



Criminal Justice - JUST/2013/JPEN/AG/4498 project: "ALTERNATIVE TRACKS – integrated approach to minors offenders and their families" "This project was funded by the European Union"

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## 1. Introduction

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### 1.1. Overview of The criminal juvenile justice system in the UK

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The criminal justice system in the (UK) did not distinguish between adult and juvenile offenders until 1908, when the Children Act established the principle of dealing with juvenile offenders separately from adult offenders and the Crime Prevention Act set up the first borstal. The Children and Young Persons Act 1933 introduced a statutory principle that the courts must have regard to the welfare of the child or young person tried before them, which continues to this day. The age of criminal responsibility was raised from eight to ten in 1963. Between 1989 and 1991, the systems for dealing with children in need of care and those charged with criminal offences were split and the youth court was created, to try the majority of under-18s accused of criminal offences (*Morgan et al 2007*).

During the 1990s, the numbers of young people entering the criminal justice system, and particularly the number sentenced to custody, rose substantially. In 1996 the Audit Commission published *Misspent Youth: Young People and Crime*, which found that there was no integrated youth justice system and the system was inefficient and ineffective. This prompted fundamental change to the structures and framework for responding to offending by under-18s. The Crime and Disorder Act 1998 defined the principal aim of the youth justice system as 'to prevent offending by children and young persons'. It placed a duty on every local authority in the (UK) to establish and fund a multi-agency youth offending team for their area (YOT), to coordinate youth justice provision.

At national level, a Youth Justice Board (YJB) was established in 1998, an executive non-departmental public body with its board members appointed by the Secretary of State for Justice. The aim is to monitor and advise the Secretary of State in relation to the youth justice system; monitor steps taken to prevent offending by young people; identify, spread, and make grants to develop good practice; and enter into agreements for the provision of secure accommodation for the detention of under-18s in custody (*Youth Justice Board, Barriers to Engagement, Youth Justice Board, 2006*).

The youth Justice Board (YJB) is responsible for the implementation and overseeing of:

- ❖ Accommodation and resettlement
- ❖ Alternatives to custody
- ❖ Custody
- ❖ Diversity
- ❖ Education, training and employment
- ❖ Health
- ❖ Monitoring and improving practice
- ❖ Prevention
- ❖ Research
- ❖ Work with victims

The Crime and Disorder Act 1998 set out a number of reforms to the youth justice system and subsequent legislation also made significant changes to the sentences and out-of-court disposals available for young offenders. The last fifteen years have seen some minor changes to the system—the extent of Department for Education involvement in the (UK) has varied. Key initiatives included the creation of a network of youth offending teams across England and Wales to work with young offenders. The youth offending teams are funded from a variety of sources and are located within local authorities. The Government also pledged to halve the average time taken to deal with persistent young offenders from arrest to sentence from 142 days to 71 days or less. Youth offending teams play a key role in co-ordinating the involvement of different public services, such as education, social services, housing and health services, in order to help young people resettle and hence reduce the likelihood of further offences (*Youth Justice Board, Barriers to Engagement, Youth Justice Board, 2006*).

### 1.1. (a). What happens if a child under 10 breaks the law in the UK?

Children under 10 who break the law are treated differently to adults or youths under 18 who commit a criminal offence. Children under 10 cannot be charged with committing a criminal offence. However, they can be given a:

- ❖ Local Child Curfew
- ❖ Child Safety Order

Children under 10 who break the law regularly can sometimes be taken into care, or their parents could be held responsible. The police can ban children from being in a public place between 9pm and 6am, unless accompanied by an adult. This is called a Local Child Curfew and can last for up to 90 days. If a child breaks their curfew, they can be given a Child Safety Order. If a child has committed an offence or broken a Local Child Curfew, they can be placed under the supervision of a youth offending team. This is called a Child Safety Order. The order normally lasts for up to 3 months, but in some cases it can last for up to 12 months. If a child doesn't stick to the rules of an order, the court can consider if the child should be taken into care. Children between 10 and 17 can be arrested and taken to court if they commit a crime (*Tonry 2004*).

They are treated differently from adults and are:

- ❖ dealt with by youth courts
- ❖ given different sentences
- ❖ sent to special secure centers for young people, not adult prisons
- ❖ Young people (juvenile offenders)

Young people are offenders under the age of 18, or in some cases aged 18 but remaining in the under 18 estate, and will be held in either a Secure Children's Home (SCH), a Secure Training Centre (STC) or a Young Offender Institution (YOI). The Youth Justice Board is responsible for placing young people in custody and typically those aged under 15 will be held in Secure Children's Home (SCH) and those over 15 will be held in either a Young Offender Institution (YOI) or Secure Training Centre (STC). Only 17 year old female young

people are normally placed in a Young Offender Institution (YOI). Young people can be sentenced to either a Detention or Training Order (DTO), imprisonment under section 90 or 91 of the Powers of Criminal Courts (Sentencing) Act 2000 or imprisonment under section 226 or 228 of the *Criminal Justice Act 2003*. Young Offender Institution (YOI) holding young people operates within many of the same rules and policies as prisons for men and women. Whilst sentenced, young people will be subject to the YOI Rules, young people on remand are subject to the Prison Rules. Most PSIs and PSOs apply to young people in the same way as they do to adult prisoners (*Bright, 2003*).

There are 8 Young Offender Institutions (YOI) holding male young people in England and Wales.

-These are:

Youth Offending Institutes	Location	NOMS Region
Ashfield*	Gloucestershire	N/A
Cookham Wood	Kent	Kent and Sussex
Feltham	Greater London	Greater London
Hindley	Greater Manchester	North West
Parc*	Wales	N/A
Warren Hill	Suffolk	East of England
Werrington	Staffordshire	West Midlands
Wetherby	West Yorkshire	Yorkshire and Humberside

\*Ashfield and Parc are contracted establishments

There are 3 dedicated female young person units in England.

- -These are:

Establishment	Location	NOMS Region
Downview (Josephine Butler Unit)	Surrey	Greater London
Eastwood Park (Mary Carpenter Unit)	Gloucestershire	South West
New Hall (Rivendell Unit)	West Yorkshire	Yorkshire and Humberside

The Youth Justice Board, youth offending teams and their partners have made great strides towards a more proportionate and effective response to youth offending which prioritises prevention. Agencies in many areas are using a restorative justice approach to resolve very minor offending (*Morgan et al 2007*). However, looked after children have not benefited from this shift to the same extent as other children. There is a limit to what criminal justice agencies can achieve in preventing offending: young people in the criminal justice system are disproportionately likely to have high levels of welfare need and other agencies have often failed to offer them support at an early stage.

The greater focus should be on improving transition between custody and the community, and on improving provision in the community and incentivising schools and colleges to take back difficult students. There is a need for better data about which interventions work best to reduce re-offending; better assessment for impairments, vulnerabilities and health issues and follow-up interventions. Finally, earlier planning, better information sharing and a smoother transition between youth and adult provision would ensure that progress is not lost when an offender turns 18 (*Morgan et al 2007*).

## 1.2. Methodological Approach of this Report: Analysis of published data.

We drew on a number of evidence sources to produce figures and graphs in the report. These included:

- ❖ We reviewed published and unpublished documents authored by the Youth Justice 5 Board, the Ministry of Justice, the Home Office and the Department for Education. The primary purpose of this review was to identify relevant policies, strategies, developments and analyses of effectiveness.
- ❖ The Annual Workload Data published by the Youth Justice Board was reviewed. These reports, published each year since 2002-03, summarise data returns from all 157 Youth Offending Teams.
- ❖ The method included data about the number of young offenders in a given year, the number of offences committed, and the number of disposals made published by the Ministry of Justice re-offending statistics team. These are produced annually, with the latest set of data relating to 2008.
- ❖ We looked at data that relates to how The Ministry selects a cohort, representing all offenders who receive community sentences or exit custody, using the Police National Computer, to identify which offenders are convicted within 18 months of the start point of committing an offence, which, in order to count, must be committed within 12 months of the start point.
- ❖ We looked at reports on Inspections of Youth Offending Teams by Her Majesty's Inspectorate of Probation. To date (1 December 2010) the Inspectorate has completed Core Case Inspections of 69 Youth. We collated the results of these 69 inspections for our analysis.

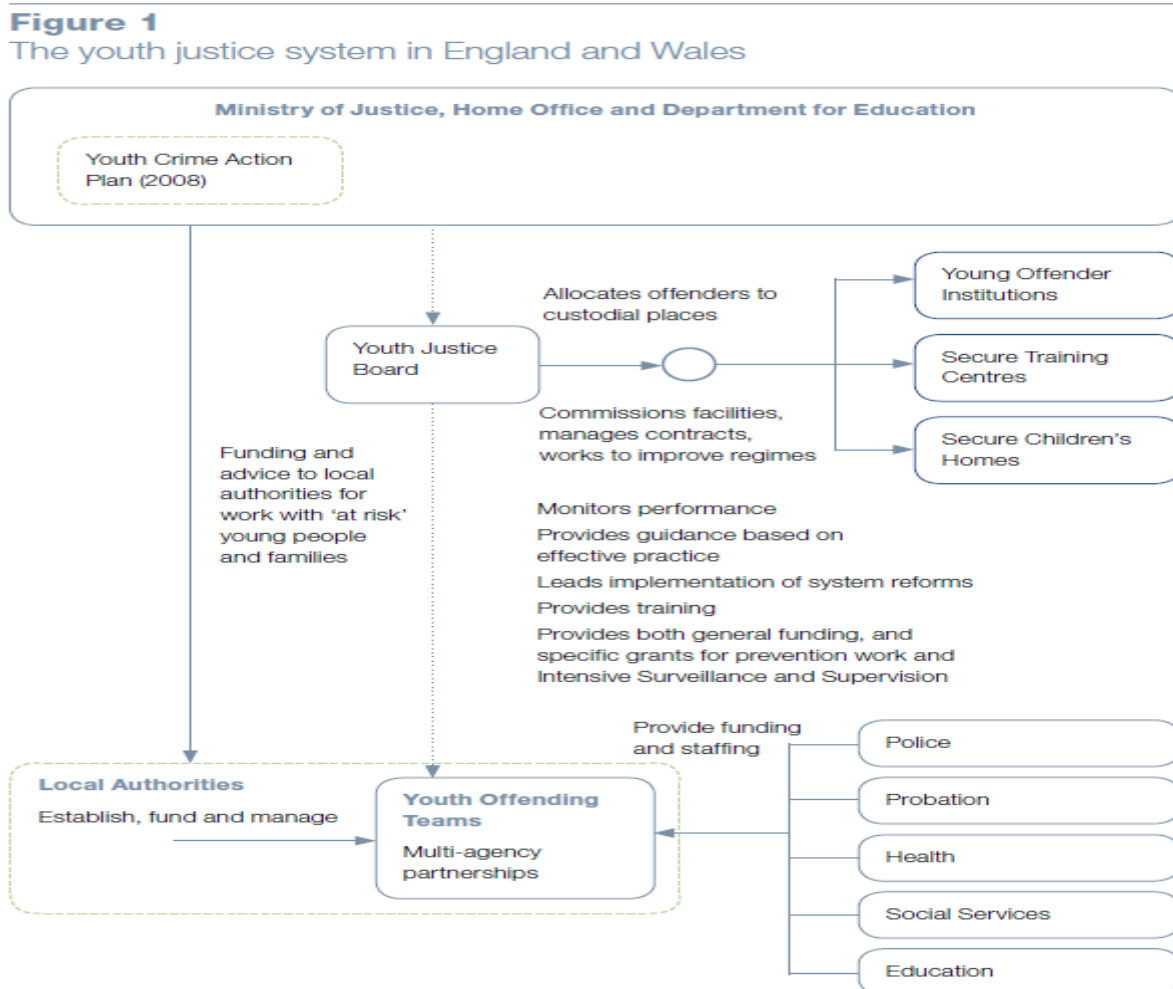
### 1.3. Bodies of Juvenile Justice in the UK

The Youth Justice System (YJS) is overseen by The Youth Justice Board (YOB) which is a public body in England and Wales. Its role is diverse and participates in many areas of youth rehabilitation, including:

- ❖ deciding where to place a young offender if they have been detained or are in custody.
- ❖ placing children in secure homes after they have been released from police custody
- ❖ working to dispatch and properly utilise the Youth Offending Teams (YOT).
- ❖ working with youths to prevent reoffending
- ❖ working to prevent first time offences.
- ❖ assisting youths with education and employment (*Source: National Audit Office*).

**Figure 1 shows: The Youth Justice System in England and Wales**

(Source: National Audit Office)



(Source: National Audit Office)

There are 157 Youth Offending Teams (YOT) in England and Wales, which are multi-agency partnerships with statutory representation from local authorities, the police, probation, health and social services. The Youth Offending Teams (YOT) are responsible for the delivery of youth justice services such as the assessment of offenders and supervision of community-based sentences, with the assistance of their statutory partners and other organisations. The Youth Offending Teams (YOT) provides services for youth and their families in order to prevent future offences. The Youth Offending Teams (YOT) uses tools such as "ASSET" to review the needs of a specific offender and provides suitable intervention program(s). The assessment will typically include an examination of factors that could lead to possible offences including living arrangements, physical health, personal relationships as well as many others (*Source: National Audit Office*). The assessment will then suggest a rehabilitation program based on the needs of the youth and what will be the most effective route of rehabilitation. Such programs might include Youth Inclusion Programmes (YIP) or Positive Activities for Young People and Mentoring Programmes. The Youth Offending Teams (YOT) will normally be contacted by the police when a young offender has been arrested and will assist the police station, in addition to being contacted to help families in court. The Youth Offending Teams (YOT) stems from the idea of restorative justice, which is an approach that tackles criminal behaviour early on in a child's development (*Muncie, 2004*).

#### 1.4. Procedural of Juvenile Justice System in the UK

Young people who commit minor offenses are dealt with outside of the court system as much as possible. Reprimands and official police warnings are usually given to young people who break the law. Orders like ASBO's (Anti-Social Behaviour Orders) have a high profile because of media coverage, but if a young person continues to offend, they will eventually be sent to the youth court (*Scruton, 2002*).

Youth courts are just like any other court in the UK but they deal with specific cases where young people have continued to offend and must be given more strenuous sentences than the police can impose. The youth court is different from other courts in that there is no public gallery. Only those people connected to the case being heard are allowed in the courtroom. The press is allowed, but they have restrictions about what they can report. They cannot for instance, mention the names of the people in the courtroom.

The youth court magistrate has special training in how to handle young people that come before them. In some cases that involve very young children, the court officials would not wear their usual uniforms or gowns. This is to reduce the stress that very young children may feel in a courtroom that can look intimidating to them (*Scruton, 2002*).

The Youth Offending Team (YOT) with the police as one of the multi-agency partnership have the power to issue a reprimand or final warning to a youth offender where it is judged that prosecution is not in the public interest. Where prosecution is not in the public interest, a Youth Caution is issued under Sentencing and Punishment of Offenders Act 2012. Unlike reprimands and final warnings, the Youth Caution can be offered if a young person has previously been convicted or given a youth conditional caution (*Morgan 2007*).



The Sentencing and Punishment of Offenders *Act (2012)* also provides for the Youth Conditional Caution to be available nationwide. Those under-18s whose offending is judged to merit prosecution are tried either by magistrates at the youth court, or for more serious offences, at the Crown Court. In addition to the distinctive range of penalties available for youths, there is an expectation that, generally, a young person will be dealt with less severely than an adult offender, and the court must have regard to a) the principal aim of the youth justice system (to prevent offending); and b) the welfare of the offender. When a young person is charged with a first offence and pleads guilty, the courts must pass (in most cases) a referral order. The young person is required to attend a Youth Offender Panel and may be required to make restitution or reparation to the victim (*McAra, 2006*).

A contract is agreed by the panel and, in the event of non-compliance, the offender can be referred back to court. The Legal Aid, Sentencing and Punishment of *Offenders Act (2012)* has increased sentence discretion by allowing courts to conditionally discharge a young person who pleads guilty to their first offence and removing the restriction on repeated use of the order for young people who plead guilty. In cases where a referral order is not considered to be appropriate, usually because the offence is too serious, the courts may pass a Youth Rehabilitation Order, to which they can attach positive and negative requirements from a menu of 18 (*Legal Aid, Sentencing and Punishment of Offenders Act 2012*).

In the most serious circumstances, young people may be sentenced to a period of imprisonment under a Detention and Training Order, or under sections 90 or 91 of the Powers of the Criminal Courts (Sentencing) *Act 2000* for offences of murder or an offence for which an adult could receive at least 14 years in custody. A Detention and Training Order lasts between four months and two years, spent half in custody and half in the community. Murder carries a mandatory life sentence; offenders sentenced under Section 91 can receive up to the adult maximum for the same offence, which for certain offences may be life. A court may also impose a fine for any offence, although the sentencing guideline notes that, in practice, many young offenders have limited financial resources.

***The Children and Young Persons Act 1933 states that:***

"Every court in dealing with a child or young person who is brought before it, either as an offender or otherwise, shall have regard to the welfare of the child and young person and shall in a proper case take steps for removing him from undesirable surroundings, and for securing that proper provision is made for his education and training"

According to the sentencing guideline, in having regard to the "welfare" of the young person, a court should ensure that it is alert to:

- ❖ the high incidence of mental health problems amongst young people in the criminal justice system;
- ❖ the high incidence of those with learning difficulties or learning disabilities;
- ❖ the effect that speech and language difficulties might have on the ability of the young person (or any adult with them) to communicate with the court, to understand the sanction imposed or to fulfil the obligations resulting from that sanction;

- ❖ the extent to which young people anticipate that they will be discriminated against by those in authority and the effect that it has on the way that they conduct themselves during court proceedings;
- ❖ the vulnerability of young people to self harm, particularly within a custodial environment;
- ❖ the extent to which changes taking place during adolescence can lead to experimentation; and the effect on young people of experiences of loss or of abuse
- ❖ the age of the offender (chronological and emotional),
- ❖ the seriousness of the offence, the likelihood of further offences being committed, and the extent of harm likely to result from those further offences.

Currently, under-18s may be incarcerated in any of the 11 young offenders' institutions (YOIs) run by the prison service or private providers, the four privately-run secure training centres or the ten local authority secure children's homes. Generally speaking, younger children are detained in secure children's homes, slightly older children in secure training centres and the oldest in YOIs. It is generally accepted that the needs of vulnerable children are most effectively catered for in secure children's homes, where managers are qualified social workers and staff in most cases hold higher level child care qualifications. As noted by others, children in the youth justice system tend to have high levels of welfare needs; the statistics for children in the secure estate are even starker:

- ❖ 11% of children in custody have attempted suicide.
- ❖ 1 in 8 has experienced the death of a parent or sibling.
- ❖ 40% have previously been homeless.
- ❖ Two out of five girls and one out of four boys have reported suffering violence at home and one in three girls and one in 20 boys report having been sexually abused.
- ❖ 39% have been on the child protection register or have experienced neglect or abuse.
- ❖ A third of children in YOIs had a problem with drugs when they first arrived.
- ❖ 18% of 13-18 year olds in custody had depression, 10% anxiety, 9% post-traumatic stress and 5% psychotic symptoms (*Morgan, 2007*).

A significant difference arising from the procedures for dealing with young people who commit criminal offences is the importance attached to the presence of a parent, carer or appropriate adult at key stages, especially when sentence is imposed. In addition, specific provisions exist to enable a court to reinforce the responsibilities of a parent or guardian. The statutory framework clearly envisages the attendance of an adult with a degree of responsibility for the young person; this obligation reflects the principal aim of reducing offending, recognising that that is unlikely to be achieved by the young person alone. A court must be aware of a risk that a young person will seek to avoid this requirement either by urging the court to proceed in the absence of an adult or in arranging for a person to come to court who purports to have (but in reality does not have) the necessary degree of responsibility. Where an offender is being sentenced in a youth court or a magistrates' court, a referral order is a mandatory sentence in many circumstances in which a young person is to be sentenced for the first time and is discretionary in a wider range of situations (*McAra 2006*).

In particular, it is possible to make an order on a second conviction where a referral order was not made following the first conviction. When an order is made, the court determines the length of the order (between 3 months and 12 months) but the action taken during that order is decided by a Youth Offender Panel consisting of members of the community supported by a member of a Youth Offending Team. Any victim of the offence may be invited to attend the meeting of the Panel at which the terms are agreed. Typically, the length of an order would be between 3–5 months for offences where the court assesses seriousness to be relatively low, between 5–7 months for an offence of medium level seriousness and between 7–9 months for an offence where the court considers seriousness to be relatively high. In determining which level applies, a court may find assistance in Section 2 of the Youth Court Bench Book issued by the Judicial Studies Board which provides indications of the level of seriousness of an average offence of the types described (*Youth Justice Board, Barriers to Engagement, Youth Justice Board, 2006*).

### 1.5. Principles of education, prevention and protection in criminal proceedings between juvenile sanction and recovery.

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In 2007, the Joint Youth Justice Unit (JYJU) assumed policy responsibility for young offender education. The Unit operates jointly as part of both Ministry of Justice (MOJ) and Department for Children, Schools and Families (DCSF), is accountable to both sets of ministers, and is the central government sponsor unit for the Youth Justice Board (YJB). The Joint Youth Justice Unit (JYJU) also works closely with the Department for Innovation, Universities and Skills (DIUS) to ensure that there is an education and training system for young offenders that is aligned with learning, skills and employment policy for young adult offenders and adults serving sentences in the adult criminal justice system. This is particularly important for those who start their sentences aged under 18, but who move into the adult estate to complete their sentences. The JYJU works with the YJB, the LSC, the WAG and the inspectorates to ensure that children and young people in the criminal justice system receive education and training that meets personal needs, helps prepare them for life and work and ultimately contributes to reducing re-offending. There are several Youth Justice Board (YJB) performance indicators relating to learning and skills specific to the secure estate relating to young people's assessment, training plans, progression, and the average number of hours per week of education and training (*Department for Children Schools and Families 2007 (DCSF)*). These vary slightly across the three types of secure estate for young people in the youth justice system, however the performance indicators relating to education for children and young people in YOIs are set out below:

Hours of education and training	<p>90% of young people will receive 25 hours a week of education, training and personal development activity compliant with the Learning Journey for young people placed by the YJB in YOIs (the Learning Journey supersedes the YJB National Specification for Learning and Skills).</p> <p>OLASS providers shall be responsible for delivering a minimum of 15 hours of provision per young person per week and the Prison Service shall be responsible for delivering a minimum of 10 hours per week. The YOI shall be responsible for ensuring the delivery of the required number of hours in collaboration with the OLASS provider.</p>
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Literacy and numeracy	<p>All young people entering secure facilities will be tested for literacy and numeracy with 80% of young people on Detention and Training Orders of twelve months or more improving by one skill level or more in literacy and/or numeracy to the level of need set out in their Individual Learning Plan.</p> <p>It shall be the responsibility of the YOI provider to meeting this indicator, in collaboration with the OLASS provider.</p>
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The **Children Act 2004** provides the legal underpinning framework for the transformation of children's services. For example, the establishment of **Children's Trusts** brings together all services for children and young people in an area, underpinned by the Act's duty to focus on improving outcomes for all children and young people. The establishment of **Local Safeguarding Children Boards (LSCBs)** within each local authority is an important element of the improved safeguards for children put in place by the Act. The LSCB and its activities are part of the wider context of children's trust arrangements. Currently education and training for young offenders in juvenile custody is largely planned and funded separately from 'mainstream' education (i.e. education for young people learning in the community within schools, colleges and alternative providers, etc).

The following arrangements are currently in place for the different types of establishments that hold juvenile offenders (those placed in custody by the YJB):

- ❖ Prison Service Young Offender Institutions: YOIs managed by the Prison Service are included as part of the Offender Learning and Skills Service (OLASS) which also covers adult offender learning. This service was rolled out nationally by the LSC in August 2006. The national LSC hold contracts with providers who deliver learning and skills in custody. The YJB funds the LSC for the juvenile provision and works in partnership to deliver appropriate provision. In split site YOIs, the 'young adult' learning provision (for those aged 18-20) is funded by DIUS.
- ❖ Secure Children's Homes, Secure Training Centres and private YOIs: The YJB hold contracts with operators of SCHs, STCs, and private YOIs. Contracts are based on a 'per bed' price and this includes funding and requirements for the provision of education and skills. SCH and STC operators can choose to provide education directly or can sub contract with learning providers to deliver education in custody (*The Children Act 2004*).

**Induction/Assessment of Juveniles for Education:** All young people undergo an initial induction/assessment, which is designed to identify any urgent physical and mental healthcare, substance misuse and family issues. They will then be provided with a first night pack and offered the opportunity to make family or carer contact. For young women, this assessment will include identifying any childcare or pregnancy issues. After the initial induction, young people will be provided with more detailed information about the regime of the YOI and allocated a personal officer, who can be their first point of contact for any concerns (*The Children Act 2004*).

**Regimes of Juveniles for Education:** The Youth Justice Board (YJB) and The National Offender Management Service (NOMS) provide custodial places for young people under a Service Level Agreement (SLA), which sets out the standards to be delivered in Young Offender Institutions (YOIs). The regimes in YOIs holding young people are designed to provide a safe and secure environment for young people, which take account of the responsibilities and child-centred approach reflected in the Children Act 1989, the Children Act 2004 and the Apprenticeships, Skills, Children and Learning Act 2009.

**Education and Activities for Juveniles:** Education in YOIs holding young people is commissioned by local authorities from outside contractors, such as local colleges. Young people may also engage in vocational training. If they have demonstrated a sufficient level of trust and development, young people may apply for temporary release. Temporary release can be granted so that young people can undertake activities in the community linked to education, training or employment opportunities, as well as to generally assist with resettlement.

**Staff in YOIs holding young people:** Training in the Juvenile Staff Awareness Programme (JASP) is offered to all staff working in direct and regular contact with young people. JASP is a two part, seven day training programme, which provides staff with a comprehensive understanding of the issues that young people face in custody. JASP includes modules on safeguarding, mental health, substance misuse and behaviour management.

## 1.6 The professionals of Juvenile Justice in the UK

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There are three levels of criminal Courts in England and Wales:

- ❖ Crown Court
- ❖ Magistrates' Court
- ❖ Youth Court

A young person will usually be seen by the Youth Court unless the day they are to go to Court is not a Youth Court day (most areas only run Youth Courts on certain days of the week). If the young person appears on a day when there is no Youth Court, they will be

seen in adult court (**Magistrate's**). In this case, the **Magistrate's** will decide whether to send the case to the Youth Court on another day, or to keep it in Magistrate's Court. When the young person is jointly charged with an adult, the Magistrates will have to decide if the two defendants should be kept together or if the adult should be dealt with in Magistrate's Court, and the young person in Youth Court. Additionally, if the offence that the young person has been charged with is serious enough, or if the adult they are charged with chooses to be dealt with in Crown Court, the Magistrates can send the case there. (In the case of serious crimes this is called a 'Committal'.) (*Bottoms, 2007*).

**Solicitor** : The first thing a young person does do when notified that they are to go to Court, is to get themselves a **Solicitor**. As most young people cannot afford to pay for a solicitor, they should be able to get legal aid, which will pay these fees. If, by the time they get to Court, a young person still does not have a solicitor, they should ask at the Court for the **duty solicitor**, who will advise them. When a young person arrives at the Court, they would first of all find the **Usher** who is organising the Court schedule for that day and inform them that they have arrived. If a young person is late, or fails to attend, it is taken quite seriously and will usually result in a Warrant for his or her arrest. Young people should be careful to arrive in good time for their appearance, and should attend with at least one of their parents, or another appropriate adult (preferably a relative). The Magistrates will expect a parent to be in attendance, and if no one comes with a young person, the court may put the case off to a later date and send a Summons for the parent to attend on the next occasion. If the parent does not attend on the Summons date, the Court can issue a Warrant for their arrest (*Youth Offending Services UK*).

**The Usher** : is the person who keeps a note of which defendants are present and which solicitor is representing them. They also decide which order people will be seen in, and this usually depends on Solicitors being available when the usher is ready to bring the case before the Court (*Youth Offending Services UK*).

**The Clerk** : is a legally qualified person, whose job it is to guide the Magistrates in matters of the law. Magistrates will expect the Clerk to explain any points of law to them, and to help with drawing up reasons for the decisions that they make about young people (*Youth Offending Services UK*).

**The Prosecutor**: is a Solicitor who represents The Crown Prosecution Service. He or she will usually speak first about the young person, telling the Magistrates about the alleged offence. (Remember - until a person pleads guilty or is found guilty at a trial, they are innocent in the eyes of the Law!) The Prosecutor will read from Police and witness statements when they tell the Magistrates about offences, and will make them aware of any previous convictions (but not until after a person is known to be guilty) (*Youth Offending Services UK*).

**The Defence**: is the solicitor who acts for a person accused of a crime. They will speak to the young person before going into Court, so that they are aware of the circumstances of the offence. It is important that solicitors know everything about any incidents, so that they can respond to any issues raised in court (*Youth Offending Services UK*).

**The Youth Offending Service:** will have a representative in the Youth Court to advise the Magistrates of any information that they have about the young person. The Youth Offending Service representative will inform the Court about a young person's compliance with previous sentences and any risk issues relevant to sentencing. They ensure young people are aware of the requirements of Orders, make arrangements for assessment reports to be written and in some circumstances produce 'Stand Down' reports for the Court on the day of court. The person in Court will record court processes and outcomes so that a young person's progress through the Court system will be monitored (**Youth Offending Services UK**).

**The Magistrates:** Usually, the Magistrates (known as the 'Bench') will be people from the local community who have been asked to serve as Magistrates and to help with the dispensing of justice. They are not lawyers, but have been trained on how to be Magistrates by the Lord Chancellor's Department. They have specific rules that they have to abide by, and are guided through the process of dealing with offenders by a Justice's manual (they will each have a copy of this book) and the Court Clerk. There will usually be three Magistrates, but there can be occasions when there are only two. If there is only one Magistrate sitting in the Court, this usually means that he or she is a 'District Judge' and is a legally qualified person themselves, meaning that they can sit on their own through the proceedings (**Youth Offending Services UK**).

### What happens if a young person plead GUILTY to an offence?

If a young person pleads guilty, the Court has various options open to them, depending on whether or not the young person has been convicted before. If it is the first time that a young person has appeared in court and they plead guilty, the Court has only four options open to it:

- ❖ Absolute Discharge
- ❖ Hospital Order
- ❖ Referral Order
- ❖ Custody

If the Court decides to give a Referral Order the sentence will be made that day. If the Magistrates think the offence(s) are so serious that a period of Custody (prison) is deserved, they will put the case off for the Youth Offending Service to prepare reports about the young person so that they can decide what sentence to give (**Youth Offending Services UK**).

When a young person pleading guilty has previous convictions, they are not subject to the above rules. This means that the Court has all of the sentencing option open to them. (How far up the sentencing options the Magistrates can go is dependent on the seriousness of the offence(s). (**Youth Offending Services UK**).

If the Magistrates feel they can deal with the matter that day, there are several things they can do, including a Conditional Discharge, or a fine, or an Attendance Centre Order. If they feel that a Reparation Order or Action Plan Order is more appropriate, they can ask the

member of the Youth Offending Service in court to provide a 'Stand Down' report. This means that he or she will interview the young person at court, and prepare a report on them there and then allowing the Magistrates to sentence. If the Magistrates want any other disposal, they will have to put the matter off for two or three weeks for a full Pre Sentence report to be prepared. This will be done by the Youth Offending Service, and will require the young person to attend interviews so that the report can be prepared in time for the next occasion in court (**Youth Offending Services UK**).

### What happens if a young person pleads NOT Guilty to an offence?

In this case, the Defense and the Prosecution will probably ask for the case to be adjourned for a Pre Trial Review. This is simply a meeting between the two parties so that they can decide who they want to appear as witnesses at a trial. Usually they do not need the young person to attend court for these, but sometimes they do! So a young person should make sure that they know whether or not they are required for the next occasion. At the actual Pre Trial Review, the Clerk of the Court will set a date for the trial. The Defense solicitor will then send a letter to the young person and their parents telling them when they have to come back to court. On the day of the Trial the defense witnesses will be kept separate from the Prosecution Witnesses, and those who have been in court to give their evidence will not be allowed to talk to the people who have not yet done this. This is so that the next witnesses cannot be warned about what is asked in the Court, as this would prejudice their evidence (**Youth Offending Services UK**).

Everyone who gives evidence at a Trial will be asked to promise on The Bible that they will tell the truth, the whole truth, and nothing but the truth. If people do not wish to promise in this way, perhaps they are not particularly religious, they can affirm that they will tell the truth. For people of other faiths, there is the opportunity to promise in the manner that their faith allows (for example, people of the Muslim faith can promise on the Koran). The Prosecution will start the trial by telling the Magistrates what the Police say happened during the offence. They will question the Witness that they are dealing with at the time, and then the Defence will ask the questions that they want answered. Once this is done, the Magistrates may also have questions to ask (**Youth Offending Services UK**).

Once all of the Prosecution case has been laid, the Defence will start their case by calling their list of witnesses. The process above will be gone through again, but this time the defence gets to start first. When all of this process has been gone through, the Magistrates will leave the Court to discuss all of the evidence that they have heard and to decide whether or not the young person is guilty. If they are found guilty, then the process described above for people who have previous convictions will be followed. (People who are found guilty are not subject to the rules about Referral Orders etc).



## 1.7. Type of crimes committed by minors: statistical data

**Table A.1 Number of proven offences by age group and offence type, PNC 2009/10**

Numbers (000s) and percentages Offence group	England and Wales, proven offences		
	All ages	10 to 17	% 10 to 17
Violence Against the Person	352.2	64.4	18%
Sexual	7.0	1.4	20%
Robbery	10.5	5.4	51%
Burglary	33.3	10.6	32%
Offences Against Vehicles	27.5	8.6	31%
Shoplifting	173.3	34.6	20%
Other Theft (not shoplifting)	66.1	17.0	26%
Fraud and Forgery	33.0	2.3	7%
Criminal Damage	107.1	30.3	28%
Drug Offences	139.1	18.4	13%
Other Miscellaneous	57.2	7.7	13%
<b>Total Notifiable</b>	<b>1,006.3</b>	<b>200.7</b>	<b>20%</b>
Other	486.7	44.5	9%
<b>Total Recordable</b>	<b>1,493.0</b>	<b>245.2</b>	<b>16%</b>

*(Crime Survey for England and Wales' in 2009/10).*

**Table A.2 Estimated police recorded crime committed by young people aged 10 to 17 by offence type, 2009/10**

Numbers (000s) and percentages Offence group	England and Wales, police recorded crime		
	Total police recorded crime	% 10 to 17	Police recorded crime committed by 10- to 17-year-olds
Violence Against the Person	871.7	18%	159.3
Sexual	54.5	20%	10.7
Robbery	75.1	51%	38.4
Burglary	540.7	32%	172.5
Offences Against Vehicles	495.0	31%	154.0
Shoplifting	307.8	20%	61.5
Other Theft (not shoplifting)	729.6	26%	187.9
Fraud and Forgery	152.3	7%	10.7
Criminal Damage	806.7	28%	228.3
Drug Offences	235.0	13%	31.1
Other Miscellaneous	70.1	13%	9.4
<b>Total Notifiable</b>	<b>4,338.6</b>		<b>1,063.9</b>

(*'Crime Survey for England and Wales' in 2009/10*)

**Table A.3 Proven co-offending by age group and offence type, PNC 2009/10**

Numbers and percentages	England and Wales, proven offenders and offences			
	Mean number of offenders per offence		% proven offences with co-offending	
	10 to 17	18+	10 to 17	18+
Violence Against the Person	1.08	1.04	8%	3%
Sexual	1.03	1.02	3%	2%
Robbery	1.32	1.23	24%	19%
Burglary	1.24	1.13	19%	11%
Offences Against Vehicles	1.18	1.08	15%	8%
Shoplifting	1.17	1.05	15%	5%
Other Theft (not shoplifting)	1.13	1.09	12%	8%
Fraud and Forgery	1.08	1.04	8%	4%
Criminal Damage	1.11	1.03	10%	3%
Drug Offences	1.04	1.04	4%	4%
Other Miscellaneous	1.13	1.06	12%	6%
<b>Total Notifiable</b>	<b>1.12</b>	<b>1.05</b>	<b>11%</b>	<b>5%</b>

(*'Crime Survey for England and Wales' in 2009/10*)

**Table A.4 Estimated police recorded crime by age group and offence type, 2009/10**

Numbers (000s)	England and Wales, police recorded crime		
	Police recorded crime committed by those aged		
	10 to 17	18 and over	All
Violence Against the Person	153.6	718.1	871.7
Sexual	10.6	43.9	54.5
Robbery	37.1	38.0	75.1
Burglary	161.3	379.3	540.7
Offences Against Vehicles	145.3	349.7	495.0
Shoplifting	56.5	251.4	307.8
Other Theft (not shoplifting)	182.1	547.5	729.6
Fraud and Forgery	10.3	142.0	152.3

Criminal Damage	216.7	590.0	806.7
Drug Offences	31.1	203.9	235.0
Other Miscellaneous	9.0	61.1	70.1
<b>Total Notifiable</b>	<b>1,013.6</b>	<b>3,325.1</b>	<b>4,338.6</b>

Note: The figures for those aged 10 to 17 presented in this table differ from those presented in Table A.2 as the estimate in this table has been adjusted for co-offending

*(‘Crime Survey for England and Wales’ in 2009/10)*

**1. Demographics of young people in the youth justice system**

1.1. Statistics from the Youth Justice Board indicate that around 150,000 children and young people under the age of 18 enter the youth justice system each year, around 70,000 of whom are of compulsory school-age. The highest number of disposals (ranging from police reprimand to custodial sentence) for young people in 2005/06 was for 16 year-olds (49,991 from a total of 212,242 disposals). Disposals almost double from age 12 to 13 (from 10,577 to 20,011) and increase sharply to 33,540 at age 14 and 44,649 at age 15.

**1.2. Young people committing offences by age, gender, ethnicity and region:**

Figure 1: Age

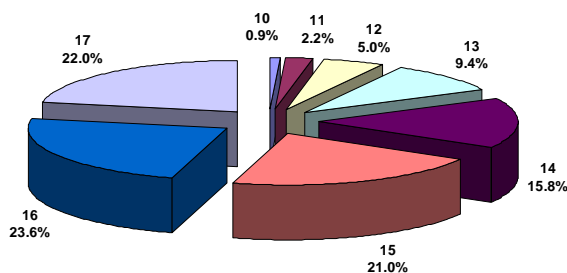
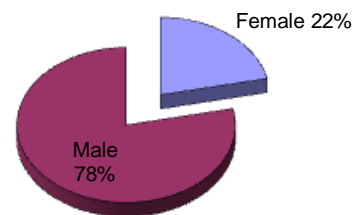


Figure 2: Gender



*(‘Crime Survey for England and Wales’ in 2009/10)*

Figure 3: Ethnicity

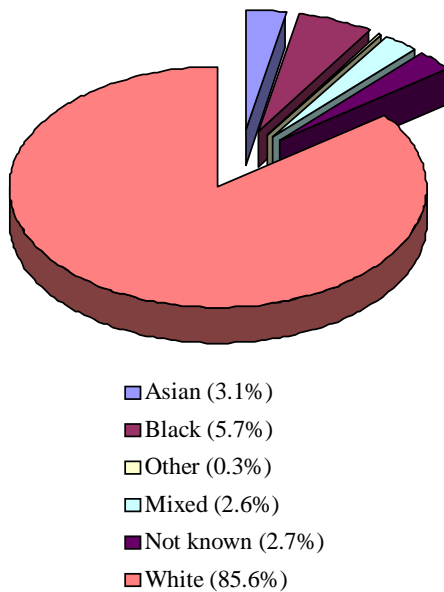
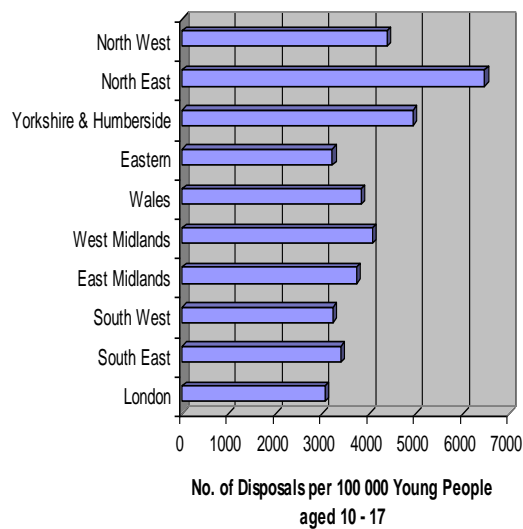


Figure 4: Region



1.3. The most recent census of the population of England and Wales (Office of National Statistics, 2001) found that, of the total UK population, 92 per cent were white, 4 per cent were Asian, 2 per cent were black and 1.2 per cent were of mixed race. Therefore comparisons of the general population against the offending population suggests that those who are black or mixed race are over-represented in the youth justice system, although this is complicated by the fact that a larger proportion of the black and mixed race population is under 16. 55 per cent of the mixed race population and 25 per cent of the black population is under 16, compared to 19 per cent of the white population (*'Crime Survey for England and Wales' in 2009/10*).

## 2. Sentencing of young people in the Youth Justice System

2.1. More than three-quarters (approximately 120,000) of young offenders are given pre-court or first-tier interventions such as curfews or fines. Around 17 per cent are subject to a community sentence and around 4 per cent are sentenced to custody (*'Crime Survey for England and Wales' in 2009/10*).

2.2. The majority of young people serving sentences therefore receive community interventions including community punishment orders, action plan orders and attendance centre orders. Many of these contain an element of education and training, combined with unpaid work in the community and victim awareness sessions. Community sentences can last from a few weeks to three years (*'Crime Survey for England and Wales' in 2009/10*).

2.3. For young people sentenced to custody, most are on relatively short sentences, with the average time spent in custody being four months. Around 92 per cent of young people receiving a custodial sentence are on detention and training orders, which require half the sentence to be served in custody and the last half in the community. The minimum length for detention and training orders is four months and the maximum is two years (*'Crime Survey for England and Wales' in 2009/10*).

### 3. Custodial establishments for young people

3.1. Young people can either be remanded to custody prior to sentencing or they can be sentenced to custody. They can be held in one of three types of institution:

#### 3.2. Young offender institutions

- Run by the Prison Service for 15-21 year-olds (with 15-17 and 18-21 year-olds held separately).
- There are 17 young offender institutions across the country, accommodating around 2,700 young people in total.
- The smallest (Eastwood Park) accommodates 16 young people and the largest (Ashfield) accommodates 400 (*'Crime Survey for England and Wales' in 2009/10*).

#### 3.3. Secure training centres

- Privately run by contractors for young people aged 10-17.
- There are four secure training centres across the country, housing around 274 young people in total.
- The smallest (Hassockfield) accommodates 42 young people and the largest (Oakhill) accommodates 80 (*'Crime Survey for England and Wales' in 2009/10*).

#### 3.4. Secure children's homes

- The majority are run by local authorities for vulnerable young offenders aged 10 to 17 (only one, Orchard Lodge, is run by a private contractor).
- There are 15 secure children's homes across the country, accommodating around 235 young people in total. The smallest (Aldine House) houses 5 young people and the largest (East Moor Secure Unit) accommodates 34 (*'Crime Survey for England and Wales' in 2009/10*).

3.5. The type of institution a young person is held in is governed by the Youth Justice Board placement policy and placement protocol. The Youth Justice Board's placements team makes individual placement decisions based on a range of factors including the vulnerability assessment of the young person

completed by the youth offending team, the available places across the sector and the needs of other young people already in the system (*'Crime Survey for England and Wales' in 2009/10*).

3.6. When in custody young people can also be moved between institutions during their sentence. The Youth Justice Board estimates that a young person stands a one in four chance of being moved during the custodial phase of a detention and training order (*'Crime Survey for England and Wales' in 2009/10*).

#### 4. Re-offending rates and associated costs

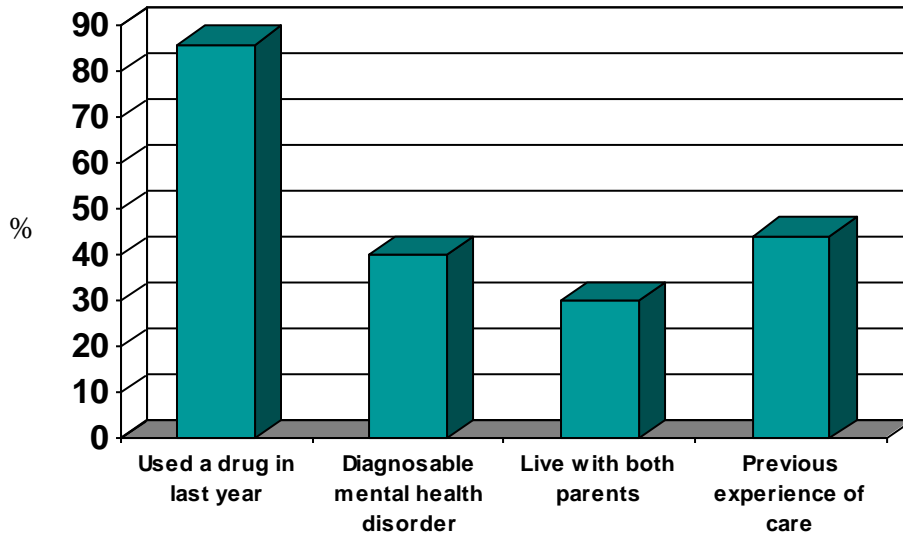
4.1. Re-offending rates are high; 78.2 per cent of young people sentenced to custody re-offend within one year, for community sentences, this figure is 70.3 per cent. Research suggests that re-offending costs to society are high: the total cost of recorded crime committed by ex-prisoners is estimated at around £11 billion per year around 4 per cent of all ex-prisoners are young offenders, therefore crude calculations suggest that the annual re-offending costs of just this one group (excluding young offenders on community sentences) could be upwards of £440 million (*'Crime Survey for England and Wales' in 2009/10*).

4.2. According to the Audit Commission, early intervention to prevent young people offending could save public services more than £80 million a year. It costs just over £4,000 to educate a child at school for a year, compared with almost double this to educate them in a young offender institution for a year. It has also been estimated that the cost of education per bed space is eight to ten times greater in secure training centres and secure children's homes than in young offender institutions. It costs a total of over £60,000 per year to house each young person in a young offender institution and upwards of £200,000 in secure training centres and secure children's homes. In 2006, the Youth Justice Board spent £281 million on secure accommodation (*'Crime Survey for England and Wales' in 2009/10*).

#### 5. Young offenders' personal backgrounds

5.1. The evidence tells us that this group of young people are some of the most disadvantaged in society. They have complex needs, some with a history of substance misuse, mental health needs, and disrupted family backgrounds (*'Crime Survey for England and Wales' in 2009/10*).

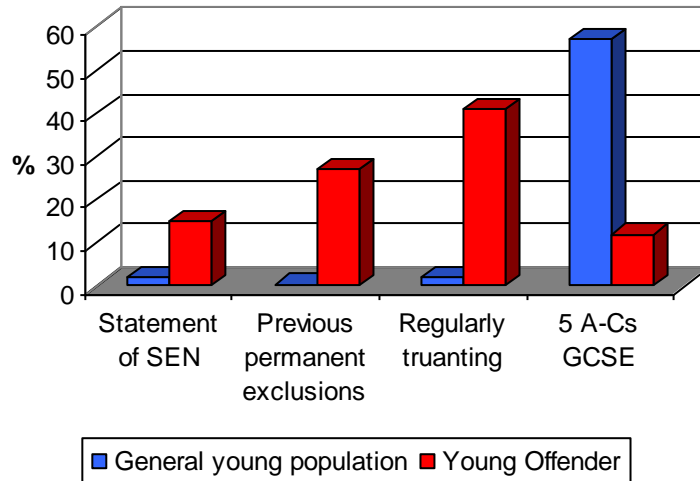
Figure 4: Young people in the youth justice system with complex needs



## 6. Educational background of young offenders

6.1. Comparisons of the educational background of young people supervised by the youth justice system with the general population show that, on average, young offenders have had difficult and often poor previous experiences of education. Low attainment, persistent truancy, exclusion and Special Educational Needs are some of the most prevalent risk factors associated with offending behaviour (*Crime Survey for England and Wales' in 2009/10*).

Figure 5: Education indicators of young offenders compared with the general young population<sup>ii</sup>



(*Crime Survey for England and Wales' in 2009/10*) .

## 7. Links between education and offending/re-offending

- 7.1.** The correlations between education, offending and re-offending are well documented. A Mori youth survey suggests that excluded young people are committing twice as many crimes as their peers in mainstream education (*Youth Surveys for the Youth Justice Board for England and Wales (YJB) 1999*).
- 7.2.** A survey of young people in young offender institutions found that 83 per cent of boys had been excluded and 41 per cent of boys and girls were aged 14 or younger when they were last in school. Furthermore, statistics suggest that the numbers of young offenders who are excluded from school are rising. In the mid-1990s, two out of every five young people of school-age who appeared before the youth court had been either temporarily or permanently excluded from school (*Youth Surveys for the Youth Justice Board for England and Wales (YJB) 1999*).
- 7.3.** A more recent survey based on a sample of youth offending team clients showed that this had almost doubled to three out of four. According to one study, none of those who had full-time education immediately after they were released back into the community on a detention and training order were reconvicted, whereas one-third of those without such immediate provision were reconvicted. Both the Youth Justice Board's and Department for Education and Skill's research has pointed to the key preventative role of education (The 2005 Department for Education and Skills report *Preventing Children's Involvement in Crime and Anti-Social Behaviour*) highlights the fact that children who lack commitment to school feel a sense of alienation which often leads to involvement in anti-social behaviour.



7.4. The Youth Justice Boards 2005 study of risk and protective factors associated with youth crime found considerable overlap between risk factors for youth offending and those for educational under-achievement. Lack of statutory education was one of the largest factors associated with re-offending .

## 1.8. Experiences of good practices in the juvenile justice system in the (UK)

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### Pre-school Programmes

The UK-approach "On Track" (A. France, Hine, Armstrong, & Camina, 2004) which – situated between primary and secondary prevention - is part of the Crime Reduction Programme and includes a series of projects aimed to identify the risk factors associated with the early onset of offending and assess the effectiveness of early intervention programmes. The interventions- which were either done directly with children, using a non-stigmatising universal approach, or indirectly, through support and training to parents and professionals - include Pre-School education, with Home Visiting, Parent Support and Training, Family Therapy, Home School Partnership and Specialist Interventions. This evidence-based programme is currently being evaluated.

Another UK programme, focused on early prevention is "Sure Start" (Sure Start, 2005). This was designed as a unique approach to early intervention for children aged 0-4, their families and communities. Rather than providing specific services, the initiative, influenced by the US programme Head Start, aims to change existing services. It is run through local programmes in the most deprived regions of the country and aims to achieve better outcomes for children, parents and communities by increasing the availability of childcare for all children; improving children's health, education and emotional development; and supporting parents in their role and in developing employment aspirations. There are around 520 local programmes which are also run in Scotland, Wales and Northern Ireland, covering about 800 children in each area. New facilities are being provided including drop-in centres, childcare and mobile health clinics. Each programme is managed by a partnership of statutory agencies (including health and education professionals), childcare professionals and voluntary and community groups, as well as parents, who work together to develop an integrated approach to services for families. This partnership, which is different in each programme, was seen as one of the most innovative features in Sure Start.

### Skill Training

Skill training, which was originally developed by Ross (Ross & Ross, 1995) includes a wide range of social, life and emotional skill training, as well as lateral and critical thinking, value education, assertiveness training, negotiation skills training, inter-personal cognitive problem-solving training, social perspective training, role-playing and modelling and is increasingly becoming a steady part of the school

curriculum throughout Europe (e.g. European Forum for Urban Safety, 2004), such as in the Hungarian Beccaria Model Project for Crime Prevention. It is also often used as part of multiple component programmes such as MST, with those integrated programmes being more effective than single component ones (Baas, 2005; Welsh & Farrington, 2004). Skill training is also widely used – for juveniles and adults - in correctional settings, such as the Pathfinder projects; mostly cognitive behavioural programmes and basic skill training used by the UK Prison and Probation Services (McGuire, 2001), or a programme entitled “Straight Thinking on Probation” which was implemented in Glamorgan (Wales) (Raynor, 2004; Raynor & Vanstone, 2001). Offenders who received skills training were compared with similar offenders who received custodial sentences. After one year, offenders who completed the programme had a lower reconviction rate than control offenders (35%, opposed to 49%).

### **Situational Prevention**

Situational crime prevention methods have been analysed in more detail as an approach to the problem solving of graffiti by young people (Sundell, Shannon, & Andree Loeffholm, 2002), such as making it more difficult to write or paint on public surfaces, and to simplify the cleaning of these surfaces afterwards. Other strategies include increased police patrol of places with surfaces attractive to graffiti painters, as well as making such surfaces as difficult to access and as uninteresting as possible. This can be achieved by covering the surfaces with wooden espaliers, or by concealing them behind plants. The introduction of legal painting walls and graffiti schools has also been tried, but opponents of legalising certain surfaces for graffiti argue that this sends a mixed message to youths about the attitude of society toward graffiti. Also, the “legal walls” could become training surfaces, where painters would practice their skills in order to later move on to their actual targets – illegal surfaces. To what extents those measures have been successful, or have had unintended and/or harmful side effects is unclear, as few have been evaluated (Stevens, Kessler, & Steinack, 2006).

### **Family- and environment based interventions**

As with primary interventions, secondary prevention concentrates not only on the offender, but also on the social environment, including the family. It is often difficult to distinguish between primary and secondary approaches, as often; the families chosen for such mostly community-based interventions are targeted as being “at risk” or in need of social support. A recent multi-agency and multiple intervention UK approach – Promoting Prevention (K. Haines & S. Case, 2005, see Inventory)- aims to foster robust, protective family relationships between young people and their parents. It involves parents at every stage of dealing with an “at-risk” young person by relying on individual and family-based community intervention. It uses mentoring, parenting support and family therapy, with a participatory, youth consultation approach, combined with restorative justice.

Functional Family Therapy (FFT) (Sexton & Alexander, 2000) is another family-based prevention and intervention programme that has been applied successfully in a variety of contexts to treat a range of high-risk youths and their families. This approach draws on a multi-systemic perspective in its family-based intervention efforts. FFT is a good example of the current generation of family-based treatments for adolescent behaviour problems. It combines and integrates established theory, empirically supported principles, and extensive clinical experience into a clear and comprehensive clinical model.

The FFT model allows for intervention in complex and multidimensional problems through clinical practice that is flexibly structured and culturally sensitive and accountable to youth, their families, and the community. Although often used as a tertiary intervention programme, such as for adolescents on probation. FFT is also a prevention programme for at-risk adolescents and their families. FFT targets youth between the ages of 11 and 18 from a variety of ethnic and cultural groups, but also provides treatment to younger siblings of referred adolescents. FFT is a short-term intervention — including, on average, 8 to 12 sessions for mild cases and up to 30 hours of direct service (e.g., clinical sessions, telephone calls, and meetings involving community resources) for more difficult cases. In most cases, sessions are spread over a 3-month period. Regardless of the target population, FFT emphasises the importance of respecting all family members on their own terms.

A recent UK-project is using a multi-systemic approach in targeting offending children (starting at the age of 7, who therefore have often not been involved yet with the Criminal Justice System). It concentrates on prolific (potential) offenders, offenders with special needs and those who were referred as a preventive or protective measure by school, authorities or parents (Nee & Ellis, 2005). This approach has got a strong theoretical basis, and applies sound assessment and allocation to the service on the basis of need. It relies on a strong commitment to the responsivity principle (taken from effective interventions with older offenders) and its multi-modal approach is based on existing evidence of effective interventions, e.g., interpersonal skill training, individual counselling, multi-modal and cognitive-behavioural programmes, parental and family (siblings etc.) involvement.

The first evaluation by the University of Portsmouth indicates the effectiveness of the intervention, yet, the evaluation has got some methodological weaknesses, such as a small sample size. Another UK-example is provided by the Youth Inclusion Programmes (YIPs), established in 2000, which consist of tailor-made programmes for a selection of the 13 to 16-year-olds most at risk of offending, truancy, or social exclusion. The multi-modal and multi-agency programme operates in 72 of the most deprived/high crime estates in England and Wales and is based on the provision of accessible leisure space, mentoring, drug and health education, family work and personal assessment. However, its effectiveness has not been proven.

### **Community-based intervention**

Other secondary approaches include community-based, multi-agency programmes with leisure activities, mentoring or vocational/educational training for “youth at risk”, e.g. those excluded from school in the UK (Gray & Seddon, 2005). Multi-faceted interventions of an adequate length, underpinned by clear “theories of change”, are required as well as good relationships with schools and other agencies. Other programmes throughout Europe also focus largely on juveniles excluded from school and not participating in vocational training,

such as the Portuguese Quinta da Princesa<sup>34</sup> project, which was implemented in 2001 to respond to a complex and multidimensional nest of risk factors: unoccupied youngsters (15 – 18 years), school failure, school truancy and early school leaving, problematic families. It trains young unemployed people to become “tutores” (tutors) with positive leadership skills for other deprived children and young people, similarly to the Swedish Lugna Gatan project (Roth, 2004; Sundell, 2005).

### **Mentoring**

The UK Youth Justice Board is a keen supporter of mentoring for both young offenders and those at risk of offending. Approximately £10 million has been invested by the Board in mentoring schemes throughout England and Wales. Mentoring has been used to support young people involved in community sentencing and prevention schemes, e.g. ISSP, YIP and education programmes. In the latest tranche of funding, 50 mentoring projects were supported for three years to give one-to-one support to young people with developmental needs in literacy and numeracy support. Additionally, 30 projects targeting young offenders from minority ethnic and other hard to reach groups supported over 1,500 young people (*Youth Justice Annual Statistics 2002-03, Youth Justice Board*)

### **Therapeutic Foster Care**

The UK, for example, the Kent County Council has established a therapeutic Foster Care Project for children between 4 and 13. The children are placed temporarily (short term, up to 2 years) in a therapeutic Foster care home. The foster carers are trained by and are part of a care planning team and undertake some tasks normally done by social workers, such as recording the child’s progress and advocating for the child. They also regularly meet with a psychologist and with other members of the care team for the child (*Youth Justice Annual Statistics 2002-03, Youth Justice Board*).

### **Intensive Supervision and Surveillance Programme**

A strong theoretical basis supports the multi-systemic ISSP (Intensive Supervision and Surveillance) approach which is largely used in the UK – and recently in the Netherlands, too, - as part of a probation or other court order. However, evidence which proves its effectiveness is still lacking. Little et al. (2004) conducted a randomised control trial with 3 groups in order to test a multi-agency ISSP-implementation which involved:

- ❖ joint and frequent supervision of participants by Police and Social Services staff;
- ❖ a family group conference to encourage the young person and relatives to identify needs and arrive at their own solutions;
- ❖ availability of victim reparation and mediation in appropriate cases;
- ❖ availability of a mentoring scheme to place programme participants in contact with a young volunteer to act as a role model and to help fill free time constructively
- ❖ better diagnosis, assessment and individual treatment plan;
- ❖ improved sharing of information between Police, Social Services and education professionals;
- ❖ regular multi-agency review of cases;

In addition, there were strong attempts to connect the scheme with local industry and commerce. Four measures were used: Court outcomes, offences outcomes, offence/liberty ratio and pre-post offence ratio. Data were assembled from three sources: local Police records and Court disposals, professional records and interviews with youth justice workers and data from national criminal records. In addition, data on professional perspectives were collected with respect to each individual case. The data were analysed using a multivariate regression analysis of arrest.

### **Restorative Justice**

Restorative justice approaches are often regarded as particularly suitable for juveniles (Blatier, 1999; Maxwell & Morris, 2002). Restorative justice gives victims the chance to meet or communicate with their offenders to explain the real impact of the crime - it empowers victims by giving them a voice. It also holds offenders to account for what they have done and helps them to take responsibility and make amends. Government research demonstrates that restorative justice provides an 85% victim satisfaction rate, and a 14% reduction in the frequency of reoffending (Blatier, 1999; Maxwell & Morris, 2002).

Restorative justice is about victims and offenders communicating within a controlled environment to talk about the harm that has been caused and finding a way to repair that harm. For offenders, the experience can be incredibly challenging as it confronts them with the personal impact of their crime. For victims, meeting the person who has harmed them can be a huge step in moving forward and recovering from the crime.

### **How does it work?**

Restorative justice conferences, where a victim meets their offender, are led by a facilitator who supports and prepares the people taking part and makes sure that the process is safe. Sometimes, when a face to face meeting is not the best way forward, the facilitator will arrange for the victim and offender to communicate via letters, recorded interviews or video. For any kind of communication to take place, the offender must have admitted to the crime, and both victim and offender must be willing to participate. Restorative justice can be used for any type of crime and at any stage of the criminal justice system, including alongside a prison sentence. The Restorative Justice Council advocates the use of safe, high quality restorative justice wherever and whenever it is needed (Gelsthorpe et al 2002).

## Conclusions

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To conclude, this report is by no means a comprehensive survey of the current insights surrounding youth justice in the UK. The English criminal justice system response to youth crime has undergone significant changes in recent years, with the development of multi-agency Youth Offending Teams, and a policy shift towards preventing youth crime as the primary purpose of professional intervention with young offenders. These developments have led to a twin-track approach, with a focus upon early identification and intervention with young people at risk, and intensive intervention with persistent young offenders who commit a disproportionate amount of youth crime. All of these policy developments encourage a more holistic approach in dealing with young offenders. Rather than consider the individual and their behaviour in isolation from other factors, this approach appreciates that critical elements of an individual's relationships and social environment interact with individual qualities to make one more susceptible to involvement in offending. There have been many UK crime prevention initiatives in recent years (Welsh & Farrington, 2004), following the establishment of the Home Office Crime Reduction Programme. Yet, most of the initiatives were secondary and situational (e.g. focusing on burglary reduction through target hardening) or based on the tertiary level (probation/prison oriented). Early intervention approaches such as the On Track programme which was launched in 1999 and provided services for children aged 4-12 who were identified as at risk of being involved in crime in highly deprived communities are based on the secondary level.

As Welsh and Farrington (Ibid) conclude, nationally and locally, there is no agency whose primary mandate is the prevention of crime. Worthwhile intervention programmes implemented by Youth Offending Teams are targeted on detected offenders. Hence, the responsible agency in those European States who (still) follow a Welfare Approach – such as a Ministry for Youth and Family (e.g. in Germany and Austria) – and which concentrates on early prevention by following a public health approach is missing. Specific (secondary) community based prevention work is nearly exclusively targeted on children at risk and includes mostly leisure activities, mentoring or educational training (e.g. Gray & Seddon, 2005). Nevertheless, the Youth Justice Board (YJB), which is the body responsible for dealing with young offenders in England, has developed a focus on prevention. Its prevention efforts include various programmes to include young people in sports and other diversionary activities. Work is targeted on young people who are considered likely to offend through the work of Youth Inclusion Programmes (YIPs, for 13-16 year olds) and Youth Inclusion and Support Panels (YISPs, for 8-13 year olds). Others, including the NGO NACRO, have criticised the involvement of criminal justice agencies, such as the Youth Offending Teams, in work (e.g. YISPs) with young children, pointing to the dangers of labelling that this entails. The YJB is also developing an evidence-based approach to working with young offenders. It has published research that summarises the “key elements of effective practice” in working with young offenders and has issued guidelines on the basis of this research for 15 types of programme. It has created training programmes for people who work with young offenders on how to implement this research, through the ‘Professional Certificate in Effective Practice (Youth Justice).

In the UK, the Crime and Disorder Act 1998 created "parenting orders" which can be applied when the child is offending or truanting. A parenting order can last for up to 12 months and include attendance at counselling or guidance sessions. Failures to comply can result in punishment. In this regard, overwhelmingly single mothers had to participate in parenting projects and complained that they felt stigmatised and labelled (Goodman & Adler, 2004). Generally, the sample in the evaluation of English pilot schemes which were either 'Preventive' (working with a large group of parents) or therapeutic (targeting vulnerable parents) was 81% female and 49% lone parents (Ghate & Ramella, 2002). Arthur (2005) argues: "An effective youth crime reduction and prevention...is one that addresses the life experience of children and in which prevention is promoted through the collaborative and integrated activities of a range of services. Increasingly punitive measures camouflage the state's unwillingness to maintain a social infrastructure.

The parental responsibility laws oversimplify the complex linkage between parenting and delinquency in a reductionist effort to blame parents for their children's wrongs..." In 1999, the Youth Justice Board for England and Wales funded 24 pilot projects which were independently evaluated. The most effective were the Webster-Stratton programme and the Hilton Davies model (Coleman, Henricson, & Roker, 1999), which uses a one-to-one multi-agency approach and addresses not only parenting issues, but also social and welfare issues, based on patience, tact, empathy and respect for the parents. Scott et al. (2001) evaluated the Webster-Stratton parent training programme in London. This programme includes parent training and child skill training which aim to foster pro-social behaviour and interpersonal skills using e.g. video modelling, with the parents receiving – among others – weekly sessions with a therapist for 22-24 weeks. Around 140 children aged 3-8 who showed signs of antisocial behaviour and their parents were allocated to experimental or control groups. Parent reports showed that the antisocial behaviour of the experimental children decreased, while that of the control children did not change. Welsh and Farrington (2004) stress the cost-effectiveness of this programme.

Research indicates that an effective juvenile justice system richly reinforces desirable behaviour. It clearly communicates expectations and rules and minimizes opportunities for youth to engage in problematic behavior. Adults in an effective juvenile justice system consistently and fairly give negative consequences for rule infractions. However, an effective system also provides numerous opportunities for youth to engage in positive activities and creates meaningful roles for youth to build skills and motivation.

One size does not fit all; thus, an effective juvenile justice system actively provides empirically titrated supervision to all youth in the system based on their risk for criminal behaviour and their need—those diverted, those incarcerated, and those released. An effective system works to build positive relationships between troubled youth and positive, caring, well-trained adults. It minimises the congregation of juvenile offenders and separates high-risk youth from lower-risk youth. It ensures that juvenile offenders, including lower-risk and first-time offenders, have appropriate levels of contact with well-trained adults rather than with other problematic peers. For example, lower-risk and a large majority of first-time offenders have better outcomes with lower levels of contact with

the system, whereas higher-risk youth have better outcomes with a higher density of appropriate supervision and treatment. Finally, an effective juvenile justice system provides evidence-based services in mental health and substance abuse treatment, as well as effective academic and social skills development.

## **Recommendations for Alternative Juvenile Crime Prevention**

It is useful to ensure that effective interventions are available for multi problem youth and their families before they encounter the juvenile justice system. This includes providing evidence-based treatments for those whose primary problem is a mental health or substance abuse problem.

It is recommended to reduce reliance on incarceration and other strategies that congregate juvenile offenders together. Instead, provide a full continuum of research-based, effective juvenile diversion options in the community as alternatives to incarceration.

Focus juvenile justice responses and interventions on individuals' actual risk factors for criminal behavior and their need, rather than the traditional approach of focusing simply on the crime committed.

Implement evidence-based rehabilitation and treatment practices for incarcerated youth, making sure that all youth involved in the juvenile justice system have access to evidence-based mental health and substance abuse treatment as needed, as well as to an appropriate public education. Support better and more effective family.

Particular attention must be paid to a), the heterogeneity of the juvenile population (age, gender, nationality, religion, ethnicity, sexuality, etc.) and must be acknowledged in planning interventions and b), thorough analysis of the situation, including geographical and social "mapping" is necessary for, planning, monitoring and evaluating juvenile crime prevention.

It is important for potential partners and stakeholders (including members of target groups and their families) to be identified and involved early in the development of plans and to use methods that have a sound theoretical and empirical basis. Untested methods should only be used in rigorously evaluated and ethically reviewed experimental projects. Instead a combination of methods such as Multi-modal programmes must be used which tend to work better than programmes which use only one type of service.

Target interventions on criminogenic need; i.e. factors which have been demonstrated to operate as risk or protective factors for juvenile offending. These factors often operate at several levels; individual, family, community, school, economic. All levels can be used as levers to reduce youth offending. Focusing only



on the individual level is unlikely to lead to sustained reductions in crime, as juvenile offenders quickly grow up and are replaced by a new generation.

Use programmes which are adequately adapted to the age and stage of adolescent development of the participants by a), recognising that punishment by the criminal justice system is not beneficial for the juvenile, or for their prospects of avoiding future offending and b), avoiding measures which bring delinquent youths together in the absence of pro-social peers and purposeful activity.

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