



Standing Committee for Youth Justice

SCYJ response to YJB consultation: Proposal to Reduce YJB expenditure in 2015-16

September 2015

Summary

We appreciate that the YJB has been given an extremely difficult task in being asked to find £13.5m of savings in the current financial year. However, we have significant concerns about the proposed reductions in expenditure. The proposed £9m cut to the Youth Justice Grant will have a negative effect on child safety and welfare, and society, and will increase costs to the YJB, and the Government, in the longer term. We are concerned that no assessment appears to have been made of YOTs' ability to absorb a cut to the grant, or of the impact of such a cut (for instance on child safety and welfare, or on the justice system and spending in the longer term), and that the weight of cuts is proposed to fall so heavily on the frontline. We are very concerned by your plans to halt the rollout of MMPR – which threatens the safety of children in custody – and by proposals to continue under-occupancy of SCH beds. We are also concerned about the proposal to claw back the 'unused' resettlement grant which could undermine consortia's attempts to improve resettlement, as well as the Government's 'Transforming Youth Custody' agenda.

SCYJ believes there are alternative ways to make limited in-year cuts but, fundamentally, what is needed is a longer-term strategy to reduce costs in the youth justice system through new approaches, rather than shaving costs off the system as it stands. We recommend that the YJB sets out a coherent plan to explain how, using new approaches, it will bring down costs in the youth justice system over the longer term. This should then be used as a basis to argue that the current £13.5m spending reduction be spread over two years, as part of a wider spending reduction plan that will deliver far more significant savings than those currently required.

Proposed cuts to the YOT grant

The recent YJB review of YOTs concluded that, "YOTs are the cornerstone of a youth justice system that has delivered outstanding successes in recent years in terms of the reductions in the number of children and young people at all stages of the system."¹ We agree, and are very concerned that the proposed cut to the grant will jeopardise the work YOTs have done to contribute to these successes, leading to increased spending in the long term, and poorer outcomes for children's welfare, life-chances and safety, and reduced public protection.

The YJB review of YOTs reported members being "struck by the breadth and quality" of YOTs' non-statutory work "and by the immeasurable contribution it makes to preventing offending and reoffending by children and young people."² It concluded, "We feel strongly that YOTs have an

¹ YJB, 2015: "Youth offending teams: making the difference for children and young people, victims and communities", Para 1.4

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/445271/Board_Visits_Final_Report.pdf

² Ibid, Para 1.10



important role to play in prevention and diversion”.³ Again, we agree, but fear that it is precisely this work that is likely to be cut if the grant is reduced.

The recent Deloitte “stocktake” of YOTs, commissioned by the Ministry of Justice (MoJ) found that YOTs’ holistic work was likely to lead to “savings in the public purse downstream in terms of welfare costs or costs of adult probation and custody”.⁴ It also found that YOTs reported that funding cuts would “mean an increase in caseload per caseworker... and a reduction in the range of activities they were involved in – typically moving away from preventative work towards just fulfilling statutory commitments... [this] may have the downstream impact of increasing first time entrants.”⁵ This would lead to a significant increase in costs to the YJB, and Government as a whole, over the long term, and would have a negative impact on the lives of children.

The number of children entering the justice system for the first time has fallen steadily and dramatically in recent years; from over 110,000 in 2006/07 to just under 22,400 in 2013/14.⁶ As you have said, this is a major success of the system. If the number of first time entrants (FTE) were to increase, the YJB would incur substantially higher costs, and the welfare and life-chances of children would be compromised. Yet an increase in FTEs is a real risk of cutting the YOT grant. The Deloitte report, cited above, found that, “Partners’ agencies credit YOTs” for reducing “offending and reoffending”, because they enable “positive outcomes for young people, such as participation in education, employment and training”.⁷ The report found further that “while a causality link has not been proven, it can reasonably be hypothesised that YOTs’ holistic working has contributed” to the number of children “offending and reoffending” falling.⁸

Another great success of the youth justice system in recent years has been the reduction of the number of children in custody; the child custody population has fallen from an average of just under 3000 children in 2006/07, to an average of just over 1200 children in 2013/14.⁹ This has resulted in significant savings; custody is a substantial cost to the youth justice system as a whole, and by far the greatest area of expenditure for the YJB. The reduction in child custody numbers is, as you say in your consultation document, a key reason the YJB has been able to deliver the necessary savings to reduce its budget by £287m since 2009. However, cuts to the YOT grant may lead to an increase in the child custody population, resulting in substantially increased costs to the YJB in the longer term.

YOTs have played a key role in decreasing the number of children in custody. The reduction in FTEs to the justice system and increased use of diversion are linked to the decline in the custody population.¹⁰ As set out above, numbers of FTEs have reduced dramatically over the past few years, and this is linked to the work of YOTs who have had success in diverting children from the justice system, preventative work, and in enabling the judiciary to use custody more as a sentence of last resort. If cuts to the YOT grant result in an increase in children in custody, YJB costs will rise substantially and more children will suffer the negative effects of custody.

³ Ibid, para 1.13

⁴ Ministry of Justice, 2015, “Stocktake of youth offending teams”, Para 3.27:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/445641/yot-stocktake-report.pdf

⁵ Ibid Para 3.17

⁶ Ministry of Justice, YJB & ONS, 2015, “Youth Justice Statistics 2013/14”

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/399379/youth-justice-annual-stats-13-14.pdf

⁷ Ministry of Justice, 2015, “Stocktake of youth offending teams”, Para 3.26:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/445641/yot-stocktake-report.pdf

⁸ Ibid

⁹ Ministry of Justice, YJB & ONS, 2015, “Youth Justice Statistics 2013/14”

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/399379/youth-justice-annual-stats-13-14.pdf

¹⁰ See: Bateman T (2012) ‘Who pulled the plug? Towards an explanation of the fall in child imprisonment in England and Wales’ Youth Justice 12(1) pp36-52; Bateman T (2014) Children in conflict with the law: an overview of trends and developments – 2013 London: National Association for Youth Justice; and Prison Reform Trust (2011), “Last resort? exploring the reduction in child imprisonment 2008-11”, <http://www.prisonreformtrust.org.uk/Portals/0/Documents/lastresort.pdf>



Many YOTs are already straining under the pressure of reduced resources and (some argue) more complex caseloads. As the YJB review reported, YOTs have suffered significant funding cuts in recent years. Further cuts will only aggravate this. If staff are over-stretched there is an increased risk of missing or failing to follow-up on aspects of children's cases; the quality of sessions with children could be diminished due to lack of time to prepare, which can affect the formation of good relationships which affects engagement and compliance. As well as the adverse impact this would have on reoffending, child welfare and life-chances, and custody rates (as set out above), this could also compromise the safeguarding of children, and public protection.

It will be very difficult for YOTs to make the necessary in-year savings so far into the financial year. The difficulties they will face will be similar to those outlined in your consultation document in relation to the YJB. For example, for YOTs, as with the YJB, the cost of redundancy may prevent staff cuts from delivering savings in-year. It is worth pointing out that, in the case of YOTs, the cost of redundancies may be passed on to cash-strapped local authorities.

We find it concerning that the YJB does not appear to have assessed YOTs' ability to cut costs, or the impact of doing so – for instance, on child welfare and safety, the youth justice system as a whole, or long-term outcomes. At the very least, a full and thorough equality impact assessment will be necessary before any final decision is made. The consultation sets out that the only savings that can be made in-year by the YJB are through a recruitment freeze, which is predicted to save £700,000. We appreciate the difficulties of finding savings mid-year, but we are concerned that the weight of cuts seem to be falling so heavily on the front-line and would urge a different approach (see below).

Other proposed savings

We are particularly concerned by three other aspects of your proposals: pausing the rollout of minimising and managing physical restraint [MMPR]; savings from "demand changes" in secure children's homes [SCHs]; and savings from the resettlement consortia grant.

The consultation document proposes to save £800,000 through "pausing roll-out of the minimising and managing physical restraint [MMPR] training programme", specifically, pausing the rollout into Feltham and Parc YOIs and amongst secure escort provides. We are extremely concerned by this proposal which puts children at serious risk of harm.

The introduction of MMPR can be traced directly to tragic events concerning the use of force in custody. Adam Rickwood took his own life at Hassocksfield Secure Training Centre (STC) in 2004, following the illegal use of force. Gareth Myatt was killed by being restrained in Rainsbrook STC in the same year. This led to the "Independent Review of Restraint in Juvenile Secure Settings", published in 2007, in response to which the MMPR system was developed. In 2008, the Court of Appeal found that the system of restraint that had been operating in STCs violated the European Convention on Human Rights.¹¹

The intention of the MMPR system is to minimise the use of restraint – which must be treated as the last available option in any instance – and for the safety and effectiveness of restraint techniques to be continually analysed.¹² Though serious concerns remain about aspects of the MMPR system – for instance, the permissibility of pain-inducing techniques – it is the only restraint system that has any medical assessment to minimise risk. We are extremely concerned by the proposals to halt the rollout of MMPR, which would put children's lives at risk and continue to expose them to unsafe systems of restraint.

¹¹ R (on the application of C) (a minor) v Secretary of State for Justice [2008] EWCA C iv 882

¹² National Offender Management Service et al (2012), "Minimising and Managing Physical Restraint Safeguarding Processes, Governance Arrangements, and Roles and Responsibilities", https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/456672/minimising-managing-physical-restraint.pdf



It is particularly troubling that this is proposed at a time when the rate of restraint in custody per 100 children is increasing year-on-year¹³, and that your proposals would halt the rollout of MMPR to Feltham YOI – which has the highest rates of restraint of any child custody institution in the country.¹⁴ The UN Committee on the Rights of the Child is currently examining the UK's compliance with the UNCRC. Pausing the rollout of MMPR is likely to be a matter of serious concern to the Committee. When these proposals for MMPR are combined with plans to “reduce evaluations of new youth justice initiatives and disseminat[e] effective practice”, we would question how the YJB will fulfil its statutory function of, “identifying, making known, and promoting good practice”.

The consultation proposes to save £400,000 through “demand changes in SCHs”, anticipating that “as a result of lower demand for places”, it will not purchase further beds and will be able to “release some capacity to local authorities”. SCYJ is seriously concerned by this. The YJB has been made aware of our concerns regarding under-occupancy of available SCH beds in the past, including our concern that under-occupancy could be used to justify decommissioning in the future. All children in custody are vulnerable and would, we argue, benefit from the environment and resources SCHs offer, particularly compared to the other forms of youth custody. Given the troubled backgrounds of the vast majority of children in custody, we would question the placement criteria that leads the YJB to conclude that demand for SCH beds is absent, and will be for the remainder of the year – particularly since the YJB has said on a number of occasions that the children now in the justice system have increasingly complex needs.

We are also concerned about the proposal to claw back ‘unused’ resettlement grants. We are aware of at least one instance (the North East London Consortia) where the YJB had agreed to spending being carried over into 2015/6. This grant has now been spent. An about-turn on this issue will undermine consortia’s attempts to improve resettlement, and the Government’s ‘Transforming Youth Custody’ agenda. Only grant for which there is no existing agreed spending plan should be reclaimed.

Alternative long and short term savings and an alternative approach

SCYJ believes an alternative approach to the required cuts should be taken by the YJB. As set out above, we believe the cuts proposed are unsafe and will increase costs in the longer term. We believe a fundamentally different approach should be taken. The current approach appears to be to shave costs (and therefore services) from the system as it is, rather than to consider how costs can be reduced through a change of approach or reform across the entire youth justice system. We believe the YJB should set out a clear plan of reforms that will demonstrably reduce costs over the next eighteen months and beyond, and use this as a basis to argue that the £13.5m cuts are spread over two years, as part of a wider spending reduction plan that will deliver far more significant savings than those currently required, over the longer-term. The level of 2014/15 cuts will then be less, and should be allocated differently.

In 2014/15, the reduced level of savings could be made through far less severe cuts to the YOT grant, cost savings at the YJB, and decommissioning in the secure estate.

The consultation document sets out that the YJB cannot make in-year savings through cuts to staff. If this is the case, we would suggest that alternative cost-saving measures, such as short-time working and other contract renegotiations, should be investigated, to avoid cuts falling disproportionately on the front line. In the longer term, the YJB should review where savings can be found. For instance, staff costs, including the cost of the Executive Management Group, could be reviewed to see if savings could be made.

¹³ Ministry of Justice, YJB & ONS, 2015, “Youth Justice Statistics 2013/14”
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/399379/youth-justice-annual-stats-13-14.pdf

¹⁴ See: HC Hansard, Written Questions, HC1482, 2015/2016 Parliamentary session.



Further in-year savings could be made in the youth secure estate, which is currently operating at 86% capacity.¹⁵ The maximum safe occupancy level is 93%. A maximum of around eighty beds could therefore be safely decommissioned. This may be achievable by closing wings in poorly performing YOIs, which could result in in-year savings.

As set out above, the YJB should also look at how further long-term savings can be made by reviewing the entire youth justice system and looking to identify how different creative approaches could lead to savings over the longer term. This should involve looking across the whole system but with a view to cutting community provision as a last resort.

The YJB should urgently review ways to reduce the number of children in custody, as this has potential for significant savings – custody is by far the most expensive area of expenditure for the YJB. In particular, the YJB should look at what practical steps can be taken to reduce the use of remand, for instance, an urgent review could be initiated in conjunction with the Association of YOT Managers and the Magistrates Association. In 2013/14, children on remand accounted for 21% of the custodial population on average yet 62% of those remanded to custody were not given a custodial sentence.¹⁶ Though the criteria for sentencing and remand are different, this discrepancy nonetheless suggests that more could be done to reduce the use of remand and so make savings. In addition, we recommend looking at ways to reduce the use of shorter sentences and imprisonment for breach of an order, promoting the use of alternatives to custody, and looking to devolve the custody budget.

Spreading the £13.5m planned cuts over two years would give YOTs time to identify and address any inefficiencies, and evaluate their non-statutory work, and would give the YJB time to work with other bodies to reduce the number of unnecessary cases getting to YOTs, thus reducing their caseloads. Although there is some evidence that the YOT caseload is increasingly complex, there are still a significant proportion of cases receiving out of court disposals and community orders that should not be in the justice system. For example, children stealing chocolate bars, possession of cannabis, altercations with friends, and damage in care homes. The YJB should work with the Home Office, police bodies, and the CPS to help prevent these cases coming into the system and thus onto the YOT caseload.

As set out above, the YJB consultation does not appear to have assessed YOTs capacity to absorb cuts, or the implications of them doing so. Reducing cuts to the YOT Grant, as set out above, and spreading cuts over two financial years, would give the YJB more time to understand the impact of any reduction in YOT delivery, and YOTs time to consider how to cut costs while minimising risk.

The contents of this document do not necessarily reflect the views of all member organisations of the SCYJ.

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¹⁵ Ministry of Justice, 2015, "Youth Custody Report: July 2015", <https://www.gov.uk/government/statistics/youth-custody-data>

¹⁶ Ministry of Justice, YJB & ONS, 2015, "Youth Justice Statistics 2013/14"
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/399379/youth-justice-annual-stats-13-14.pdf

