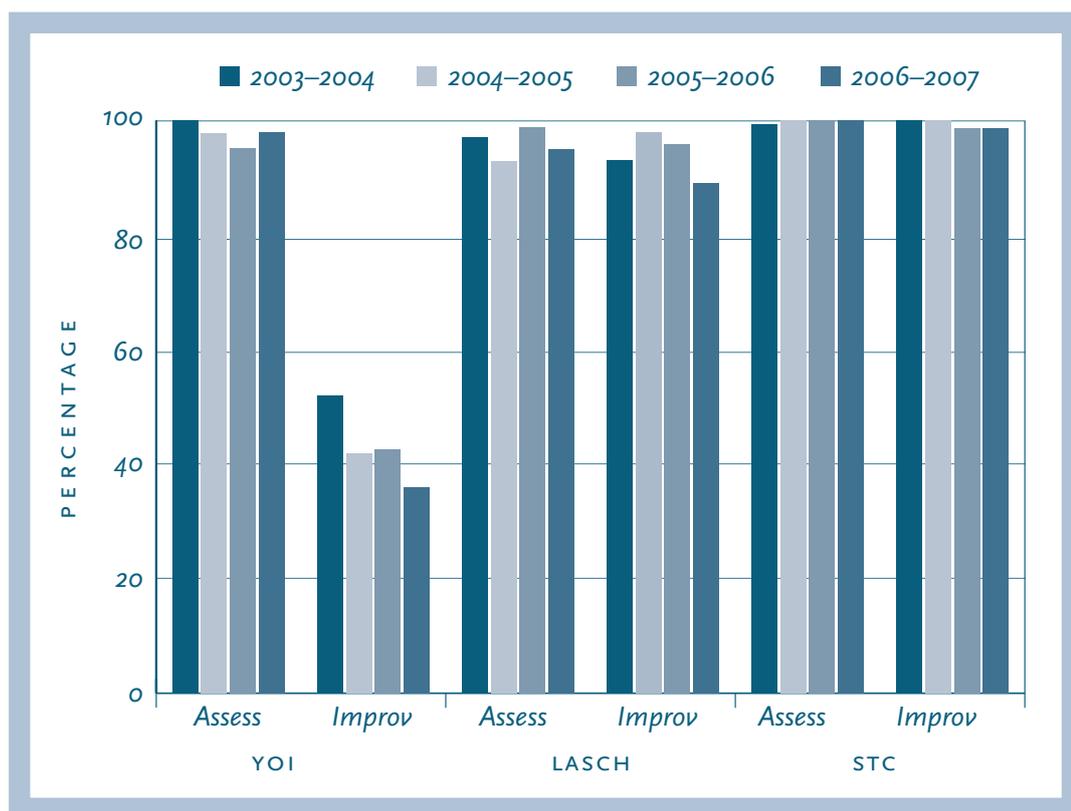
N.B. In 2003–2004 figures were not available for YOI performance.

In LASCHs, where the target is for 90 per cent of children to receive ETE for at least 30 hours a week, the target has not been met. In the last two years, only 80 per cent of children have been in ETE for the targeted 30 hours per week. However, in STCs, which share the same target, it has been met, with virtually all children receiving 30 hours ETE each week (Table 12).

It is notable that in LASCHs and STCs performance has been considerably better than with children and young people on a community sentence under the supervision of a YOT in full-time ETE. This is perhaps not surprising given that it is easier to ensure attendance for education and training classes in relatively small custodial units such as STCs or LASCHs than it is in the community. However, it raises questions about the community support available to ensure that young people who often lead chaotic lives access education and training programmes.

Looking at the literacy and numeracy targets for children and young people in custody, in the three different custodial settings, overall there has been a good performance in ensuring that each person is tested for literacy and numeracy. In recent years, in each setting, at least 93 per cent of children and young people have been assessed (Figure 18).

**Figure 18:** Performance against literacy and numeracy targets, 2003–2004 to 2006–2007  
 Source: Youth Justice Board (2006), Youth Justice Annual Statistics 2005/06, London: Youth Justice Board; Youth Justice Board (2008) Youth Justice Annual Workload Data 2006/07, London: Youth Justice Board



Performance against the targets to improve literacy and numeracy by ensuring that 80 per cent of children and young people improve by one skill level or more from the level set out in their individual learning plan has been more mixed. In particular, as Figure 18 shows, there is a striking difference between performance in LASCHs and STCs where the target has been met and YOIs where it has not been met.

In YOIs, there has been a steady decline in the proportion of children and young people improving. In 2003–2004 just over half (52 per cent) improved. This then fell to 42 per cent, and in 2006–2007 the latest figures show that it has declined further to 36 per cent. This means that only just over a third of children and young people in YOIs are improving their literacy and numeracy skills while in custody. Nearly two-thirds are not improving.

In LASCHs and STCs around nine out of every ten young people improve (Figure 18). As the YJB states, '[T]his might be expected given the higher levels of staffing and lower numbers of young people in these establishments' (Youth Justice Board, 2006). The YJB also says the difference in performance is due, in part, to high numbers of young people passing through YOIs on short sentences and the resource implications this has. Clearly, larger prisons with a high turnover of children and fewer staff to support them struggle to address the literacy and numeracy deficits that are common amongst young people in custody.

### Substance misuse

Substance misuse among children and young people in the youth justice system is far higher than among those in the general population. Research published in 2004 based on interviews with drug workers in YOTs found that almost 60 per cent of young people supervised by the YOT were considered to have a substance misuse problem (Pitcher et al., 2004).

Detailed research commissioned by the YJB looking at the substance misuse needs of children and young people in custody found high levels of drug use, poly-drug use, and problem levels of drinking and tobacco use (Youth Justice Board, 2004e). Based on a sample of more than 500 children, it found that nearly nine out of ten (86 per cent) had used drugs in the year before entering custody and more than half (58 per cent) had used a Class A drug. The research also found that just under three-quarters (74 per cent) had drunk alcohol more than once a week, and nearly nine out of ten (88 per cent) had exceeded five units on a typical drinking occasion.

### The target

Given the high prevalence of substance misuse it is perhaps surprising that the YJB did not introduce a target in this area until 2004–2005. The target, which has been in place ever since, is 'to ensure that all young people are screened for substance misuse' and 'of those screened, ensure that those with identified needs receive appropriate assessment within five working days and, following assessment, access the early intervention and treatment services they require within 10 working days' (Youth Justice Board, 2005a).

The initial screening is carried out as part of the youth justice generic assessment tool, *Asset*, which includes a substance misuse section and can be completed by a YOT worker who is not a substance misuse specialist (Youth Justice Board, 2006c). According to YJB guidance, screening should examine whether there is a need for a 'comprehensive substance misuse assessment'.<sup>1</sup> The assessment should then determine 'a young person's needs in relation to substance misuse' and 'will often take longer than a single appointment, and may require the involvement of a range of staff' (ibid). If a need is identified then a referral should be made to early intervention or treatment services within the target of ten working days.

### What has been delivered?

Initially, in 2004–2005, only around three-quarters (73 per cent) of children and young people were screened for substance misuse (Figure 19). This rose to 87 per cent by 2006–2007. However, this is still well below the target of 100 per cent screening.

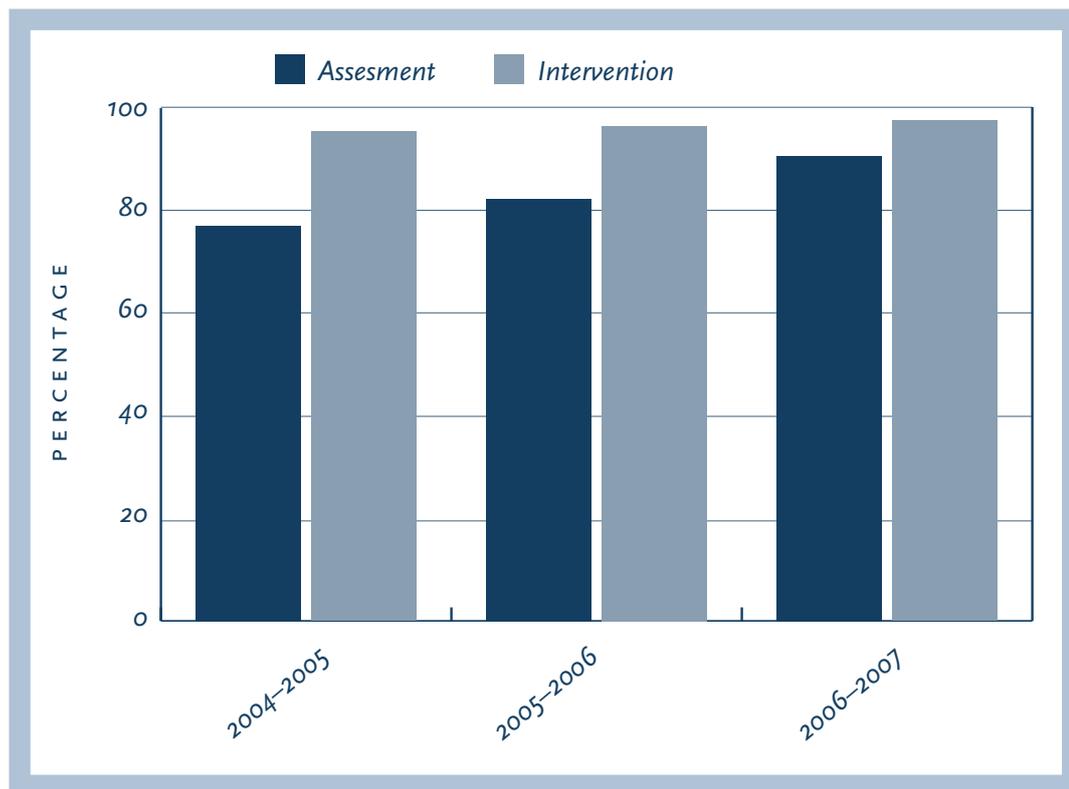
1. The guidance states that screening should establish:

- knowledge of substances
- patterns of current and past substance use
- whether substance use is problematic or atypical for age group
- whether the young person is at immediate risk
- whether substance misuse is part of complex troubling behaviour or needs.

(Youth Justice Board, 2006c)

YOTs are also not meeting the target to ensure that interventions occur within the set time periods of five working days for an assessment and then ten working days for treatment, although performance is closer to target than for screening. The proportion of timely substance misuse interventions in 2006–2007 was 94 per cent, below the 100 per cent target. Furthermore, the last three years have not seen a considerable improvement, with the proportion rising by just 1 per cent each year since 2004–2005 (Figure 19).

**Figure 19:** Youth offending team performance against substance misuse targets, 2004–2005 to 2006–2007 Source: Youth Justice Board (2006), *Youth Justice Annual Statistics 2005/06*, London: Youth Justice Board; Youth Justice Board (2008) *Youth Justice Annual Workload Data 2006/07*, London: Youth Justice Board



Although performance against targets on both substance misuse screening and interventions is improving, there are questions about whether or not the targets provide a meaningful assessment of progress.

First, the target does not examine the effectiveness of the screening process conducted using the generic assessment tool, *Asset*. Research for the YJB has found that it is not always effective, as ‘[n]on-dependent, but problematic, use of drugs or alcohol is often overlooked in assessments as *Asset* does not elicit detailed information to determine fully a young person’s need for health or educational intervention’ (Youth Justice Board, 2004e). The report says a separate screening tool should be used to identify substance misuse issues and needs. Furthermore, a recent review by the Healthcare Commission and HM Inspectorate of Probation found that, out of a sample of 50 YOTs, up to a third had inadequate screening and assessment processes for drug misuse (Healthcare Commission and HM Inspectorate of Probation, 2006).

Second, the target does not examine the quality and continuity of interventions. Research based on interviews with drug workers attached to YOTs suggests that there is considerable room for improvement in the quality of provision. Less than half of those

interviewed considered provision to be 'good or very good' and only a quarter said there was 'good or better' continuity of provision for those coming out of custody (Pitcher et al., 2004). The nature and quality of drug treatment is vital. For example, the prescribing of methadone to addicted heroin users, known as maintenance programmes, might make sense in terms of crime reduction – the addict might commit less crime to feed a habit if he or she gets regular access to a heroin substitute – but they are much less conducive to long-term improved health outcomes.

Finally, the target does not measure the numbers who enter or complete treatment. Critically there are no data available on the proportion of those who have a comprehensive assessment who go on to enter treatment or the numbers who complete that treatment. If drug interventions are to be successful it is vital that participants complete their programmes. At present, there is no way of establishing whether the interventions are actually making any difference to the young people who participate in drug programmes.

### **Mental health**

Many children and young people who enter the youth justice system have experienced abuse, trauma and loss in their lives. Consequently, a significant proportion have mental health problems. The Mental Health Foundation estimates that the rates of mental health problems amongst children and young people are at least three times higher amongst those within the youth justice system compared to those in the general population (Hagell, 2002).

Research commissioned by the YJB looking at the mental health needs of children and young people in custody and serving community sentences found that almost a quarter had learning difficulties, just under a third (31 per cent) had a recognised mental health need and 9 per cent said they had harmed themselves within the last month (Youth Justice Board, 2005c). There is also evidence to suggest that this might be a growing problem. The number of children assessed as vulnerable who are held in YOIs increased from 432 in 2001–2002 to 3,337 in 2003–2004 (Youth Justice News, October 2004).

### **The targets**

The YJB introduced targets for referrals to local child and adolescent mental health services (CAMHS) in 2002–2003 and the same targets have been in place ever since. They apply to children and young people with both acute and non-acute mental health problems. For those children who are assessed by YOT workers as having acute needs the target is for there to be a formal assessment commenced by the CAMHS within five working days 'of receipt of the referral' from the YOT. For children with non-acute needs the target is within 15 working days.

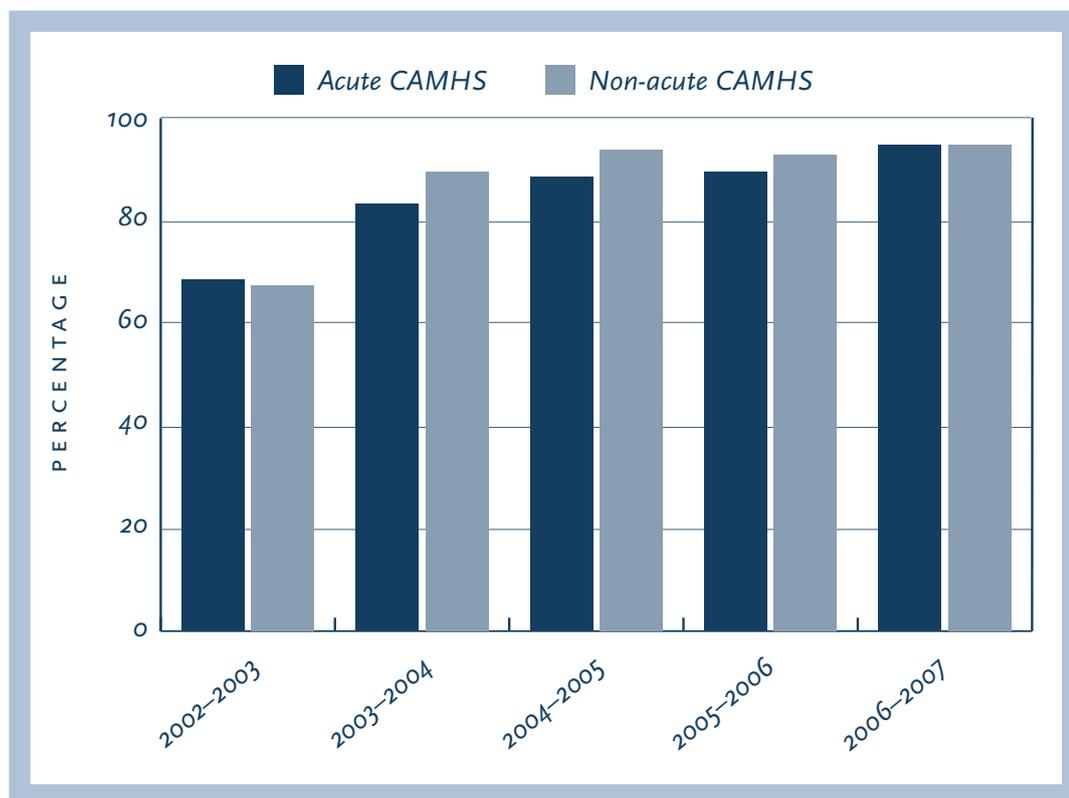
### **What has been delivered?**

The targets for mental health referrals have not been met but there have been some gradual improvements.

Performance against the target for acute cases initially improved significantly between 2002–2003 and 2004–2005 but then plateaued, with around 85 per cent of cases meeting the five-day target for CAMHS to commence a formal assessment (Figure 20). The most recent figures show there has been a further improvement, with 91 per cent of cases meeting the target.

For non-acute cases there was also an initial improvement between 2002–2003 and 2004–2005, but since then performance has remained at between 89 and 91 per cent.

**Figure 20:** Youth offending team performance against mental health referral targets, 2002–2003 to 2006–2007 (The figures for 2006–2007 are for nine months only) *Source: Youth Justice Board (2006), Youth Justice Annual Statistics 2005/06, London: Youth Justice Board; Youth Justice Board (2007), Annual Report and Accounts 2006/07, London: Youth Justice Board*



YOTs are struggling to meet the complex mental health needs of the children and young people they work with. There have undoubtedly been improvements in partnership working with CAMHS and the availability of mental health services but there is still some way to go before the target is met.

A recent report by the Healthcare Commission and HM Inspectorate of Probation found that out of a sample of 50 YOTs a third did not have a mental health worker (Healthcare Commission and HM Inspectorate of Probation, 2006). However, the Commission reported that there had been an improvement ‘in the youth offending teams’ access to and support from their local child and adolescent mental health services’ but that between one-sixth and a quarter were still experiencing problems in gaining access to these services (ibid). Critically, the report found that 60 per cent of YOTs did not have the adequate strategic involvement of a healthcare professional, which meant there was no overall monitoring of the health needs of the children and young people or the impact of services on those needs.

Like the targets for substance misuse, there are questions to be raised about the value of the mental health referral targets in providing a meaningful indication of progress. The targets are intended to ensure timely assessments and access to mental health services rather than provide an indication of the quality of provision or the improvement in the mental health problems experienced by the child or young person. While it is clearly important that they are assessed and treated as quickly as possible, it is also vital to establish whether the services that the NHS is providing are appropriate, whether they are effective in meeting the needs of the children and young people, and consequently whether they are helping to address the factors related to their offending. The YJB does not have a target or publish details relating to the numbers who enter or complete mental

health treatment programmes or the proportion who report an improvement in their mental health.

## Verdict

This chapter has examined four key areas of need for children and young people in the youth justice system – accommodation, education, training and employment, substance misuse and mental health.

When YOTs were rolled out across England and Wales it was widely expected that their multi-agency make-up of would be a considerable advance over the previous arrangements for the delivery of health, education, substance misuse and mental health services to young people who are convicted. However, the fact that nearly all the targets set by the YJB relating to each area of need have not been met suggests that the current arrangements are not necessarily working as well as was hoped and are not necessarily as impressive as they might seem. There are also significant reasons for questioning the value of the targets in providing a meaningful assessment of progress.

Each YOT now has an accommodation officer in place, but YOTs are failing to ensure that all children and young people have suitable accommodation at the end of their sentence, with initial progress in meeting the target stalling in recent years.

In terms of education, training and employment, only just over two-thirds (69 per cent) of children and young people supervised by YOTs are in suitable full-time education, training or employment, well below the 90 per cent target. This means that nearly a third are not receiving full-time education, training or employment. Provision of education, training and skills programmes has increased in the secure estate, with significant numbers in LASCHs and STCs making progress against targets for literacy and numeracy. However, in YOIs, where the majority of children and young people are held, each year far fewer are making progress on numeracy and literacy, partly due to overcrowding and high turnover rates, but also as a result of the lower levels of staffing and difficulties in accessing courses.

None of the targets for substance misuse screening, assessment and intervention and mental health referral have been met. YOTs are clearly finding it difficult to ensure there is sufficient provision in the face of huge demand from children and young people who are often extremely emotionally fragile and vulnerable. There are significant issues relating to the value of these targets. Screening, assessment and referral are important but there is no way of knowing whether the quality of drug treatment or mental health services is appropriate or whether these services are effectively meeting the high level of need.

The overall picture that emerges is of a youth justice system that was designed with the intention of providing effective multi-agency provision but that is in practice struggling to meet the complex needs of a group of vulnerable children and young people who require carefully co-ordinated specialist support. As HM Inspectorate of Probation states in its joint inspection of YOTs annual report:

‘Despite having many difficulties such as physical health needs (15%), emotional or mental health needs (40%), schooling difficulties (62%) and learning difficulties (15%), too often children and young people in contact with the YOT do not have these and their other needs met. In particular, the statutory entitlement to 25 hours education for school age children and young people is rarely achieved.’  
(HM Inspectorate of Probation, 2007)

Clearly the youth justice system does not appear to be able successfully to meet the complex needs of children and young people. This raises questions about the significant investment in youth justice set out in Chapter 2 and whether resources should instead be directed to social support agencies outside the criminal justice arena.

# Conclusion

Ten years on from Labour's radical shake-up of the youth justice system in England and Wales, this report has made an independent assessment of what the reforms have achieved.

Since 1997 there has been considerable investment in the Youth Justice Board and the 156 youth offending teams. They have benefited from larger real-terms growth in funding than any of the other criminal justice agencies, apart from probation. The substantial injection of cash has been combined with wide-ranging reforms to the way children and young people who are convicted are dealt with by the youth justice system. Today, the sentencing framework and the multidisciplinary, multi-agency structure of YOTs are very different from those that existed a decade ago.

YOTs have evolved to become diverse, locally managed and locally accountable teams that exercise a considerable amount of operational discretion. They work in partnership with a wide variety of statutory and voluntary sector agencies, providing a more integrated approach than most parts of the criminal justice system. They have also pioneered work with parents and victims of crime. For the government and many of those involved in youth justice these are important achievements.

This report has looked at whether the targets that have been set for the youth justice system have been met, and attempted an independent examination of whether the additional resources and activity have achieved a significant change in outcomes. It is hoped that this will contribute to a more informed public and political debate. There is certainly a need for a more thorough analysis of how the extra money has been invested. As was the case when the Centre for Crime and Justice Studies carried out an audit of the wider criminal justice system (Solomon et al., 2007), while researching this report, we have once again been struck by the lack of independent work looking at where all the extra resources have gone and analysing whether they have made a difference.

We have found that, overall, most of the targets have been missed and that success in achieving the desired outcomes has been far more elusive than the government claims. In reality, the record on youth justice reform is at best mixed. Despite the huge investment, self-reported youth offending has not declined and the principal aim of the youth justice system set out in the 1998 Crime and Disorder Act, 'to prevent offending by children and young persons', has yet to be achieved in any significant sense. A number of themes stand out.

First, it is striking that resources have been marshalled from areas of social spending – health, education and social services (now children's services). As set out in Chapter 2, a significant proportion of the funding for YOTs has come from these budgets, indicating the extent to which the youth justice system has been resourced to provide social and not just criminal justice interventions. As a result substantial sums were transferred from policy areas that are critical to tackling the causes of youth offending. Consequently, there was a degree of disinvestment in social responses to youth crime and disorder.

Second, the resource allocation was part of the development of the youth justice system into a *de facto* social service designed to provide a range of social support services. As

Chapter 5 explains, a number of targets were set relating to the social and personal needs of children in the youth justice system. The intention was to ensure that these needs were met through education and training, mental health and substance misuse programmes, and housing provision. However, nearly all the targets have not been met and YOTs have struggled to provide an effective co-ordinated response. This highlights the limitations of using criminal justice agencies to provide social interventions and raises questions about the significant investment in youth justice over the last decade.

Third, it is significant that, despite all the activity and investment, the government's record on reducing youth offending is far from impressive. Chapter 3 shows that youth justice agencies can, in reality, only regulate youth crime and have minimal direct impact on reducing it. Important questions therefore need to be raised about the role and expectations that should be made of the youth justice system.

Finally, it is important to recognise that the design of the youth justice reforms had its own internal logic that has led to more children being criminalised and to more being imprisoned, as reviewed in Chapter 4. Far from being unintended consequences, these outcomes have been intended consequences of New Labour's enforcement-led response to youth crime and disorder. It is hardly surprising, therefore, that targets to reduce the number of children in prison and the number of first-time entrants have proved challenging to meet and that targets to halve the time from arrest to sentence for so-called 'persistent young offenders' and to considerably speed up all youth court cases were prioritised and met ahead of schedule.

The ambition to transform the youth justice system was certainly very high. It was also central to the implementation of the New Labour agenda. There has therefore been substantial extra spending and major changes have been made. But claims of significant success are overstated; in reality, the system has had a much more limited impact on youth crime and victimisation than the government claims.

It is time to raise some fundamental questions about whether the youth justice agencies can really address the complex economic and social factors which are the cause of youth offending. Has the government placed too high expectations on the youth justice system and should it be clearer about its limitations? Are more effective solutions to be found outside the youth justice system in the delivery of co-ordinated services through mainstream local authority children's and young people's provision and more effective children's services? After a number of years of expansion should youth justice be scaled back and social support-led prevention scaled up?

A decade on from the creation of the YJB and YOTs, and at a time of rising concerns about youth 'gangs' and violence involving guns and knives, the time has come to reappraise the role and purpose of the youth justice system and to consider what it can realistically achieve in addressing youth offending.

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This report makes an independent assessment of the government's youth justice reforms. Ten years on from the 1998 Crime and Disorder Act and the creation of youth offending teams and the Youth Justice Board, it considers the impact of the radical restructuring. Success, it argues, has been far more mixed and ambiguous than the government often claims.

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