



SCYJ response to the Youth Justice Board Triennial Review 2012

About the Standing Committee for Youth Justice

The Standing Committee for Youth Justice (SCYJ) is a coalition of over 25 organisations that is focussed on improving the youth justice system in England and Wales. The SCYJ advocates child-focussed provision that promotes the integration of such children into society to serve their best interests and those of their communities. For more information on this response please contact Ali Crossley, Policy and Parliamentary Officer on a.crossley@scyj.org.uk

I. Functions of the YJB and alternative forms of delivery

a) *Retaining a distinct and separate youth justice body*

SCYJ firmly believes that there should be a discrete, child-focussed body responsible for all aspects of the youth justice system. Children are distinct from adults in a variety of important ways, including their immaturity, vulnerability, competency, neuro-development, and potential for change. In recognition of this the UNCRC, to which the UK is a signatory, requires party states to have a 'distinct and separate' system for dealing with children who infringe the law. The UK should abide by this. A related and important consideration is that children in the justice system are subject to different arrangements in law and practice. The evidence about 'what works' to address offending also differs for children and adults; for example, there is more evidence for the benefits of minimising contact with the formal youth justice system (where appropriate) for children.¹ It follows that a specialist, child-focussed body should exist to provide oversight, expertise and guidance in relation to youth justice.

SCYJ is particularly concerned that if YJB functions were to be moved 'in-house' to the Ministry of Justice (MoJ) it would become undermined by adult structures under the National Offender Management Service (NOMS). Our concern flows from historical examples where adult and child services have been merged, such as in substance misuse services and custodial settings, and activity has gravitated culturally towards the needs of the majority population – i.e. adults – resulting in young peoples' needs being eclipsed. Even if adult and youth justice functions were

¹ Petrosino A, Turpin-Petrosino C, Guckenburg S (2010) *Formal System Processing of Juveniles: Effects of Delinquency*, Oslo: The Campbell Collaboration

led from separate units within the Ministry of Justice, we believe that the strategic priorities of NOMS would dominate and quickly overwhelm youth justice. We fear it would not be long before certain functions were absorbed into the NOMS structure.

b) Commissioning and placement function

Given that children's needs are distinct we believe that it is critical that the commissioning and placing of children in the secure estate should remain separate from that for adults. The body responsible for these functions must have a comprehensive understanding of children's welfare needs and vulnerabilities, as well as remit to protect the public. This would help to ensure that custody is truly appropriate for the needs of vulnerable children. We are, however, firmly of the view that the current secure provision for children who offend needs to be improved. In particular, children's needs are not well met by current YOI provision.

c) YJB composition

SCYJ does not think that the current make up of the YJB reflects the wide range of stakeholders who have expertise with children and criminal justice. We believe an advisory group or board of trustees that includes the statutory and voluntary sectors, academics, those who have evidence of effective interventions and any agencies and organisations which give a voice to service users should be put in place.

d) Reporting responsibilities

In 2010 the cross-departmental responsibility for the YJB was ended and responsibility now lies solely with the Ministry of Justice. At that time SCYJ expressed its concern; it is well evidenced that children in the criminal justice system have a multiplicity of problems and needs² and this was recognised in the 1990s by the establishment of multi-agency youth offending teams (YOTs). We remain concerned that this multiplicity is not reflected in the governance of the youth justice system, and that there are no formal cross-departmental arrangements or protocols to ensure that those departments with responsibility for child health, education and welfare are fully involved in the development of policies and services in youth justice.

SCYJ believes that sole sponsorship by the Ministry of Justice will ultimately lead to an approach that is dominated by a public protection framework. The evidence about what works to prevent youth offending clearly demonstrates that isolated public protection or punitive approaches are not effective. The best approaches are those that are focussed on diverting children from the youth justice system, supporting families and the systems around the young

² See: Jacobson, J et al (2010), Punishing Disadvantage: a profile of children in custody, London: Prison Reform Trust.

person.³ This necessitates much stronger interconnection between government departments involved in parenting, education, social care, early intervention and prevention. In view of this, we are particularly concerned that the Department of Education's focus on youth justice is being diminished with less resource being allocated. There is a real risk that issues which are a core concern for the Department, for example, safeguarding, welfare support, parenting, looked after children and children's rights, are not a priority for youth justice. We would like to see the decision to hold a single department responsible for youth justice reviewed.

e) *Disseminating and supporting good practice*

One important function of the YJB is to support and disseminate best practice in the youth justice field. Three recent reviews have highlighted as key weaknesses the YJB's lack of development of a comprehensive knowledge base and dissemination of best practice.⁴ However, over the past year, notable efforts have been made to better deliver this function. Innovations include the introduction of a model of YOT peer reviews and the establishment of a 'best practice' database on the youth justice area of the MoJ website. It is important that this vital function is built upon. SCYJ believes that if the YJB were moved to the MoJ or any other Government-related agency, they would not be able to provide impartial support and advice to YOTs and might not possess the necessary skills, knowledge and expertise.

³ Aos S, Miller M & Drake E (2006) *Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and crime rates*. Washington State: Olympia: Washington State Institute for Public Policy.

⁴ Department for Children, Schools and Families (2010), *Safeguarding the Future: A review of the Youth Justice Board's Governance and Operating Arrangements*, London: DCSF; pp18-22; Independent Commission on Youth Crime and Antisocial Behaviour (2010), *Time for a Fresh Start*, London: Police Foundation, pp100; and National Audit Office (2010), *Report by the comptroller and auditor general – The youth justice system in England and Wales: Reducing offending by young people*, Norwich: The Stationary Office