



House of Commons

Committee of Public Accounts

The youth justice system in England and Wales: Reducing offending by young people

**Twenty-first Report of Session 2010–
11**



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*Report, together with formal minutes, oral and
written evidence*

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The Committee of Public Accounts

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Eric Joyce (*Labour, Falkirk*)

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Powers of the Committee of Public Accounts are set out in House of Commons Standing Orders, principally in SO No 148. These are available on the Internet via www.parliament.uk.

Publication

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at <http://www.parliament.uk/pac>. A list of Reports of the Committee in the present Session is at the back of this volume.

Committee staff

The current staff of the Committee is Philip Aylett (Clerk), Lori Verwaerde (Senior Committee Assistant), Ian Blair and Michelle Garratty (Committee Assistants) and Alex Paterson (Media Officer).

Contacts

All correspondence should be addressed to the Clerk, Committee of Public Accounts, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 5708; the Committee's email address is pubaccom@parliament.uk.

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Summary

Central government and local authorities spent £800 million in 2009-10 dealing with youth crime, primarily through the Youth Justice Board nationally and Youth Offending Teams locally. Ten per cent was spent on trying to prevent young people becoming offenders. Most of the rest was incurred in dealing with offending behaviour, including over £300 million on custody, which is used to deal with 3% of offences. The National Audit Office has estimated that the total costs to the UK economy of offending by young people could be up to £11 billion a year.

In recent years, the Youth Justice Board has been effective in leading reform within the youth justice system and diverting resources to the offenders most at risk of committing future crimes. Since 2000, the number of young people entering the youth justice system, the number held in custody and the amount of reoffending committed by young people, have all fallen. Youth custody, which is expensive relative to other ways of dealing with young offenders, has fallen during a period when the number of adults in custody has continued to rise. This is a particularly noteworthy achievement, and one in which the Board has played a central part.

Some areas of difficulty remain, however, particularly with more serious offenders. Young people are now more likely to reoffend after a serious community penalty than they were in 2000 and three in four of those leaving custody will reoffend in the following year. Dealing with these offenders is difficult, but it has been made more so by poor quality assessments and sentence planning in one third of cases, together with a lack of research into the relative effectiveness of different programmes. This also makes it particularly difficult to decide which activities to retain, and which to cut, following the 2010 Comprehensive Spending Review.

The Ministry has decided to abolish the Youth Justice Board, though it did not take into account the Board's performance in making this decision. We have some concerns that reorganization at this time could impact on building on the progress achieved to date. Following the abolition, it will be the role of the Ministry to maintain the successes that the Board has achieved in its oversight of the youth justice system, and to address effectively areas where more needs to be done.

On the basis of a Report by the Comptroller and Auditor General¹ we took evidence from the Ministry of Justice and Youth Justice Board on the operation of the youth justice system in England and Wales.

1 C&AG's Report, *The youth justice system in England and Wales: Reducing offending by young people*, HC 663, 2010-2011

Conclusions and Recommendations

- 1. The youth justice system has been successful in reducing the number of criminal offences committed by young people over the last ten years, an achievement in which the Youth Justice Board has played a central role.** There have been substantial reductions in the number of young people entering the system and the number of offences committed by young people, although it is not known to what extent these reflect genuine reductions in crime, or displacement, whereby criminal offences are now being dealt with by non criminal sanctions. In addition to these reductions, the number of young people being sentenced to custody has also fallen substantially. All those involved in these successes should be commended.
- 2. Those young offenders serving custodial sentences or more serious community sentences remain highly likely to reoffend.** There has been little improvement in the reoffending rate for those leaving custody, with three in four offending again within a year. At the same time the rate of reoffending for those on more serious community sentences is getting worse despite an overall reduction in the number of offences they commit. The Ministry should set out a clear and measurable strategy for how it will work to reduce the risk of reoffending by these young offenders.
- 3. A third of assessment and sentence plans undertaken by Youth Offending Teams are not good enough, according to inspections by Her Majesty's Inspectorate of Probation.** The assessment of young offenders, and the resulting sentence plans to tackle the causes of their offending, are key determinants of how resources should be targeted. The Youth Justice Board should use the lessons learned from these inspections and its own performance monitoring to drive improvement in weaker Youth Offending Teams.
- 4. The Board has limited evidence of what interventions work, making it difficult to achieve better value for money from the £800 million spent in the system.** Without evidence of effectiveness, there is a risk that reductions in funding for front-line services could result in cuts to the most successful interventions. We welcome the commitment from the Board and the Ministry to maintain research spending. They should focus on research that will enable them to assess which interventions are most effective and use the findings to direct funding into what is known to work.
- 5. 70% of young offenders suffer from significant communication difficulties, but current forms of assessment do not give this sufficient weight.** The justice system assumes a level of understanding on the part of young offenders that will in many cases be lacking. This increases the risk that young people will not engage with or understand the requirements of their sentence plan. We welcome the commitment to review the assessment process and recommend that an explicit assessment is made of communication difficulties. Where such difficulties are identified, speech and language therapy should be considered as part of the sentence plan.
- 6. The Board lacks sufficient knowledge of what interventions are being used by Youth Offending Teams and how well they are working and, consequently, it cannot disseminate best practice effectively.** It cannot be value for money for

Youth Offending Teams to have to develop interventions independently when they have similar content and are aimed at the same risk factors. The Board should be much more active in building its knowledge of commonly used interventions, understanding their effectiveness, and disseminating this information to Youth Offending Teams across England and Wales, including by providing example course material and content.

7. **The Board's performance management systems and remedies are focussed too much on process and not enough on outcomes.** Significant resources have been spent helping teams whose processes look weak but who nevertheless appear to be achieving positive results. The Ministry's future performance management regime should focus more clearly on outcomes and identifying the factors that have led to changes in them.
8. **The planned abolition of the Youth Justice Board has arisen from a policy decision and not as a result of any assessment of the Board's performance.** The Board has developed and maintained a distinctive focus on youth in the justice system and has contributed to positive outcomes in recent years. There is a risk that some of the factors that made the Board successful will be lost in the transition. The Ministry should identify the strengths in the way the Board has operated and publish a plan showing how the best elements will be retained within the new structure for youth justice.
9. **The abolition of the Board raises a question about how a national focus on reducing offending by young people and reducing the use of custody will be maintained.** Many of the mechanisms that could be used to influence or direct Youth Offending Teams are under consideration as part of the current reforms. The Ministry should ensure that it has the capacity to drive change on national priorities, and that it has the mechanisms and local intelligence it needs to work with Youth Offending Teams to improve value for money.
10. **Prevention work has had an impact on reducing the number of first time entrants to the youth justice system, but funding is being reduced.** Cutting prevention funding now increases the risk of the unintended consequence that more crime could occur in the medium term, with the cost likely to outweigh any short term savings. The Board and the Ministry should encourage investment in prevention where reducing youth crime has been identified as a local priority. They should consider offering match-funding, piloting the use of other incentives such as payment by results, and sharing the proceeds of reduced custody levels.

1 Tackling youth crime

1. The youth justice system of England and Wales is overseen by the Youth Justice Board. The system both manages young offenders and delivers activities designed to prevent offending by young people between the ages of 10 and 17. In 2009-10, the cost of dealing with young offenders was £800 million. Of this £500 million was spent through the Board, of which more than £300 million was spent on custody for a small minority of offenders.² England and Wales have the second highest rate of incarceration in Europe; in April 2010 around 2,200 young people were held in Young Offender Institutions and other detention facilities.³

2. The number of young people in custody, however, fell by 14% between April 2005 and April 2010 - a time when adult custody figures increased.⁴ The number of first-time entrants to the youth justice system has also fallen, from a peak of around 110,000 in 2007 to just over 60,000 in 2010.⁵ Young offenders convicted in court are less likely to re-enter the youth justice system than previously.⁶ The number of further offences committed reduced from more than 250 per 100 offenders in 2000 to just over 200 in 2008.⁷

3. We commended the Youth Justice Board for these improvements, which they and the Ministry of Justice attributed to a range of factors, notably the way local Youth Offending Teams involved a range of partners such as local authorities and the police. The Youth Justice Board said that over the last three years it had also forged a national partnership with the Youth Committee of the Magistrates' Association, who had helped them to identify best practice for Youth Offending Teams when presenting to the court.⁸

4. Nevertheless, although the number of crimes recorded as committed by young people leaving custody was lower than before, the number of young offenders being reconvicted fell only slightly between 2000 and 2008.⁹ 74% of those who had served custodial sentences went on to reoffend.¹⁰ The proportion of young people completing the more serious community sentences, who went on to reoffend had actually increased since 2000.¹¹ It was on these cases that the most money was spent.

5. Furthermore, although the number of crimes committed by young offenders overall had fallen, much of the decrease was due to a fall in the number of motoring crimes. The Youth Justice Board acknowledged that stripping out motoring offences from youth crime

2 C&AG's Report, *The youth justice system in England and Wales: Reducing offending by young people*, HC 663, 2010-2011, paragraph 2

3 Qq 6-11, C&AG's Report, Figure 13

4 Q 1, C&AG's Report, paragraph 13

5 Q 2, C&AG's Report, Figure 5

6 Q 2

7 C&AG's Report, Figure 7

8 Q 1

9 C&AG's Report, Figure 7

10 Q 61

11 C&AG's report, paragraph 3.9

reduced the scale of the fall. There had also been an increase in the numbers of more serious crimes committed by young offenders, including sexual crimes, drug offences and robberies.¹²

6. Youth Offending Teams conduct assessments of young offenders' needs which are important for deciding how much and what kind of resources they direct towards different offenders during their sentences. However, a third of assessments and resulting sentence plans were judged to be of insufficient quality by Her Majesty's Inspectorate of Probation.¹³

7. The Ministry expressed its desire to drive up the quality of these assessments.¹⁴ To improve the performance of some Youth Offending Teams more generally, the Board had established regional fora which Youth Offending Teams attended in order to learn lessons from each other. It had also sent a national improvement team into the worst-performing areas. The Ministry informed us that eight of the worst Youth Offending Teams had received this help and had improved.¹⁵

8. More than 70% of young offenders have severe communication difficulties. The extent of these language difficulties prevented young offenders benefitting from education programmes in Young Offenders' Institutions. Yet the Youth Justice Board's management tool for assessing young offenders' needs ("Asset") did not test for communication difficulties.¹⁶

9. The Youth Justice Board told us it was committed to reviewing Asset, and would build in a component assessing the speech and language deficits of young offenders. This problem went beyond simply addressing offenders' needs while in custody, as communication difficulties could also prevent young offenders from understanding what was happening to them in court or while serving community sentences. Additionally, fifteen Youth Offending Teams had developed new approaches to addressing speech and language difficulties, such as employing therapists to work with young offenders.¹⁷

12 Qq 79-80

13 Q 28

14 Q 30

15 Q 83

16 Q 91

17 Q 91

2 Finding out what works with young offenders

10. After ten years of having a dedicated youth justice system, the Youth Justice Board knew little about the relative effectiveness of interventions with young offenders. The Youth Justice Board had not been able to isolate which programmes had had the most impact on youth offending, and why.¹⁸

11. The Youth Justice Board also had limited information about the cost of different programmes, making it difficult to assess whether, for example, a Secure Training Centre, which cost £160,000 a year, was value for money in comparison to a Youth Offenders' Institute, which cost £60,000 a year.¹⁹ Such assessment was also complicated by the different age groups and needs of young offenders in different institutions.²⁰

12. Although the Board had set out its preferred approach to tackling youth crime, such as funding programmes to tackle knife crime, it had conducted insufficient research to provide strong guidance on commonly available and used programmes, such as anger or impulsivity management.²¹

13. Although the Board had attempted to identify effective practice at local level, it had only been able to draw limited lessons. Many interventions, or custodial facilities, deal with a relatively small population of offenders, such that drawing robust conclusions from an analysis of reoffending rates is very difficult.²² Except in instances where it provided specific funding, the Board did not define what needed to be done at Youth Offending Teams, and conducted limited measurement of the work they were doing. This meant that much of the evidence they collected was anecdotal, relying on small pilot projects undertaken in specific circumstances.²³

14. We heard from both the Ministry and the Board that they considered good research to be fundamental to running an evidence-based youth justice system. Both committed to work together to maintain a dedicated focus on youth justice research.²⁴ The Ministry and the Board were considering using more local knowledge to help spread best practice, particularly through the use of regional fora, also used to improve completion of offenders' assessments.²⁵

15. The Youth Justice Board had in many cases improved processes in the youth justice system, such as in the case of its work with magistrates.²⁶ However, the Youth Justice

18 Q 43

19 Q 175

20 Q 27

21 Q 44

22 Q 27

23 Q 117

24 Q 93

25 Q 77

26 Q 1

Board's focus could come at the expense of sufficient attention to outcomes. For example, in the teams assessed by the Board, there was no discernible relationship between how well processes performed and real world outcomes for youth crime.²⁷ The Board provided evidence of where significant resources had been committed to improving the management of a Youth Offending Team, but when we pressed on how this had affected outcomes, they told us that this team had always had good outcomes, regardless of its processes.²⁸

27 Q 86

28 Q 90

3 The future of the youth justice system

16. In October 2010, the Ministry of Justice announced its intention to abolish the Youth Justice Board. The decision was made on the basis of three Cabinet Office criteria which asked whether arms length bodies such as the Board needed to be impartial, whether they performed a technical function that needed to be performed at arm's length from government, and whether they had to act independently to establish facts. Performance was not one of the criteria for judgement, so the evidently strong performance of the Board had not been taken into account.²⁹ The Ministry did not expect to make significant savings from the abolition of the Board; £6 million over four years, less than 0.5% per year of its budget.³⁰

17. In December 2010 the Ministry published a Green Paper seeking consultation on the future shape of justice services, including youth justice. It also put a transition board in place to oversee this process. The Ministry intended to retain a dedicated focus on youth justice, but certain existing elements would not be retained, such as the actual board of the Youth Justice Board. The Ministry also planned to make staffing cuts, in line with the wider reductions taking place at its headquarters.³¹

18. As delivery of youth justice was largely devolved to the local level under the Youth Justice Board, there was a large variety of approaches taken to working with young offenders. The Ministry told us that, within the new structure, this level of variability was likely to remain or increase.³²

19. The ability of the Ministry or the Board to direct Youth Offending Teams was limited as, under the current statutory framework, the primary accountability of these teams was to their local authorities. The mixture of national and local responsibilities had led in some situations to perverse outcomes. For example, local authorities were responsible for meeting the costs of community sentences, and where these sentences were credible they were more likely to be used as alternatives to custody by magistrates. But the Board was responsible for meeting the cost of custody, which was considerably more expensive per offender. This therefore diminished the incentive for local authorities to provide well-funded community alternatives to custody, or to invest in non-statutory prevention work.³³

20. The Ministry told us that custody for young offenders might be chosen by magistrates for a variety of reasons, but there was evidence of its overuse.³⁴ For example, almost one in four children in custody in 2011 was on remand, but of these, three in four would never serve a sentence at the end of their remand period.³⁵ The Board and the Ministry told us that they had few direct levers to encourage areas with high custody rates to reduce them.

29 Q 5

30 Q 129

31 Q 146

32 Q 41

33 Q 50

34 Q 124

35 Q 47

Although they were considering returning savings from reduced custody to local authorities, this money would not be ring-fenced for expenditure on other youth justice services such as prevention work.³⁶

21. Prevention work undertaken in recent years has reduced the number of young people entering the youth justice system. However, funding under the Youth Crime Action Plan was split equally between 69 priority local authorities, even when in some cases the level of need was over 15 times greater than others.³⁷

22. The Ministry told us that prevention budgets were certain to be cut in future years, at both national and local level, due to general reductions in budgets and the non-statutory nature of prevention work.³⁸ The Ministry believed that cuts to prevention funding would lead to higher costs in the medium term.³⁹

36 Q 57

37 Q 100

38 Q 165

39 Q 169

Formal Minutes

Wednesday 2 February 2011

Members present:

Rt Hon Margaret Hodge, in the Chair

Mr Richard Bacon	Jo Johnson
Mr Stephen Barclay	Rt Hon Anne McGuire
Dr Stella Creasy	Austin Mitchell
Jackie Doyle-Price	Nick Smith
Matthew Hancock	Ian Swales
Chris Heaton-Harris	James Wharton

Draft Report (*The youth justice system in England and Wales: reducing offending by young people*) proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 22 read and agreed to.

Conclusions and recommendations 1 to 10 read and agreed to.

Resolved, That the Report be the Twenty-first Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Written evidence was ordered to be reported to the House for printing with the Report.

[Adjourned till Tuesday 8 February at 10.30 am

Witnesses

Wednesday 12 January 2011

Page

Sir Suma Chakrabarti KCB, Permanent Secretary, **Helen Edwards**, Director General, Justice Policy, Ministry of Justice and **John Drew**, Chief Executive, Youth Justice Board

Ev 1

List of printed written evidence

- 1 Ministry of Justice
- 2 Geraint Davies MP

Ev 21: Ev 21

Ev 27

List of Reports from the Committee during the current Parliament

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2010–11

First Report	Support to incapacity benefits claimants through Pathways to Work	HC 404
Second Report	Delivering Multi-Role Tanker Aircraft Capability	HC 425
Third Report	Tackling inequalities in life expectancy in areas with the worst health and deprivation	HC 470
Fourth Report	Progress with VFM savings and lessons for cost reduction programmes	HC 440
Fifth Report	Increasing Passenger Rail Capacity	HC 471
Sixth Report	Cafcass's response to increased demand for its services	HC 439
Seventh Report	Funding the development of renewable energy technologies	HC 538
Eighth Report	Customer First Programme: Delivery of Student Finance	HC 424
Ninth Report	Financing PFI projects in the credit crisis and the Treasury's response	HC 553
Tenth Report	Managing the defence budget and estate	HC 503
Eleventh Report	Community Care Grant	HC 573
Twelfth Report	Central government's use of consultants and interims	HC 610
Thirteenth Report	Department for International Development's bilateral support to primary education	HC 594
Fourteenth Report	PFI in Housing and Hospitals	HC 631
Fifteenth Report	Educating the next generation of scientists	HC 632
Sixteenth Report	Ministry of Justice Financial Management	HC 574
Seventeenth Report	The Academies Programme	HC 552
Eighteenth Report	HM Revenue and Customs' 2009-10 Accounts	HC 502
Nineteenth Report	M25 Private Finance Contract	HC 651
Twentieth Report	Ofcom: the effectiveness of converged regulation	HC 688
Twenty-First Report	The youth justice system in England and Wales: reducing offending by young people	HC 721