



July 2024

Twenty-Five Years of the Reformed Youth Justice System: Our Proposals for Continued Development.

Introduction

We are now in the 25th year since the main provisions of the Crime and Disorder (1998) Act were brought into effect, particularly the establishment of multi-agency youth offending teams (YOTs) across England and Wales.

Over the years YOTs have been an excellent example of central and local government working well together in a non-partisan way to maintain a focus on preventing offending by children. They have matured into highly respected services, the quality of whose work is universally well regarded, from children and their families through to government inspectors.

The Association of Youth Offending Team Managers (AYM) was established in 2000 to be the voice of leaders and managers in YOTs across England. Over 90% of the 137 teams subscribe to the association and we are funded by their subscriptions. We are public servants employed by local authorities and have chosen to work together as an association to promote public understanding of youth crime issues and to play a part in shaping the youth crime agenda.

We are proud of the work of our teams, and grateful to the commitment of police services, the Probation Service, the NHS, and many others who deploy or second their staff to work alongside local authority social workers, education staff and youth justice specialists. We are grateful to the Youth Justice Board and Ministry of Justice for their guidance and financial support.

We look forward to working collaboratively and constructively with the new government and seek to take the opportunity respectfully to make our proposals for ensuring the continued development of YOTs and of the youth justice system as a whole.

The recent successes of the youth justice system are well documented in the annual statistics provided from the Ministry of Justice. We take particular pride in the reductions in the numbers of children entering the criminal justice (down by 90% from 80,000 in 2009 to 8,000 in 2023) and serving sentences of custody (down by 85% from just under 3,000 in 2009 to 440 in 2023). These represent significant saving to public finances and have been achieved without any adverse impact on the volume of youth crime. We do not anticipate these dramatic falls can be repeated, but our hope is to sustain the success and maintain these low numbers. Our intention with this document is to set out some ideas for building on the strengths and tackling some of the current challenges facing the system. We have split these ideas between those which deal with longer term, systemic issues, and those which might be seen as 'quick wins' for the new government.

Where we Stand

In order to provide some context to our ideas, we should set out our position in relation to key issues in youth justice. These published statements of 'where we stand' were drawn up in consultation with our members. We check, update and amend them regularly. The current version of these statements is set out in the appendix. They deal with:

- The Impact of the Criminal Justice System on Children
- Strengthening Families
- The Prosecution of Looked After Children and Older Children
- Spent Convictions
- The Use of Secure Accommodation
- Equality of Access to Services
- Child First Practice
- Adverse Childhood Experiences/ Special Education Needs and Disabilities (SEND)
- Restorative Justice
- Victims of Youth Crime and Public Confidence.
- Local Youth Justice Partnerships, and
- Promoting Best Practice

Long term, systemic issues facing the youth justice system.

We believe the system has shown significant flexibility in adapting to change over the last 25 years. The workforce is stable, well-trained and well-motivated. Managers and leaders have developed high levels of skill in coordinating the work of staff from different professional disciplines and in balancing the expectations of their local authorities with those of their authorities' partners, police, health and probation, and with the expectations of courts. Large numbers of volunteers have been recruited and trained to support the work of youth justice services, particularly in the delivery of Referral Orders Panels. We approach the future from a position of strength. However, we would welcome the new Government giving attention to the following issues over the next five years:

- **Diversity & Disproportionality.**

Children from global majority backgrounds, particularly black and mixed heritage boys continue to be over-represented in the youth justice system, as do children who are, or who have been, looked after by local authorities. As we have developed our understanding of neurodiversity, delayed language development, early childhood trauma and other special educational needs we are more aware that children with these disadvantages are particularly vulnerable to exploitation. Their neuro-diverse conditions can draw them disproportionately into offending and other activities that put them at risk. The cost-of-living crisis has undoubtedly increased the numbers of families experiencing disproportionate levels of real deprivation, and we are starting to see a corresponding increase in acquisitive crime. There needs to be a sustained focus in these entrenched issues.

- **Prevention of Offending.**

The Turnaround programme, introduced in 2022, has strengthened the links between youth justice and Early Help. The AYM welcomed the opportunity to work with MoJ on plans for the implementation of Turnaround. We appreciated both the fact that the programme was made available to all local authorities nationally, and that it has had multi-year funding over a two-and-a-half-year period to March 2025. The involvement of youth justice services in this programme is compatible with our primary aim of preventing offending by children.

We hope for a continuation of multi-year funding together with some cross-governmental research on its impact on offending, on the impact of Early Help provision, and on effective referral pathways for children with multiple needs.

- **Diversion from the Justice System and Out-of-Court Disposals**

The balance of the workload of youth offending teams (YOTs) has now tipped in favour of children who have never appeared in front of the youth court. Youth justice managers are reporting that 60-70% of their teams' work is with these children. We welcome this shift as we are convinced that early intervention based on an assessment of risk and need can reduce the likelihood of future offending. There is, however, a need for greater consistency in the implementation of Diversion programmes. The implementation of deferred prosecution schemes, as proposed five years ago in David Lammy's report, has been patchy, especially so in relation to carrying knives and driving offences. We believe there is scope to deliver, on a multi-agency basis, well-researched interventions to satisfy those who make prosecution decisions and we have seen innovative work in some youth justice partnerships, which are delivering positive outcomes in adopting some of these practices.

- **Children in police detention.**

A number of police forces are beginning to pay greater attention to how they manage children in police detention. This is an area of policy that has been overlooked for too long and, at a national level, the provision is inconsistent, in terms of detention times and alternative PACE provision by local authorities. We are aware of the recent research in this area and the APPG initial findings and would suggest that there is a need to understand what good partnership work looks like in this area, what is the impact for children, their families, and the communities they live in, and how some of the existing good practice can be rolled out nationally?

- **Child-Centred Youth Justice**

In its strategic plan, the Youth Justice Board, champions the concept of a 'Child First' youth justice system. We are supportive of this ambition as it seeks to develop the strengths of children and help them develop a pro-social identity through a trauma-informed restorative lens. For 'Child First' to be operationalised across the system it requires a commitment from all agencies working with children. At present there is something of a postcode lottery. Some police forces, for example, have embraced

the concept enthusiastically at senior levels, but struggle to see it changing operational practice on the front line, especially in contentious areas such as Stop and Search.

We would like to see a concerted cross-governmental effort to create and sustain a Child First youth justice system at both strategic and operational levels.

- **Participation and the Voice of the Child**

Listening to children remains critical in the way we develop and shape our services and there are a number of innovative schemes around the country. What is this telling us and how have children's services improved, or not, as a result?

We would welcome clear, evidence-based guidance on improving services in response to the voices of children, be they children who are victims or children who enter the youth justice system as a result of their offending.

- **Governance of the Youth Justice System**

The initial guidance under the Crime & Disorder Act 1998 on establishing youth offending teams was deliberately issued as cross-departmental guidance. It made clear the responsibilities of statutory partners to fund these new teams, and to share the responsibility for their success. There was a real sense that youth justice was a collective responsibility across government departments. Inevitably, YOTs' statutory local partners pay more attention to the direction given by their own central government departments, and we would welcome a renewed cross-departmental ownership of the youth justice agenda to ensure that the shared responsibility remains. This would reduce the risk of our key partners disinvesting in youth justice by focusing on their core functions under increased financial pressure and giving correspondingly less consideration to our children and showing less commitment to 'invest to save'.

- **The Age of Criminal Responsibility**

Compared to other Western democracies, England and Wales is an outlier in setting the age of criminal responsibility at age 10. The numbers of children in the justice system at this age are, thankfully, very small, and raising the age would have more of a symbolic than a practical impact. It would demonstrate our understanding that children who offend have almost always suffered adverse childhood experiences, often culminating in early trauma, and need a multi-agency programme of trauma-informed support without having the additional disadvantage of a criminal conviction in order to receive this.

We would welcome an informed, national conversation about the role of the criminal justice system in relation to pre-adolescent children.

Issues of Immediate Concern, or possible “quick wins”.

There are a number of immediate tangible priorities in the youth justice “inbox” which are presenting issues for our services:

- **Impact of Short-term funding arrangements for Youth Justice**

Youth justice services are funded by local partners, regional devolved administrations, PCC’s and grants from central government. Local funding is normally more predictable and can be more easily influenced than grant funding. We would welcome a move to a multi-year funding model, perhaps for the life of the government, together with a revision of the funding formula used by the Ministry of Justice, as the current formula is outdated. We recognise that there will be winners and losers but believe the formula is in need of revision. Sustainable funding would enable local youth justice partnerships better to plan services and recruit and train the specialist staff that are required for this area of work.

- **Focus on Education and SEND**

We continue to see high levels of exclusions from school, persistent absence, part-time timetables and the inappropriate use of home-schooling contracts with parents who are ill-equipped to deliver home schooling. High levels of neuro-diverse conditions, and speech, language and communication needs are prevalent among this cohort of children. We would welcome further cross departmental work to improve pathways for children into appropriate mental health, SEND and educational services.

- **Serious Youth Violence reduction**

While the overall numbers of children entering the system remains much lower than it was 20 years ago, we are seeing increased levels of extreme violence involving weapons, which impacts on victims (who are often children themselves), the public’s feeling of safety and their confidence in the justice system. There is no doubt that social media is having an impact in amplifying these concerns. We welcome the public health approach to violence initially taken in Scotland and adopted by a number of Violence Reduction Units across England and Wales. We would like to see further work to promote understanding of this approach and how it can be devolved across all authorities.

- **Criminal Exploitation, Modern Day Slavery & National Referral Mechanism decision-making**

There is an increasing level of sophistication among criminal gangs in their exploitation of vulnerable children. The distinction between offender and victim is increasingly blurred, and the offers made to children are seductive. The differentiation is more nuanced than an offender/victim analogy, or the impact of a ‘county line’. The push/pull factors that children who are exposed to and experiencing

every day needs to be fully appreciated by all partners before we can start meaningfully to make inroads and improve outcomes. We welcome the National Referral Mechanism local pilots and the mitigation and understanding that these may bring. We also welcome the joined up thinking within many local authorities that has brought Youth Justice & Complex Safeguarding under one management structure through a 'targeted adolescent' offer and believe that this can be expanded further through an early intervention offer.

- **The offer to victims**

The next round of inspections of the delivery of youth justice services by HM Inspectorate of Probation will include a new inspection "domain" in relation to our work with victims. The YJB's strategic plan includes a commitment to develop services for child victims, but not adult victims of children. This is a complex area, and much work is already undertaken in this space by youth offending teams, including a long history of restorative approaches involving local communities. These new developments are welcome but need to be accompanied by a clear statement of expectations of local youth justice services and other local agencies, together with an assessment of any resource implications.

- **Transition arrangements post-18.**

We have seen our colleagues in the Probation Service go through a torrid time over the last 15 years with first the creation of a National Offender Management Service, followed by ill-fated, regionally based public-private partnerships. For many years it has been difficult to fully engage senior leaders from Probation in the work of local youth justice partnerships. We would welcome a return to a model of locally governed services which are more closely aligned to local partnerships. Probation colleagues have an invaluable role in YOTs and special skills in understanding and managing risk of harm and transitions into adult justice services. There is a real concern that Probation is disinvesting in YOTs and focusing on a reset model that prioritises core business without sufficient consideration of the system-wide impact and the unintended consequences for local partnerships. In our view this needs to be addressed with haste, as disinvestment by one partner has a knock-on effect on other members of local partnerships.

- **Safeguarding in the secure estate for children.**

The difficulties of providing a youth secure estate that both meets the needs of vulnerable children and protects the public have been well rehearsed. Successive HMI inspections have raised concerns about young offender institutions and secure training centres, none of which met the standard set by inspectors for being safe places for children. The role of the Prison Service and private security companies in the children's secure estate should be reviewed. Our preference is for small, locally provided, not-for-profit secure accommodation. In the meantime, however, we are concerned by the push for greater use of pain-inducing responses to violent behaviour. We would expect Governors and Directors of secure establishments to develop closer partnerships with Local Safeguarding Children Boards and those working in across children's services to develop their responses to violence with partnership support.

Appendix: AYM Statements of ‘Where we Stand’

The Impact of the Criminal Justice System on Children

We support implementation of the Council of Europe resolution 2010 to “set the minimum age of criminal responsibility at no lower than 14 years of age, while establishing a range of suitable alternatives to formal prosecution for (children)”. (Note: the UK remains a founder member of the Council of Europe.)

and

We support the principal aim of the youth justice system, namely, to prevent offending by children and call for investment in local services aimed at helping children refrain from criminal activities and anti-social behaviour.

We maintain that Criminal Behaviour Orders should be used only as a last resort when voluntary interventions such as acceptable behaviour contracts have proven to be unsuccessful.

Strengthening Families

We support the principles of multi-agency joined up support to help children and families who are in need of help. We promote a Child First model of practice across all parts of the system which prioritises the best interests of children and works collaboratively with them and their families to build pro-social behaviour. We recognise that evidence indicates children arrested for the first time are less likely to re-offend when formal contact with the criminal justice system is minimal.

The Prosecution of Looked After Children and Older Children

We support the National Protocol on Reducing Unnecessary Criminalisation of Looked After Children and Care Leavers and we work with partners to assist its implementation.

and

We support efforts to ensure that the justice system completes proceedings against children in a timely manner. In particular we support the UN Convention on the Rights of the Child (2019) that our “youth justice system should extend protection to children who were below the age of 18 at the time of the commission of the offence but who turn 18 during the trial or sentencing process”.

Spent Convictions

We support efforts to reform the Rehabilitation of Offenders Act (1974) to ensure that fewer people have their careers prospects damaged by having to declare convictions obtained when a child.

The Use of Secure Accommodation

We recognise that a small minority of children in the justice system may need to spend a period of time in secure accommodation for the protection of the public. We believe that such accommodation is most effective when provided in small units close to their home area. We therefore support the view of the Children’s Commissioner that “We need a radical new approach to reducing the numbers of children in custody to an absolute minimum and transforming secure care for children so that rehabilitation is at its heart”. We believe that education is an important part of this rehabilitation and that children must feel safe whilst subject to such provision.

Equality of Access to Services

We believe that children have the right to have equal access to all appropriate services within the youth justice system and must not be excluded on the grounds of age, gender, disability, ethnic background, cultural heritage, skin colour, language, faith, health, social and economic backgrounds (including care status), sexuality or other prejudice.

and

We share the determination of the Youth Justice Board and others to address the disproportionate representation of children from minority ethnic groups in the youth justice system. We encourage our members to be alert to and to challenge the unequal treatment of any children.

Child First Practice

We welcome the view from research that “responding to young people that come into contact with the youth justice system as ‘children’ and not as ‘offenders’ can enhance lives, reduce offending, promote safer communities and lead to fewer victims”.

We promote a Child First model of practice across all parts of the youth justice system which prioritises the best interests of children and works collaboratively with them and their families to build pro-social behaviour and a trauma-informed response.

Adverse Childhood Experiences/ Special Education Needs and Disabilities (SEND)

We support work that increases our understanding to help mitigate the impact of adverse childhood experiences and early trauma on the neurological development and behaviour of children in the justice system.

We welcome research into the impact on behaviour of brain development during adolescence and support policy developments that take account of this research.

We believe that all children entering the youth justice system should be assumed to have special educational needs including speech and language and communication needs unless a full assessment proves otherwise.

Restorative Justice

We fully support restorative approaches and are committed to them being embedded in youth justice. These enable children to accept responsibility for their choices and actions, to reflect on how they interact with others and find positive ways forward to prevent harm and conflict.

Victims of Youth Crime and Public Confidence.

We support efforts to ensure that the youth justice system has the confidence of victims of youth crime, particularly through the implementation of the Code of Practice for Victims of Crime.

We recognise and support the important role played by community volunteers in the youth justice system, particularly through their work as volunteer panel members with YOTs.

We support the full engagement of YOT managers with local criminal justice boards and equivalent, local arrangements designed to maintain oversight of the criminal justice system and promote a collaborative approach to addressing its challenges.

Local Youth Justice Partnerships

We welcome and support the focus of HM Inspectorate of Probation and others on governance and leadership of YOTs and agree that an effective local management board “supports and promotes the delivery of a high-quality, personalised and responsive service for all children”.

and

We take the view that the YOT Manager has a key strategic role in facilitating and encouraging multi-agency working at a local level and should be equipped with substantial youth justice experience and positioned at a such a level within local structures that she/he can liaise directly with chief officers of partner agencies.

Promoting Best Practice

We support and encourage research into effective practice in youth justice.

and

We support and encourage sector-led activity to improve practice across the system by sharing and rewarding innovative practice, training operational managers and aspiring future leaders, and encouraging the engagement of all YOT managers in a peer review process.

