



Ministry
of Justice



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STRENGTHENING JUSTICE SYSTEMS FOR CHILDREN

YOUTH JUSTICE IN ENGLAND AND WALES

System Overview, Challenges and Reform

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Protecting and advancing the principles of justice



Youth Justice Directorate



Clare Toogood is the Director Youth Justice Policy, Ministry of Justice

The Youth Justice Directorate:

- Designs, develops and coordinates policy for youth justice issues
- Commissions service provision for children who are either remanded or sentenced to custody
- Leads reforms to the existing youth custodial estate ensuring youth custody is a place of safety for children and those who work there and improves life chances for children
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Youth Justice System England and Wales

There is a distinct justice system for children and young people aged 10 - 17 which has:

- a statutory aim **'to prevent offending by children and young persons'** (Crime and Disorder Act 1998)
- a greater focus on prevention, diversion with custody used as a last resort
- **separate community services** provided by Youth Offending Teams (YOTs) reporting to local authorities
- a **separate Youth Court** with specially trained magistrates and different sentencing powers
- a **separate sentencing framework** with an emphasis on restoration and rehabilitation and a higher threshold for use of custody
- a **separate custodial estate** from adults comprising Secure Children's Homes (SCHs), Secure Training Centres (STCs) and Young Offender Institutions (YOIs)

SYSTEM GOVERNANCE

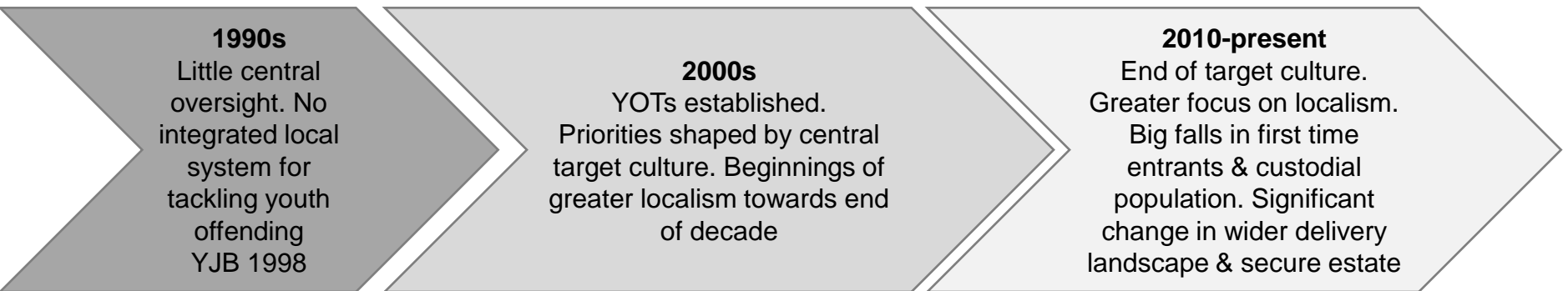
The youth justice system has four key aims, to:

- reduce the number of children in the youth justice system
- reduce reoffending by children in the youth justice system
- improve the safety and wellbeing of children in the youth justice system
- Improve positive outcomes for children in the youth justice system

VOLUME AND COSTS

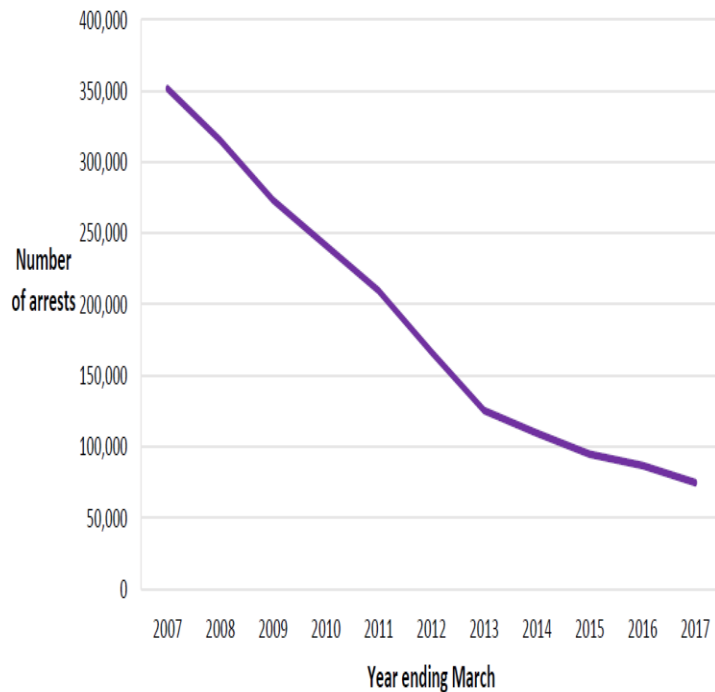
- Young people made up only **7% of the volume** of the criminal justice system in 2017
- In 2017, **16,500 youth community sentences** and **1,600 custodial sentences** were given
- **Per capita spend is higher** for young offenders than for adults
- Both **volumes and total cost have fallen** significantly since 2008/09

How the system has evolved

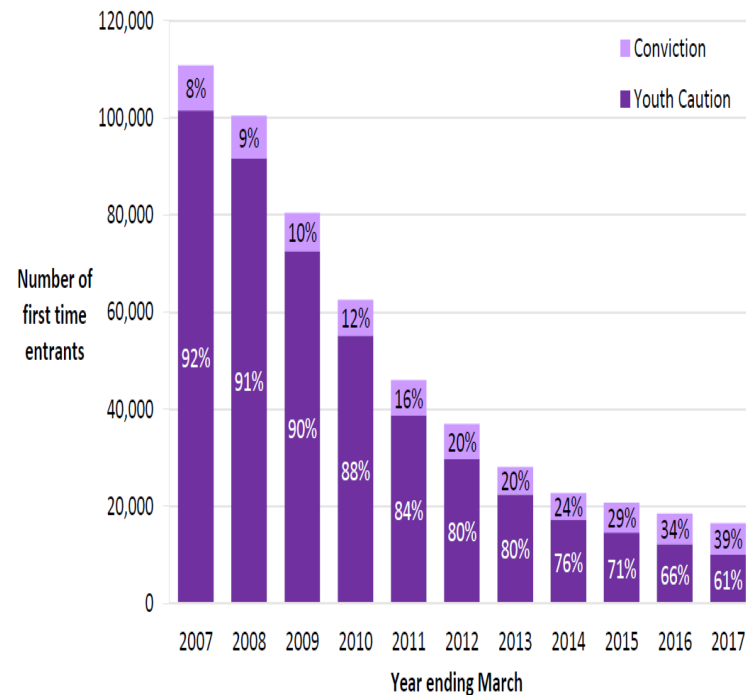


There has been a significant decrease in the of number of children in the youth justice system

Trends in arrests of children and young people for notifiable offences, England and Wales, years ending March 2007 to March 2017



First time entrants to the Youth Justice System, England and Wales, years ending March 2007 to March 2017

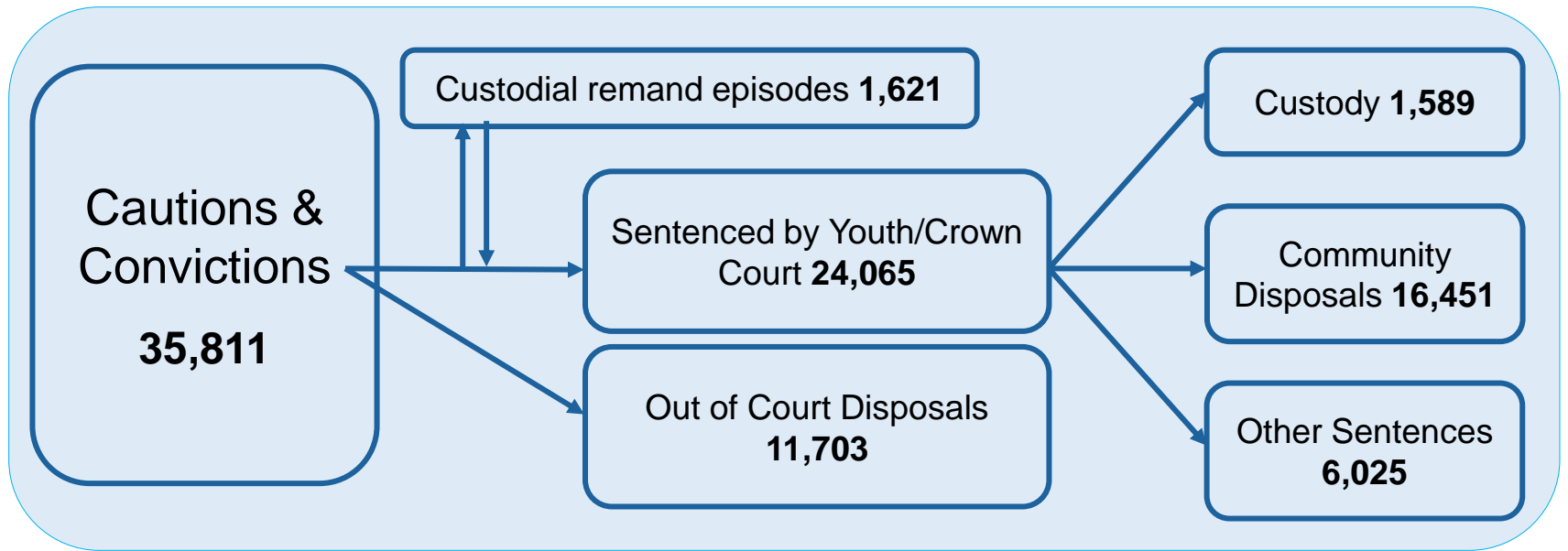


Sentencing

The youth justice system deals with most cases in the community, only a small proportion of young people go into custody.

2017

Young people in custody account for 7% of the youth justice population.



Young people account for only 2% of all offenders sentenced at court.

Young people account for only 2% of all offenders sentenced to custody.



Charlie Taylor's Review of Youth Justice



Charlie Taylor led a government-commissioned review of the Youth Justice system of England and Wales in December 2016.

The government acknowledged the core principles set out in the review and published plans to reform the youth justice system in England and Wales.

These included:

- Working with the Youth Justice Board to review governance
- Reforming the workforce in youth custody
- improving education in youth custody
- Developing secure schools
- Improving court experiences for young people

Governance

Following Charlie Taylor's Review, we recognised the need for greater clarity of governance and accountability in the system and we reformed our governance structures for the Youth Justice System.

In April 2017 we created a new **Youth Custody Service (YCS)** as a distinct arm of Her Majesty's Prison and Probation Service (HMPPS) with a dedicated Director accountable for performance.

We also brought responsibility and accountability for commissioning youth custody services in to the **Ministry of Justice**. The Youth Justice Directorate is responsible for this as well as developing policy and delivering reforms to the existing estate.

The governance changes have enabled the **Youth Justice Board (YJB)** to build on its strong track record and focus on its statutory function of providing vital independent advice on, and scrutiny of, the whole system, advising the government on what standards to set for the youth justice system and monitoring delivery of those standards. YJB will continue to work closely with Youth Offending Teams to promote early intervention in the community and share best practice across the system.

Tackling Offending

To improve outcomes for children in the youth justice system, our policy team are focused on preventing young people being involved in crime, tackling offending and reducing reoffending in the community;

- We fund Youth Offending Teams (YOTs) to support young people at a local level, in partnership with other services (for example, police, health, education and social care)
- We have worked closely with the Home Office on a new Serious Violence Strategy and its strategies for prevention including future funding of community-based initiatives to support young people at risk of offending
- We support other government departments to ensure the needs of vulnerable children are met before they meet the Criminal Justice System, such as developing a National Protocol on Reducing Criminalisation of Looked after Children and Care Leavers
- We are also continuing support when children leave custody such as introducing a duty to refer young people to their local authority, so that their accommodation needs are met
- Funding has been introduced for local areas to establish new Mental Health Support Teams who could work with children inside schools as well as outside mainstream education

For those who do get involved in the criminal justice system

There is a separate sentencing framework for under 18s which emphasises restoration and rehabilitation and has a higher threshold for the use of custody.

Youth Cautions and Conditional Cautions: Out of court disposals which are an alternative to prosecution where the young person admits the offence but it is not in the public interest to prosecute.

Referral Order: The most commonly used community sentence. The young person agrees a contract with a panel of community volunteers to address their behavior. 64% of community sentences in the year ending March 2017 were this type.

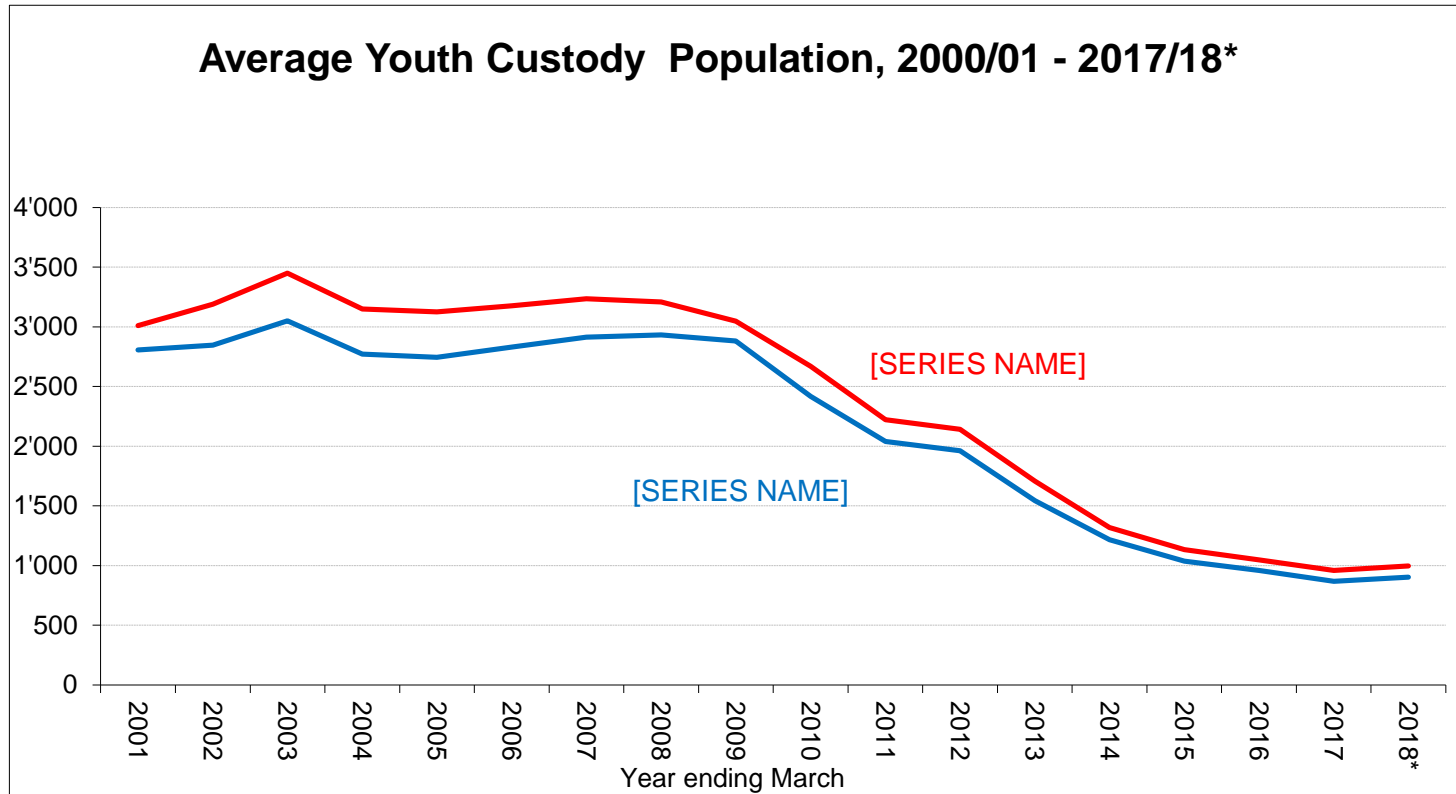
Youth Rehabilitation Order: community sentence with 18 possible requirements which the court can select from to address the young person's offending. 35% of community sentences in the year ending March 2017 were this type.

Detention and Training Order: The most common custodial sentence available for 12-17 year olds. Available for between 4 and 24 months. Served half in custody and half under supervision in the community.

Longer term custodial sentences: custodial sentences available in the Crown Court for the most serious offences.

Detention at Her Majesty's pleasure: this is a mandatory sentence for murder or an offence where the sentence is fixed at life imprisonment.

Youth Custody Cohort



The monthly youth custody report from March 2018 shows that the number of under 18s in custody has fallen by 69% since 2006/7.

Whilst the numbers have fallen, those who remain in custody can be amongst the most troubled and complex in our society.

*2016/17 and 2017/18 data is provisional

Youth Custody Cohort

In the period April 2014 to March 2016, the YOTs' assessments of admissions entering custody showed that:

- 61% of admissions were not engaging in education and 45% had substance misuse concerns;
- Around one third of admissions were a looked-after child prior to admission to custody (33%);
- There were concerns relating to suicide or self-harm (31%), physical health (30%), mental health (33%), learning disabilities or difficulties (32%) for around one third of admissions;
- There were concerns around sexual exploitation for 9% of the cohort and gang involvement for 13% of admissions

Disproportionality within the youth justice system

Youth Custody

The average youth custody population in 2016/17 was around 870

The youth custody population compared to the general 10 – 17 population:

BAME* children and young people in custody

45%

BAME children and young people in the general population

18%

* Black, Asian and minority ethnic (BAME)

Whilst the overall numbers of children and young people in custody has fallen significantly over the past decade, the number of young people in custody from a Black, Asian and other minority ethnic (BAME) background has not fallen as quickly as the number of young people with a white background.

The Lammy Review was published in 2017 and looked at the treatment of BAME individuals in the criminal justice system. A key focus of the report was children and young people.

Youth Custody Reform

The Youth Justice Reform Programme was established in January 2017 to deliver the custodial reforms set out in the Government response to Charlie Taylor's review.

It has two broad aims:

- **To make youth custody a place of safety, both for children and those who work there**
and
- **To improve the life chances of children in custody.**

The programme is split into two key phases:

- **Phase one is focussed on reforms to the existing estate.**
- **Phase two is concerned with the longer-term vision of creating Secure Schools.**



Youth Justice Reform Programme



To respond to the challenges we face the programme has a clear strategic vision to achieve its aims, focused on the following four broad strands:

1. An individualised approach

An integrated framework of care encompassing education, health and behaviour support into youth custody to ensure each young person has had a full needs assessment and a tailored care and support plan.

2. A professional, specialist workforce

Creating a professional and stable workforce with a focus on rehabilitation by recruiting and training more staff with specialist skills and the right motivation to work with young people.

3. Strong leadership and governance

Develop strong leaders who create the right culture and who are held to account for outcomes.

4. The right estate

Smaller units in a therapeutic environment with upgraded sport and gym facilities and easier telephone access.



Progress so far



- We are **increasing frontline workforce capacity** and introducing a new youth justice specialist role with more **emphasis on rehabilitation**
- We have **over 200 staff** enrolled on our Youth Justice Foundation degree
- We are **improving mental health** support by investing in enhanced psychological services with NHS England
- We are developing **Enhanced Support Units** with a higher staff to young person ratio to provide **specialist psychological support and services**. The first of these opened in November 2017
- We are also reviewing the **core day and the use of sport**, to make sure that education is delivering the right outcomes for young people. These changes will be phased in over the next calendar year
- We have developed a new **Behaviour Management Strategy** which has the support of the inspectorates
- We are **adapting our current extremism assessments and interventions** to make them responsive to the needs and risks of both young people convicted of Terrorism Acts (TACT) and TACT-related offences



Secure Schools



We are developing secure schools, a new type of custodial provision based on the following principles:

- **Therapeutic environment in a secure settings:** Secure Schools will put education, healthcare and physical activity at their heart, and will combine the ethos and practice of outstanding alternative provision schools with the structure and support of the best secure children's homes
- **Strong leaders with freedom and autonomy:** We want to enable the best leaders to take advantage of a level of autonomy similar to that which headteachers enjoy in academies, so that they can create a strong culture across the school and make informed decisions
- **Child- focused providers:** We want providers whose primary motivation is to support children, all applicants will be required to be non-profit by definition