

Criminal Justice

Briefing

 **audit**
commission



Youth justice 2004

A review of the reformed youth justice system

The Audit Commission is an independent body responsible for ensuring that public money is spent economically, efficiently and effectively, to achieve high-quality local and national services for the public. Our work covers local government, housing, health and criminal justice services.

As an independent watchdog, we provide important information on the quality of public services. As a driving force for improvement in those services, we provide practical recommendations and spread best practice. As an independent auditor, we monitor spending to ensure public services are good value for money.

- 1 The youth justice system has recently undergone a radical overhaul. In this report, we trace what has happened since *Misspent Youth* was published in 1996 and take stock of the difference that the new reforms have made. We identify what seems to be working well and what needs to be done now to make them work better. In the study, we spoke to many people, from practitioners on the ground, to young people and parents who experience these reforms first hand. This is what we discovered.

Considerable Improvement

- 2 We found that the new system is a considerable improvement on the old one.
 - **Young offenders are more likely to receive an intervention.** In 2003 nine-out-of-ten young offenders said something happened to them after they were caught by the police compared with nearly eight-out-of-ten in 2001.
 - **Young offenders are dealt with more quickly.** In January 1997, the average time from arrest to sentence was 142 days; by August 2001 it had been halved to 71 days.
 - **Young offenders are more likely to make amends for their wrong-doing.** In 2002/03, more than 30,000 young offenders received Referral Orders or Reparation Orders – nearly one of every three sentenced; before 2000 these sentencing options were not available.
 - **Young offenders on bail are less likely to offend.** In 1994, one-in-three young offenders committed offences while on bail; by 2002/03 it was one-in-five.
 - Compared with 1997, **the reconviction rates of those receiving reprimands and Final Warnings was between 7 and 10 per cent lower** than the predicted rate and for the new Reparation Orders and Action Plan Orders it was nearly 7 per cent lower.
 - **Intensive Supervision and Surveillance Programmes (ISSPs) are a more constructive and considerably cheaper option** for persistent young offenders than a spell in custody. A six month ISSP costs £8,500 whereas a six month stay in a young offender institution costs £25,400. Young people are offered up to twice as much time in constructive activities on an ISSP as they are in prison.
 - **Magistrates are very satisfied with the service they receive** from youth offending teams (Yots), including pre-sentence reports, information provided in court, bail supervision programmes and community sentences.
- 3 Equally important, we also found improvements in the new arrangements for delivering the reforms. The Youth Justice Board sets a clear national framework with minimum standards and a performance framework and takes a lead role in monitoring progress and developing policy. The 155 Yots are critically placed between criminal justice, health and local government services to co-ordinate and deliver services to young offenders and the courts.

More could be done

4 We identified some areas where more could be done.

- Although overall crime has fallen (and youth crime has not increased), **the public know little about the reforms and their confidence in the youth justice system is low**. In 2001/02, one-quarter of the general public thought the criminal justice system dealt effectively with young people; a year later it was only one-fifth. Three-out-of-four people have never heard of Yots.
- **Too many minor offences are taking up valuable court time**. One-quarter of all Referral Orders are for minor offences.
- **The reconviction rates for young offenders given the older community penalties have not fallen**. Compared with 1997, the reconviction rates of those receiving Supervision Orders, Attendance Centre Orders, Community Rehabilitation Orders and Community Punishment Orders have not changed.
- **The overall amount of contact time has hardly changed**. In 1996, young offenders on Supervision Orders received, on average, 1 hour contact time per week; in 2003 it was little more at 1.1 hours per week.
- Although the use of custody has reduced since they were introduced, **ISSPs cannot be expected to reduce custody on their own**.
- **Black and minority ethnic young offenders are much more likely to be remanded in custody or given custodial sentences than white young offenders**. In 2001/02, about 7 per cent of black young people and 8 per cent of those of mixed race were remanded to custody; by 2002/03 these proportions had increased to over 10 per cent and nearly 12 per cent respectively. In contrast, the rates for white young people remained at less than 6 per cent over the same period. About one-in-40 white young offenders are sentenced to custody compared with one-in-12 black young offenders and one-in-10 of those of mixed race.

Recommendations

5 Given the scope of the reforms and the relatively short space of time in which they have been up and running, it would be unwise to embark on further wholesale change. Our key recommendations are:

Focus courts on serious and persistent offenders

6 To free up more court time and resources to focus more on the most persistent and serious offenders, minor offences should be dealt with outside the court. We suggest that the Crown Prosecution Service should refer young offenders who commit minor offences, but may have been reprimanded and warned and have admitted their guilt, to a Youth Offender Panel. Referrals would be for a fixed three-month period. Courts would then have the time and resources to review the most complex cases regularly, altering sentences to meet changing circumstances and affirming good progress.

Improve what happens in court

- 7 It is important that the courts engage young offenders and their parents and ensure they understand fully what happens in court. Magistrates, like other professionals who work with children and young people, should be more specialised. With fewer, more specialised magistrates, persistent young offenders could benefit from being assigned to one of the same magistrates on every court appearance. Magistrates could also review progress on specific cases, provide encouragement to those who are doing well and change the intervention programmes of those who are not.

Make sentencing more cost-effective

- 8 The most expensive and one of the least effective sentences is custody. ISSPs have been introduced to improve community-based alternatives to custody and keep persistent young offenders in their homes, in school, training or a job. Most persistent young offenders who might otherwise be sentenced to custody should receive an ISSP instead. Yots and courts should work to:
- provide more feedback to high custody areas on the costs and the effectiveness of custody and community alternatives;
 - improve further magistrates' confidence in community-based alternatives;
 - shift from a vertical sentencing tariff to a more horizontal or 'sloping' tariff; and
 - improve public knowledge about youth crime and what the youth justice system is achieving.

Meet the wider needs of offenders

- 9 Young offenders have wide ranging needs but these are not always met. Their needs would be better addressed by:
- improving the amount and quality of contact they have with supervising officers;
 - seconding social workers to Yots;
 - keeping children in education, training and employment and involving schools directly in preventing offending;
 - convincing health and mental health services of the crucial role they have to play;
 - developing more accessible, child-centred substance misuse services; and
 - providing more, and more appropriate, supported accommodation.

Prevent children offending in the first place

- 10 Many young offenders who end up in custody have a history of professionals failing to listen, assessments not being followed by action and nobody being in charge. If effective early intervention had been provided for just one-in-ten of these young people, annual savings in excess of £100 million could have been made. Targeted and well-managed early intervention programmes can be effective if they are properly co-ordinated both nationally and locally, such as those managed by Yots. Better still, mainstream agencies, such as schools and health services, should take full responsibility for preventing offending by young people.

The Audit Commission does not intend to imply that the model used in the photograph on the cover of this briefing is an offender.

❗ Copies of this report are available at:

www.audit-commission.gov.uk

or to order a printed copy telephone:

0800 502030

Stock code: LXB3164

For further information on the work of the Commission please contact:
Steve Bundred, Audit Commission,
1 Vincent Square, London SW1P 2PN
Tel: 020 7828 1212
Textphone (minicom): 020 7630 0421