

Youth Offending: The delivery of community and custodial sentences



REPORT BY THE COMPTROLLER AND AUDITOR GENERAL
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summary & conclusions

- 1 In 2002-03, the police and courts in England and Wales dealt with nearly 268,500 offences committed by young people aged 10 to 17 years¹. In the same year, the police issued 73,700 warnings and reprimands to young offenders and the courts imposed 93,200 sentences. Of the latter, 64 per cent received a sentence to be served in the community, 7 per cent were sent to custody and the remainder received a fine or discharge.
- 2 Dealing with young offenders is a key priority of the Home Office. The Crime and Disorder Act 1998 set out a number of reforms to the youth justice system. Key initiatives included the creation of a network of youth offending teams across England and Wales to work with young offenders. The 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. The Home Office reported that the target had been met in June 2001².



- 3 The Youth Justice Board was established in September 1998 as a non-departmental public body to lead and support the implementation of the youth justice reforms. The aim of the Youth Justice Board is to prevent offending by children and young people by: preventing crime and the fear of crime; identifying and dealing with young offenders; and reducing reoffending.
- 4 This report focuses on the Youth Justice Board's arrangements for commissioning custodial accommodation and its oversight of the delivery of higher tariff community sentences. A separate report by The Audit Commission³ has examined the work of the youth justice system, in particular the work of the courts, the role of youth offending teams and the delivery of services by other agencies.

¹ Youth Justice Annual Statistics 2002-03, Youth Justice Board.

² The average time taken in June 2001 was reported to be 71 days. A joint inspection by Her Majesty's Crown Prosecution Service Inspectorate, Her Majesty's Magistrates' Courts Service Inspectorate and Her Majesty's Inspectorate of Constabulary examined progress in reducing delay, and identified key factors to assist agencies in meeting the target. A joint follow up inspection, published in February 2002, identified a range of good practices to help all court centres to meet the target.

³ Youth Justice 2004: A review of the reformed youth justice system, available at www.audit-commission.gov.uk.

Overall conclusions

- 5 Our work suggests that, within a comparatively short time, the Youth Justice Board has developed and introduced a range of new non-custodial sentences and programmes for young offenders. Whilst the number of young people sentenced to custody has remained relatively stable since 1997, limited spare capacity within the custodial estate has meant that targets for delivering education and other programmes are sometimes missed and that young offenders have been transferred around the estate, disrupting efforts to address their needs. Our work suggests that there is scope for the Board to improve the arrangements for forecasting custodial numbers, deciding placements and agreeing common aims and objectives with the Prison Service for establishments. In the medium term, the Board needs to develop a clearer plan for guiding the development of the custodial estate, including the type and location of establishments.

- 6 The Board has introduced improvements to the arrangements for assessing offenders needs at the start of a sentence. However, the action needed to address these needs is not always taken, leading to fragmented support. Youth offending teams face major challenges in engaging local services to play their part in dealing with this often problematic group of youngsters. Our work suggests that the Board should assign clearer responsibility for managing delivery of the sentence, including custody, promote more frequent interchange of staff between the community and custodial environments, work towards more consistent provision of programmes within custodial establishments, and work with other Departments to engage other services such as mainstream education, health, housing and social services in addressing the needs of this group of young people.

On reducing the use of custody

- 7 One of the Board's key aims is to reduce the numbers of young people in custody. Over two-thirds of the Board's £394 million budget for 2003-04 is for secure accommodation for the 7 per cent of young offenders dealt with by courts who are sentenced to custody and those on remand. The Board believes that any reduction in custodial numbers could therefore release significant resources for prevention and earlier interventions to help deter young people from becoming involved in serious crime. Up to date reconviction figures for young offenders released from custody will not be available until early 2004, but an earlier study found that 84 per cent of male young offenders discharged in 1997 were reconvicted within two years⁴.

- 8 If the Board is to succeed in its aim of reducing the number of people placed in custody, it will need to improve the credibility and effectiveness of higher tariff community sentences. Figures published by the Home Office have suggested that the introduction of police reprimands and final warnings, and new lower tariff non-custodial sentences have begun to have an impact on reconviction rates. However, latest reoffending rates⁵ amongst those on higher tariff community sentences have remained high at around 60 per cent, although this excludes the Intensive Supervision and Surveillance Programme covered in paragraph 9.

⁴ *Reducing Prisoner Reoffending, Committee of Public Accounts, 53rd Report, 2001-02.*

⁵ *The reconviction data are for those young offenders sentenced in the first quarter of 2001, prior to the introduction of the Intensive Supervision and Surveillance Programme.*

- 9 The Board has introduced the Intensive Supervision and Surveillance Programme as a potential alternative to custody. The impact of the Intensive Supervision and Surveillance Programme on the numbers entering custody is not easy to predict and no clear pattern has yet emerged. However, magistrates have welcomed the higher level of contact hours the programme provides - 25 hours per week contact time compared to two hours per week, for example, for supervision orders. Youth offending teams are expected to apply the criteria developed by the Board to ensure only suitable young offenders are placed on the scheme. Some areas have reported that over half the young offenders had breached the conditions of the programme with some re-sentenced into custody. The programme is directed at some of the most serious and persistent young offenders and the Board's guidelines expect young offenders to be breached if they do not comply with the terms of the programme, which may mean the person is re-sentenced to custody by the courts. An evaluation by Oxford University of the Intensive Supervision and Surveillance Programme is due to be completed in mid 2004.
- 10 Any reduction in the number of custodial places commissioned each year by the Board must balance the financial saving achieved against the risk that too few places might result in overcrowding or higher numbers of movements of young people within the estate. The Board has commissioned sufficient places since April 2000 but the secure estate was close to full operational capacity in 2002, particularly in South East England. The limited spare capacity meant young offenders were often moved to provide places for new arrivals - there were 2,400 such moves between April 2002 and January 2003 - and more vulnerable boys than usual had to be placed in young offender institutions. To minimise the potential difficulties associated with commissioning fewer places, the Board needs to improve its forecasts of likely numbers sentenced, for example, to take account of planned wider criminal justice initiatives. Whilst it is difficult to reduce the volume of movements within the secure estate, the detrimental impact on young offenders of such moves might be reduced if the Youth Justice Board and the Prison Service agreed criteria to determine which offenders should or should not move and when.

On targeting the causes of offending behaviour

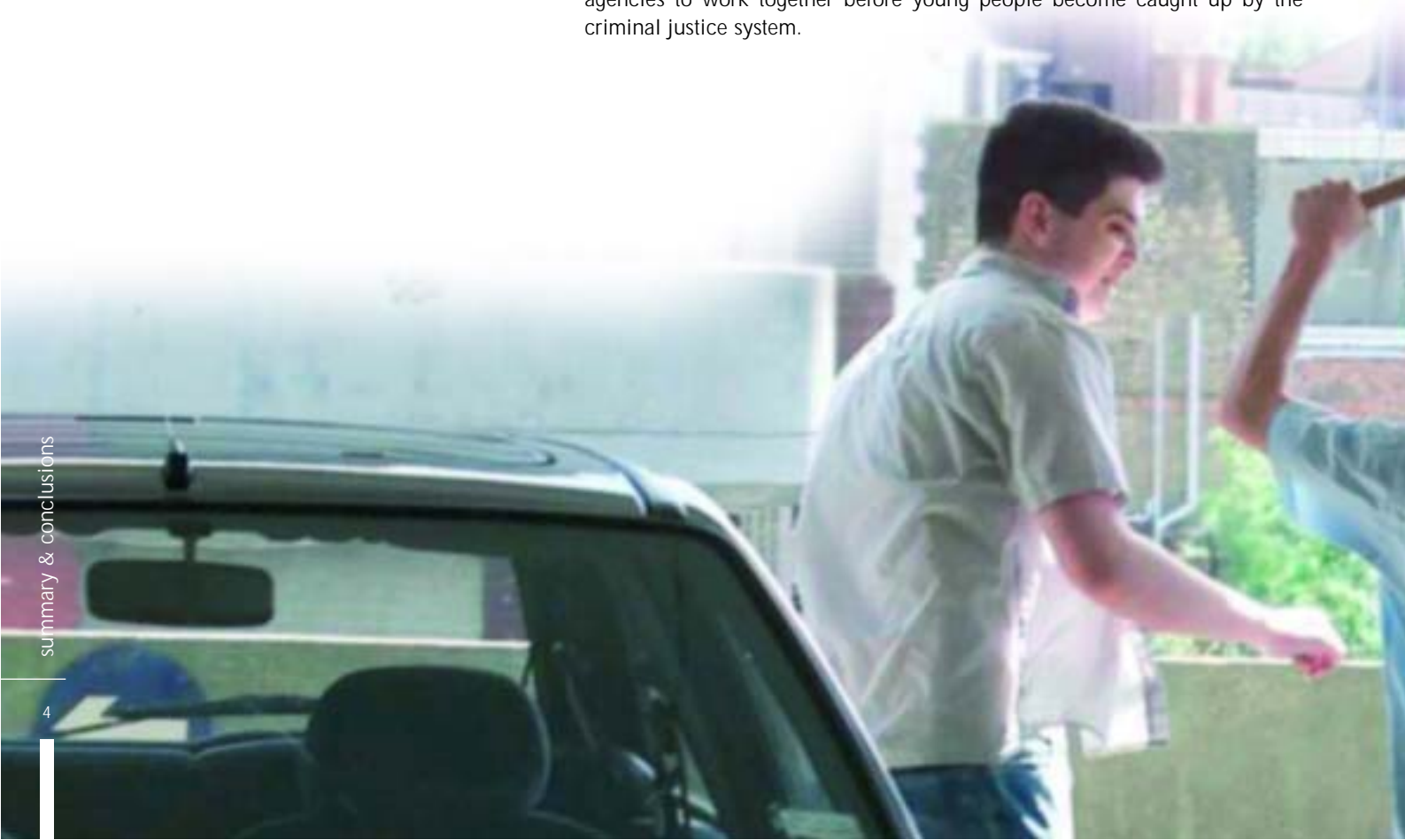
- 11 The Youth Justice Board has strengthened the arrangements for assessing the needs of offenders by introducing a standard assessment tool, known as ASSET across all youth offending teams. Our work suggested that ASSET was being used to good effect to plan the content of community sentences although youth offending teams were often reluctant to identify suitable programmes at the pre-sentence stage for the more serious and persistent offenders entering custody. In general, youth offending teams had not made sufficient use of accumulated data on needs to help determine local priorities and the allocation of resources.
- 12 A custodial sentence is an opportunity for many young offenders to lead a more structured life style and to return to education or training. The Board, the Prison Service and other providers have sought to improve the education and other interventions available for young offenders, although the extent of provision still varies between establishments. The variations in provision are partly due to differences in expenditure, which the Board estimates range from £4,300 to over £16,000 a place per year, and because some establishments missed targets set by the Board because of pressures on the number of custodial places and facilities. At times, differences between the objectives and targets set respectively by the Board and Prison Service have resulted in a lack of clarity in what individual establishments have been expected to achieve.



- 13** Effective rehabilitation of young offenders into their community requires closer co-ordination between youth offending teams and the secure estate. Although youth offending teams regularly visit young people in secure establishments, work with young offenders is often disrupted during their transition to the community. Only 6 per cent of youth offending teams said that young people were able to continue education started in custody after release, mainly because of the logistical problems in finding suitable courses, a reluctance by some young people to attend, and difficulties in persuading schools to accept young people that might have previously been excluded. Youth offending teams have found it difficult to arrange suitable accommodation for young offenders released from custody and without a stable home to return to - 29 per cent of teams said accommodation was often arranged on the day of release or after release. The difficulties in arranging accommodation are mainly due to a lack of housing provision for 16 and 17 year olds and a policy of some providers not to make arrangements until the person is physically homeless.
- 14** To improve the co-ordination of custodial and community sentences, the Youth Justice Board needs to specify clear responsibilities for who might manage both stages of a sentence and improve communication between youth offending teams and the secure estate. Better communication might involve providing youth offending teams with a clear expectation of what custody might deliver and encouraging feedback to the Youth Justice Board on the performance of each establishment.

On working with agencies outside the criminal justice system

- 15** Many of the factors that may increase the risk of offending lie in the hands of agencies outside the criminal justice system. Whilst this report examines the performance of the criminal justice agencies in meeting their objectives, it is important to acknowledge that effective action to tackle fully the issues posed by young offenders depends on the ability of a much broader range of agencies to work together before young people become caught up by the criminal justice system.



- 16 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. Agencies working with young offenders often face challenges in providing holistic support to those young people who frequently lead chaotic lives and face numerous problems. Some progress has been made, for example the Youth Justice Board and the Connexions Service National Unit have agreed the key principles of inter agency working to improve local co-ordination in helping young offenders find employment or training. However, the Home Office, other departments, the Youth Justice Board, and local authorities need to improve the readiness of all agencies supporting this client group to work together to provide mainstream education, health, housing and social services, in particular to ensure a return to education, overcome the difficulty of finding accommodation for 16 and 17 year olds and improve the availability of substance misuse services for young offenders.
- 17 The Youth Justice Board has stressed to youth offending teams the importance of rigorous enforcement of community sentences. A lack of up to date records meant, however, that we could not always determine whether contact hours were met or establish what work had been done with young offenders. Forty two teams said they were unable to meet some commitments due to staff shortages. The Youth Justice Board estimates there were 472 vacancies (3.1 per cent of the workforce) of all youth offending team staff in September 2003, of which 325 vacancies were amongst front line practitioners (6.5 per cent of all front line staff).



Recommendations

We recommend that:

- (i) The Youth Justice Board should work with the Home Office and other bodies in the criminal justice system to ensure that its forecasts take account of new initiatives and developments which may have an impact on the number of offenders entering custody.
- (ii) If transfers between establishments are necessary to accommodate new offenders, the Youth Justice Board and the Prison Service should take account of the extent to which offenders have engaged with their sentence plans - in addition to their age, sex and vulnerability - before deciding which individuals should be moved.
- (iii) The Youth Justice Board should, in consultation with the Prison Service and other providers of custodial places, develop a longer term plan of how it wishes to develop the custodial estate including the type of establishments required and where they might be needed and use this to guide any investment decisions.
- (iv) To help improve the transition between custody and community, and the delivery of programmes, the Youth Justice Board should assure itself that youth offending teams are taking responsibility for coordinating the delivery of both the custodial and community elements of sentences, and for chasing up any failure to provide agreed programmes.
- (v) For cases where offenders are likely to be given a custodial sentence, the Youth Justice Board should require youth offending teams to state more clearly in pre-sentence reports what offending behaviour work should be provided in custody and how this work might be followed up in the community.
- (vi) The Youth Justice Board should improve communication between youth offending teams and the secure estate by setting out more clearly what should be expected from custody, encouraging more frequent discussion of performance between custodial providers and youth offending teams, and more frequent inter-change of staff between the custodial and community settings.
- (vii) The Youth Justice Board should, working with the Prison Service, use the re-letting of the education contracts in 2004 to improve consistency in the range of programmes provided in the different establishments. The Board should take the opportunity to consider whether it might increase the provision of vocational courses, as well as basic skills, to engage more young offenders in education and equip them with better skills on release from custody.

- (viii) The Youth Justice Board should, in consultation with the providers of custodial places, encourage more custodial staff responsible for supervising young people to gain suitable professional qualifications, for example the Professional Certificate in Effective Practice.
- (ix) As part of the Youth Justice Board's ongoing evaluation of the Intensive Supervision and Surveillance Programme, the Board should identify the main reasons why some young people do not complete the programme and take action to address these issues. The Board should examine whether existing standards governing attendance on the Programme are being interpreted consistently and whether other sanctions, short of custody, are available to the courts for dealing with non-compliance.
- (x) Once the impact of the Intensive Supervision and Surveillance Order on reoffending levels and other measures of outcome become known, the Youth Justice Board should apply lessons arising to less intensive community sentences.
- (xi) The Youth Justice Board should place greater emphasis on the need to achieve appropriate outcomes, such as educational achievements, when setting targets for custodial establishments and youth offending teams.
- (xii) The Home Office, Department for Education and Skills, Department of Health, Office of the Deputy Prime Minister and Youth Justice Board should examine the barriers currently hindering the entry of young offenders back into normal community life, including full-time education and training, suitable accommodation and help with substance misuse. They should put in place sufficient incentives to encourage education establishments to assist these young people, such as shared targets and continuing youth offending team caseworker support.
- (xiii) The Youth Justice Board should remind youth offending teams to maintain adequate evidence of compliance with the requirements of community sentences and, periodically, obtain independent assurance on compliance with standards.
- (xiv) The Youth Justice Board should review vacancy levels amongst front line youth offending team workers and facilitate efforts to recruit staff, by offering advice or by encouraging collaboration between teams.