



House of Commons  
Committee of Public Accounts

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# The youth justice system in England and Wales: Reducing offending by young people

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Twenty-first Report of Session 2010–  
11

*Report, together with formal minutes, oral and  
written evidence*

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## The Committee of Public Accounts

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### Committee staff

The current staff of the Committee is Philip Aylett (Clerk), Lori Verwaerde (Senior Committee Assistant), Ian Blair and Michelle Garratty (Committee Assistants) and Alex Paterson (Media Officer).

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## Summary

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Central government and local authorities spent £800 million in 2009-10 dealing with youth crime, primarily through the Youth Justice Board nationally and Youth Offending Teams locally. Ten per cent was spent on trying to prevent young people becoming offenders. Most of the rest was incurred in dealing with offending behaviour, including over £300 million on custody, which is used to deal with 3% of offences. The National Audit Office has estimated that the total costs to the UK economy of offending by young people could be up to £11 billion a year.

In recent years, the Youth Justice Board has been effective in leading reform within the youth justice system and diverting resources to the offenders most at risk of committing future crimes. Since 2000, the number of young people entering the youth justice system, the number held in custody and the amount of reoffending committed by young people, have all fallen. Youth custody, which is expensive relative to other ways of dealing with young offenders, has fallen during a period when the number of adults in custody has continued to rise. This is a particularly noteworthy achievement, and one in which the Board has played a central part.

Some areas of difficulty remain, however, particularly with more serious offenders. Young people are now more likely to reoffend after a serious community penalty than they were in 2000 and three in four of those leaving custody will reoffend in the following year. Dealing with these offenders is difficult, but it has been made more so by poor quality assessments and sentence planning in one third of cases, together with a lack of research into the relative effectiveness of different programmes. This also makes it particularly difficult to decide which activities to retain, and which to cut, following the 2010 Comprehensive Spending Review.

The Ministry has decided to abolish the Youth Justice Board, though it did not take into account the Board's performance in making this decision. We have some concerns that reorganization at this time could impact on building on the progress achieved to date. Following the abolition, it will be the role of the Ministry to maintain the successes that the Board has achieved in its oversight of the youth justice system, and to address effectively areas where more needs to be done.

On the basis of a Report by the Comptroller and Auditor General<sup>1</sup> we took evidence from the Ministry of Justice and Youth Justice Board on the operation of the youth justice system in England and Wales.

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<sup>1</sup> C&AG's Report, *The youth justice system in England and Wales: Reducing offending by young people*, HC 663, 2010-2011



## Conclusions and Recommendations

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- 1. The youth justice system has been successful in reducing the number of criminal offences committed by young people over the last ten years, an achievement in which the Youth Justice Board has played a central role.** There have been substantial reductions in the number of young people entering the system and the number of offences committed by young people, although it is not known to what extent these reflect genuine reductions in crime, or displacement, whereby criminal offences are now being dealt with by non criminal sanctions. In addition to these reductions, the number of young people being sentenced to custody has also fallen substantially. All those involved in these successes should be commended.
- 2. Those young offenders serving custodial sentences or more serious community sentences remain highly likely to reoffend.** There has been little improvement in the reoffending rate for those leaving custody, with three in four offending again within a year. At the same time the rate of reoffending for those on more serious community sentences is getting worse despite an overall reduction in the number of offences they commit. The Ministry should set out a clear and measurable strategy for how it will work to reduce the risk of reoffending by these young offenders.
- 3. A third of assessment and sentence plans undertaken by Youth Offending Teams are not good enough, according to inspections by Her Majesty's Inspectorate of Probation.** The assessment of young offenders, and the resulting sentence plans to tackle the causes of their offending, are key determinants of how resources should be targeted. The Youth Justice Board should use the lessons learned from these inspections and its own performance monitoring to drive improvement in weaker Youth Offending Teams.
- 4. The Board has limited evidence of what interventions work, making it difficult to achieve better value for money from the £800 million spent in the system.** Without evidence of effectiveness, there is a risk that reductions in funding for front-line services could result in cuts to the most successful interventions. We welcome the commitment from the Board and the Ministry to maintain research spending. They should focus on research that will enable them to assess which interventions are most effective and use the findings to direct funding into what is known to work.
- 5. 70% of young offenders suffer from significant communication difficulties, but current forms of assessment do not give this sufficient weight.** The justice system assumes a level of understanding on the part of young offenders that will in many cases be lacking. This increases the risk that young people will not engage with or understand the requirements of their sentence plan. We welcome the commitment to review the assessment process and recommend that an explicit assessment is made of communication difficulties. Where such difficulties are identified, speech and language therapy should be considered as part of the sentence plan.
- 6. The Board lacks sufficient knowledge of what interventions are being used by Youth Offending Teams and how well they are working and, consequently, it cannot disseminate best practice effectively.** It cannot be value for money for

Youth Offending Teams to have to develop interventions independently when they have similar content and are aimed at the same risk factors. The Board should be much more active in building its knowledge of commonly used interventions, understanding their effectiveness, and disseminating this information to Youth Offending Teams across England and Wales, including by providing example course material and content.

7. **The Board's performance management systems and remedies are focussed too much on process and not enough on outcomes.** Significant resources have been spent helping teams whose processes look weak but who nevertheless appear to be achieving positive results. The Ministry's future performance management regime should focus more clearly on outcomes and identifying the factors that have led to changes in them.
8. **The planned abolition of the Youth Justice Board has arisen from a policy decision and not as a result of any assessment of the Board's performance.** The Board has developed and maintained a distinctive focus on youth in the justice system and has contributed to positive outcomes in recent years. There is a risk that some of the factors that made the Board successful will be lost in the transition. The Ministry should identify the strengths in the way the Board has operated and publish a plan showing how the best elements will be retained within the new structure for youth justice.
9. **The abolition of the Board raises a question about how a national focus on reducing offending by young people and reducing the use of custody will be maintained.** Many of the mechanisms that could be used to influence or direct Youth Offending Teams are under consideration as part of the current reforms. The Ministry should ensure that it has the capacity to drive change on national priorities, and that it has the mechanisms and local intelligence it needs to work with Youth Offending Teams to improve value for money.
10. **Prevention work has had an impact on reducing the number of first time entrants to the youth justice system, but funding is being reduced.** Cutting prevention funding now increases the risk of the unintended consequence that more crime could occur in the medium term, with the cost likely to outweigh any short term savings. The Board and the Ministry should encourage investment in prevention where reducing youth crime has been identified as a local priority. They should consider offering match-funding, piloting the use of other incentives such as payment by results, and sharing the proceeds of reduced custody levels.

# 1 Tackling youth crime

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1. The youth justice system of England and Wales is overseen by the Youth Justice Board. The system both manages young offenders and delivers activities designed to prevent offending by young people between the ages of 10 and 17. In 2009-10, the cost of dealing with young offenders was £800 million. Of this £500 million was spent through the Board, of which more than £300 million was spent on custody for a small minority of offenders.<sup>2</sup> England and Wales have the second highest rate of incarceration in Europe; in April 2010 around 2,200 young people were held in Young Offender Institutions and other detention facilities.<sup>3</sup>

2. The number of young people in custody, however, fell by 14% between April 2005 and April 2010 - a time when adult custody figures increased.<sup>4</sup> The number of first-time entrants to the youth justice system has also fallen, from a peak of around 110,000 in 2007 to just over 60,000 in 2010.<sup>5</sup> Young offenders convicted in court are less likely to re-enter the youth justice system than previously.<sup>6</sup> The number of further offences committed reduced from more than 250 per 100 offenders in 2000 to just over 200 in 2008.<sup>7</sup>

3. We commended the Youth Justice Board for these improvements, which they and the Ministry of Justice attributed to a range of factors, notably the way local Youth Offending Teams involved a range of partners such as local authorities and the police. The Youth Justice Board said that over the last three years it had also forged a national partnership with the Youth Committee of the Magistrates' Association, who had helped them to identify best practice for Youth Offending Teams when presenting to the court.<sup>8</sup>

4. Nevertheless, although the number of crimes recorded as committed by young people leaving custody was lower than before, the number of young offenders being reconvicted fell only slightly between 2000 and 2008.<sup>9</sup> 74% of those who had served custodial sentences went on to reoffend.<sup>10</sup> The proportion of young people completing the more serious community sentences, who went on to reoffend had actually increased since 2000.<sup>11</sup> It was on these cases that the most money was spent.

5. Furthermore, although the number of crimes committed by young offenders overall had fallen, much of the decrease was due to a fall in the number of motoring crimes. The Youth Justice Board acknowledged that stripping out motoring offences from youth crime

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2 C&AG's Report, *The youth justice system in England and Wales: Reducing offending by young people*, HC 663, 2010-2011, paragraph 2

3 Qq 6-11, C&AG's Report, Figure 13

4 Q 1, C&AG's Report, paragraph 13

5 Q 2, C&AG's Report, Figure 5

6 Q 2

7 C&AG's Report, Figure 7

8 Q 1

9 C&AG's Report, Figure 7

10 Q 61

11 C&AG's report, paragraph 3.9

reduced the scale of the fall. There had also been an increase in the numbers of more serious crimes committed by young offenders, including sexual crimes, drug offences and robberies.<sup>12</sup>

6. Youth Offending Teams conduct assessments of young offenders' needs which are important for deciding how much and what kind of resources they direct towards different offenders during their sentences. However, a third of assessments and resulting sentence plans were judged to be of insufficient quality by Her Majesty's Inspectorate of Probation.<sup>13</sup>

7. The Ministry expressed its desire to drive up the quality of these assessments.<sup>14</sup> To improve the performance of some Youth Offending Teams more generally, the Board had established regional fora which Youth Offending Teams attended in order to learn lessons from each other. It had also sent a national improvement team into the worst-performing areas. The Ministry informed us that eight of the worst Youth Offending Teams had received this help and had improved.<sup>15</sup>

8. More than 70% of young offenders have severe communication difficulties. The extent of these language difficulties prevented young offenders benefitting from education programmes in Young Offenders' Institutions. Yet the Youth Justice Board's management tool for assessing young offenders' needs ("Asset") did not test for communication difficulties.<sup>16</sup>

9. The Youth Justice Board told us it was committed to reviewing Asset, and would build in a component assessing the speech and language deficits of young offenders. This problem went beyond simply addressing offenders' needs while in custody, as communication difficulties could also prevent young offenders from understanding what was happening to them in court or while serving community sentences. Additionally, fifteen Youth Offending Teams had developed new approaches to addressing speech and language difficulties, such as employing therapists to work with young offenders.<sup>17</sup>

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12 Qq 79-80

13 Q 28

14 Q 30

15 Q 83

16 Q 91

17 Q 91

## 2 Finding out what works with young offenders

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10. After ten years of having a dedicated youth justice system, the Youth Justice Board knew little about the relative effectiveness of interventions with young offenders. The Youth Justice Board had not been able to isolate which programmes had had the most impact on youth offending, and why.<sup>18</sup>

11. The Youth Justice Board also had limited information about the cost of different programmes, making it difficult to assess whether, for example, a Secure Training Centre, which cost £160,000 a year, was value for money in comparison to a Youth Offenders' Institute, which cost £60,000 a year.<sup>19</sup> Such assessment was also complicated by the different age groups and needs of young offenders in different institutions.<sup>20</sup>

12. Although the Board had set out its preferred approach to tackling youth crime, such as funding programmes to tackle knife crime, it had conducted insufficient research to provide strong guidance on commonly available and used programmes, such as anger or impulsivity management.<sup>21</sup>

13. Although the Board had attempted to identify effective practice at local level, it had only been able to draw limited lessons. Many interventions, or custodial facilities, deal with a relatively small population of offenders, such that drawing robust conclusions from an analysis of reoffending rates is very difficult.<sup>22</sup> Except in instances where it provided specific funding, the Board did not define what needed to be done at Youth Offending Teams, and conducted limited measurement of the work they were doing. This meant that much of the evidence they collected was anecdotal, relying on small pilot projects undertaken in specific circumstances.<sup>23</sup>

14. We heard from both the Ministry and the Board that they considered good research to be fundamental to running an evidence-based youth justice system. Both committed to work together to maintain a dedicated focus on youth justice research.<sup>24</sup> The Ministry and the Board were considering using more local knowledge to help spread best practice, particularly through the use of regional fora, also used to improve completion of offenders' assessments.<sup>25</sup>

15. The Youth Justice Board had in many cases improved processes in the youth justice system, such as in the case of its work with magistrates.<sup>26</sup> However, the Youth Justice

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18 Q 43

19 Q 175

20 Q 27

21 Q 44

22 Q 27

23 Q 117

24 Q 93

25 Q 77

26 Q 1

Board's focus could come at the expense of sufficient attention to outcomes. For example, in the teams assessed by the Board, there was no discernible relationship between how well processes performed and real world outcomes for youth crime.<sup>27</sup> The Board provided evidence of where significant resources had been committed to improving the management of a Youth Offending Team, but when we pressed on how this had affected outcomes, they told us that this team had always had good outcomes, regardless of its processes.<sup>28</sup>

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27 Q 86

28 Q 90

## 3 The future of the youth justice system

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16. In October 2010, the Ministry of Justice announced its intention to abolish the Youth Justice Board. The decision was made on the basis of three Cabinet Office criteria which asked whether arms length bodies such as the Board needed to be impartial, whether they performed a technical function that needed to be performed at arm's length from government, and whether they had to act independently to establish facts. Performance was not one of the criteria for judgement, so the evidently strong performance of the Board had not been taken into account.<sup>29</sup> The Ministry did not expect to make significant savings from the abolition of the Board; £6 million over four years, less than 0.5% per year of its budget.<sup>30</sup>

17. In December 2010 the Ministry published a Green Paper seeking consultation on the future shape of justice services, including youth justice. It also put a transition board in place to oversee this process. The Ministry intended to retain a dedicated focus on youth justice, but certain existing elements would not be retained, such as the actual board of the Youth Justice Board. The Ministry also planned to make staffing cuts, in line with the wider reductions taking place at its headquarters.<sup>31</sup>

18. As delivery of youth justice was largely devolved to the local level under the Youth Justice Board, there was a large variety of approaches taken to working with young offenders. The Ministry told us that, within the new structure, this level of variability was likely to remain or increase.<sup>32</sup>

19. The ability of the Ministry or the Board to direct Youth Offending Teams was limited as, under the current statutory framework, the primary accountability of these teams was to their local authorities. The mixture of national and local responsibilities had led in some situations to perverse outcomes. For example, local authorities were responsible for meeting the costs of community sentences, and where these sentences were credible they were more likely to be used as alternatives to custody by magistrates. But the Board was responsible for meeting the cost of custody, which was considerably more expensive per offender. This therefore diminished the incentive for local authorities to provide well-funded community alternatives to custody, or to invest in non-statutory prevention work.<sup>33</sup>

20. The Ministry told us that custody for young offenders might be chosen by magistrates for a variety of reasons, but there was evidence of its overuse.<sup>34</sup> For example, almost one in four children in custody in 2011 was on remand, but of these, three in four would never serve a sentence at the end of their remand period.<sup>35</sup> The Board and the Ministry told us that they had few direct levers to encourage areas with high custody rates to reduce them.

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29 Q 5

30 Q 129

31 Q 146

32 Q 41

33 Q 50

34 Q 124

35 Q 47

Although they were considering returning savings from reduced custody to local authorities, this money would not be ring-fenced for expenditure on other youth justice services such as prevention work.<sup>36</sup>

21. Prevention work undertaken in recent years has reduced the number of young people entering the youth justice system. However, funding under the Youth Crime Action Plan was split equally between 69 priority local authorities, even when in some cases the level of need was over 15 times greater than others.<sup>37</sup>

22. The Ministry told us that prevention budgets were certain to be cut in future years, at both national and local level, due to general reductions in budgets and the non-statutory nature of prevention work.<sup>38</sup> The Ministry believed that cuts to prevention funding would lead to higher costs in the medium term.<sup>39</sup>

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36 Q 57

37 Q 100

38 Q 165

39 Q 169

# Formal Minutes

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**Wednesday 2 February 2011**

Members present:

Rt Hon Margaret Hodge, in the Chair

Mr Richard Bacon	Jo Johnson
Mr Stephen Barclay	Rt Hon Anne McGuire
Dr Stella Creasy	Austin Mitchell
Jackie Doyle-Price	Nick Smith
Matthew Hancock	Ian Swales
Chris Heaton-Harris	James Wharton

Draft Report (*The youth justice system in England and Wales: reducing offending by young people*) proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 22 read and agreed to.

Conclusions and recommendations 1 to 10 read and agreed to.

*Resolved*, That the Report be the Twenty-first Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Written evidence was ordered to be reported to the House for printing with the Report.

[Adjourned till Tuesday 8 February at 10.30 am

## Witnesses

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**Wednesday 12 January 2011**

*Page*

**Sir Suma Chakrabarti KCB**, Permanent Secretary, **Helen Edwards**, Director General, Justice Policy, Ministry of Justice and **John Drew**, Chief Executive, Youth Justice Board

Ev 1

## List of printed written evidence

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- 1 Ministry of Justice
- 2 Geraint Davies MP

Ev 21: Ev 21

Ev 27

# List of Reports from the Committee during the current Parliament

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The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

## Session 2010–11

First Report	Support to incapacity benefits claimants through Pathways to Work	HC 404
Second Report	Delivering Multi-Role Tanker Aircraft Capability	HC 425
Third Report	Tackling inequalities in life expectancy in areas with the worst health and deprivation	HC 470
Fourth Report	Progress with VFM savings and lessons for cost reduction programmes	HC 440
Fifth Report	Increasing Passenger Rail Capacity	HC 471
Sixth Report	Cafcass's response to increased demand for its services	HC 439
Seventh Report	Funding the development of renewable energy technologies	HC 538
Eighth Report	Customer First Programme: Delivery of Student Finance	HC 424
Ninth Report	Financing PFI projects in the credit crisis and the Treasury's response	HC 553
Tenth Report	Managing the defence budget and estate	HC 503
Eleventh Report	Community Care Grant	HC 573
Twelfth Report	Central government's use of consultants and interims	HC 610
Thirteenth Report	Department for International Development's bilateral support to primary education	HC 594
Fourteenth Report	PFI in Housing and Hospitals	HC 631
Fifteenth Report	Educating the next generation of scientists	HC 632
Sixteenth Report	Ministry of Justice Financial Management	HC 574
Seventeenth Report	The Academies Programme	HC 552
Eighteenth Report	HM Revenue and Customs' 2009-10 Accounts	HC 502
Nineteenth Report	M25 Private Finance Contract	HC 651
Twentieth Report	Ofcom: the effectiveness of converged regulation	HC 688
Twenty-First Report	The youth justice system in England and Wales: reducing offending by young people	HC 721



# Oral evidence

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## Taken before the Committee of Public Accounts

on Wednesday 12 January 2011

Members present:

Margaret Hodge (Chair)

Mr Richard Bacon  
Stephen Barclay  
Dr Stella Creasy  
Matthew Hancock  
Chris Heaton-Harris

Joseph Johnson  
Mrs Anne McGuire  
Austin Mitchell  
Nick Smith  
Ian Swales

**Aileen Murphie**, Director, NAO, gave evidence. **Amyas Morse**, Comptroller and Auditor General, **Robert Prideaux**, Director of Parliamentary Relations, and **Marius Gallaher**, Alternate Treasury Officer of Accounts, were in attendance.

### REPORT BY THE COMPTROLLER AND AUDITOR GENERAL

#### The youth justice system in England and Wales: Reducing offending by young people (HC 663)

##### Examination of Witnesses

*Witnesses:* **Sir Suma Chakrabarti**, Permanent Secretary, Ministry of Justice, **John Drew**, Chief Executive, Youth Justice Board, and **Helen Edwards**, Director General, Justice Policy, Ministry of Justice, gave evidence.

**Q1 Chair:** Welcome to all of you. Thank you for coming and giving evidence on this report. We do think there are going to be votes, so our evidence will be interrupted, so apologies for that before it happens. Now, actually, in my overall reading of the Report, although I don't think my view is necessarily shared by all members of the Committee, on the whole I felt that this showed a success story and the stat that really came to my mind was that the number of offenders in custody among young people fell by 14% at a time when overall custody figures went up by 14%. That was the figure that I had lighted on. I was interested for you to tell us a little bit about what you think the factors were behind that improvement, and to what extent the Youth Justice Board could really take credit for what has happened. I don't know who wants to start on that one.

**Sir Suma Chakrabarti:** Shall I kick off? John Drew is chief executive of the Youth Justice Board, so I'm sure he can add quite a bit too, and Helen Edwards is director general for policy in the Ministry. I think that a number of factors, actually, explain the success. I think one of the ones that I would alight on, because I've looked at, I suppose, a number of areas of public policy over my time, which is very unusual in this area, because it's gone very well, is partnership working on the ground, in localities, between those working in Youth Offending Teams but also local authorities and various other allied services there. It's quite unusually integrated, actually, compared with many other public services I've seen, and I think that's been a hallmark of the success so far.

There have been some very good people—obviously, the board and others—and they've worked very well in the way we've run this decentralised process, but having observed it for three years now, I think the biggest difference I've seen in this area compared with

many others is that integration on the ground, which is really quite exemplary. John, do you want to add your perspective?

**John Drew:** I'm sure that's right, and if I could refer to a couple of other key partnerships, firstly, with the police force, there's absolutely no doubt that the success of youth justice is dependent, at its heart, on the relationship between the Youth Offending Team and the local police forces, and on the leadership provided by the chief constable or the other senior police officers in that area. Of course, the police are part of the Youth Offending Team.

The other key development, perhaps particularly over the last three years, is the partnership that we forged nationally with the Youth Courts Committee of the Magistrates' Association, who are, in the end, the ultimate arbiter of much of all of this, and who have become very active in examining best practice and helping us identify for YOTs what works in working with courts, and in looking in a broader way than, perhaps, the magistracy has looked in the past at what happens to children who come before them and the part that sentencing in the courts can play in all of that. So, at a national level, those two partnerships have been very important.

**Q2 Chair:** Do you want to add anything?

**Helen Edwards:** I think the only thing I would add is that it's part of a larger picture, because we've seen the number of first-time entrants into the system falling, so the prevention agenda has been really important. We've also seen some falls in reoffending: youngsters not necessarily coming back before the court. So, I think they've contributed to a situation where we've seen downward trends in all the key indicators, and it's meant that the courts have not necessarily felt the need to use custody. The

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12 January 2011 Sir Suma Chakrabarti, John Drew and Helen Edwards

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availability of other programmes, too, I think, has been important in giving courts confidence that there are other options open to them.

**Q3 Chair:** You're slightly left with the question, then, "If it ain't broke, why fix it?" which you might want to answer, Sir Suma, because you're abolishing it.

**Sir Suma Chakrabarti:** Well, the Government took a decision, as you know, on 14 October to announce this and many other changes in the public bodies.

**Q4 Chair:** We'll come back to structure at the end, but it does seem to me that we see here at this Committee a lot of organisational failures, and occasionally organisations that are not fit for purpose. This is one where you feel that, on those broad stats—I know there are underlying problems with it, but on the broad stats—everything appears to be going in the right direction, so "If it ain't broke, why fix it?"

**Sir Suma Chakrabarti:** I'm immensely proud of what the YJB have achieved, and I think it's essentially because, of the three tests that the Government applied, performance was not one. The first test was, "Is this body performing a technical function that has to be at arm's length from a Ministry?"; secondly, "Does it have to be politically impartial?"; and thirdly, "Does it have to act independently to establish facts?" All three of those tests were clearly, "No, is the answer", so performance was not a question that was put, not just to the YJB, but to any of the arm's length bodies. As you know, the PASC—the Public Administration Select Committee—looked at this whole process just the other week. So, we were never asked the question on a performance basis, "Would you keep it in or would you keep it out?" Those three tests were the three tests.

**Q5 Chair:** I must say I'm shocked at that, and that seems to me absolutely shocking, because the first question you ask is, "Does it work?" Any pragmatic pragmatist would say that. This is not a particularly partisan issue, but of a thing, you would ask, "Does it work?" not "Does it fit a set of rules?"

**Sir Suma Chakrabarti:** Obviously, these are rules on which the Cabinet Office led, not the Ministry of Justice, but as I understood it, what they were applying was a view of the new Government's, that they needed to be clear about what should be within the boundary and what should be outside the boundary, not based on performance but based on those three tests.

**Q6 Chair:** Well, that is shocking. We'll come back to structure at the end, but coming back now a little bit to the stats, the Report does say that we still have the second highest rate of child incarceration in western Europe. Is that still true?

**Sir Suma Chakrabarti:** I believe it is.

**Q7 Chair:** And why, because that was 2008?

**Sir Suma Chakrabarti:** I'm pretty sure it is still true, isn't it, John?

**John Drew:** Yes.

**Q8 Chair:** It is still true?

**Sir Suma Chakrabarti:** Yes.

**Q9 Chair:** Why?

**John Drew:** We are working very hard, and the Report gives some indication of that work, to reduce the number of children and young people in custody, and the numbers have come down significantly.

**Q10 Chair:** But we're still the second highest in Europe.

**John Drew:** But we are still the second highest. The answer why: I think there has been, for a long period now, a view held by the magistracy, a view enshrined in law, that custody is an appropriate sentence for a larger group of children appearing before the courts than is the case in other European jurisdictions. Of course, it's not the case in America, but then custody rates across the piece are very different in America.

**Q11 Ian Swales:** We're also the second largest for adults, just to put this in context. I believe we are, aren't we, after Portugal?

**Sir Suma Chakrabarti:** Across Western Europe, we're ranked second after Spain.

**Q12 Ian Swales:** So, this is part of a wider picture. It's not simply young people.

**Sir Suma Chakrabarti:** It's part of a wider picture, I guess, which successive Governments have taken of use of custody. Our age of criminal responsibility is one of the lowest in the world, as you know.

**Q13 Chair:** We're a value for money committee, and what the Prison Reform Trust have said in a note they sent to all members of the Committee is that, particularly with short-term sentences—the two-month part of the four months detention and training order—the cost is disproportionate. It costs at least twice as much per week as a longer custodial sentence, and therefore it does not represent good value for money. Do you agree with that?

**John Drew:** We believe, as a board, that there's a long way that we can go in terms of reducing—

**Q14 Chair:** Do you agree with what the Prison Reform Trust have said?

**John Drew:** I agree with their central contention, which is that we can reduce the number of children in custody further than we have gone so far.

**Q15 Chair:** So, do you agree that these short-term, two-month sentences—part of the detention and training order—are not value for money and not good, actually, in terms of prevention and preventing reoffending?

**John Drew:** We do.

**Q16 Chair:** You do?

**John Drew:** Yes. It is very difficult in a short sentence to achieve the sort of change that you want to bring into effect.

**Q17 Chair:** Why can't you do something about that then?

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**Sir Suma Chakrabarti:** Well, that is one of the thrusts of the Green Paper, which Helen can talk about, which the Government have just published. It says exactly that: that we should do something about that.

**Helen Edwards:** I think no one thinks that short custody sentences make a great deal of sense in terms of reoffending for either young offenders or adults. I think it's more the case—and sentencers will say this themselves—that they feel they run out of options, so the very prolific offenders come back to them time and time again, and it's difficult for them to retain credibility if they've said, on several previous occasions, "If I see you again, then you need to be in no doubt that, next time, I'll be considering a custodial sentence". I think the task for us on both the youth and adult side is to further develop credible community options, more intensive options in some cases. Now, we've gone further on the youth side with intensive programmes than we have on the adult side. Having said that, to be fair to the Youth Justice Board and YOTs, turning the lives of some of these young people around is very, very difficult.

**Q18 Chair:** Yes, we all understand that. I'm going to go to Stephen in a moment, so just tell me very quickly: what proportion of custody sentences are for these short sentences?

**Sir Suma Chakrabarti:** We don't have that off the top of our heads.

**Helen Edwards:** It would depend how you want to define "short".

**Q19 Chair:** Two months and under.

**Helen Edwards:** Two months and under.

**Sir Suma Chakrabarti:** Okay, we'll get you a figure afterwards.

**Q20 Chair:** Have you any idea?

**John Drew:** I'd prefer to give you the accurate figure.

**Q21 Chair:** Is it 30%, 50%, in the range?

**Helen Edwards:** On any one day, there won't be many young people serving very short sentences.

**Q22 Chair:** Over a year?

**Helen Edwards:** But over a year, there'll be a pretty high proportion of those—

**Q23 Chair:** So, you could save a lot of money, you could get better value and you might give children a better future if we stopped putting children in prison, incarcerating children for two months or less.

**Sir Suma Chakrabarti:** Well, we believe, undoubtedly, that community penalties are both more effective in terms of reoffending but also cheaper. There's no doubt about that.

**Q24 Stephen Barclay:** I think there's clearly concern about value for money in terms of two-month custodial sentences. On that, could I just check: do you measure by institution the various successes in terms of reoffending? Do you break that down by institution?

**John Drew:** We don't measure it by individual YOI or children's home or what have you, no. We have,

though, got a longitudinal study taking place at the moment on a whole range of aspects of youth offending, following youngsters across a period of time, and that will provide us with more data about the relative effectiveness of different parts of the sector.

**Q25 Stephen Barclay:** But would it not be logical, in terms of assessing value for money, to be measuring the data from which institutions are doing it well and which are doing it badly?

**John Drew:** You could do that. The reason why we haven't done it—

**Q26 Stephen Barclay:** I know we could, but should we not be?

**John Drew:** Well, one of the difficulties with it is that youngsters do move about a lot in the course of the sentence, so it's not the case—

**Q27 Stephen Barclay:** Within two months?

**John Drew:** Within two months, they could very easily do so, yes, and that does create a difficulty. Analysts would also say that, in order to really get an answer which is analytically satisfactory, you have to eliminate all sorts of individual factors which will vary from one child to another, and that makes the very small-scale comparators that, perhaps, such a study would produce, quite difficult to draw really binding conclusions from.

**Q28 Stephen Barclay:** Okay. The concern I had reading the Report was more widely in terms of whether you're achieving value for money, because, as paragraph 2.2 says: "The quality of assessment is a key determinant of how much and what kind of resources each offender will have spent on them"; in other words, it's the assessment that drives how you spend your money. But the Report also says that a third of your assessments are not of sufficient quality.

**Sir Suma Chakrabarti:** A third?

**Stephen Barclay:** A third of your assessments are not of sufficient quality.

**Sir Suma Chakrabarti:** The Youth Offending Teams' assessments?

**Stephen Barclay:** Yes.

**Sir Suma Chakrabarti:** They're not ours, they're accountable to local authorities. But yes, that's absolutely right, and that is something we're concerned about just as much as you are, which is why YJB has been working so hard with the YOTs concerned to try to improve performance.

**Q29 Chair:** Okay. I'm being asked: can you speak up a bit? There's some problem in hearing.

**Sir Suma Chakrabarti:** Sorry. Okay. So, that is why the YJB has created eight, I think, regional fora now to actually try to improve performance of YOTs, why it's been working with the worst performers, some of whom are mentioned here in the table—I think at figure 10—and trying to improve their performance. The few that have been re-inspected since that performance improvement system has been put in place have improved, Sefton and Rochdale being two examples now within the system. Actually, as of

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today, we had two further inspections—Barnsley and Leeds—which come in much better as well.

**Q30 Stephen Barclay:** We'll probably come on to the fact that you're not actually measuring which interventions work and which don't, because the Report makes that clear, but actually the Report suggests it's even worse on value for money, because if one looks at paragraph 3.9, what it says is: "Those who have most contact with practitioners and consume the bulk of justice spending...have either worsened or stayed largely stable, respectively". So, a third of the assessments you're doing are of a poor quality—that is driving the money—and the area where you're spending most of your money is the area where you're seeing the worst results.

**Sir Suma Chakrabarti:** The point I was making is that, on the assessments, we actually do want to drive up the quality of the assessments, and all the work that's being geared by the YJB has actually driven up the quality of assessments. So, on the re-inspections of those very same YOTs that were failing, for example, the three that are included in that table have all improved.

**Q31 Stephen Barclay:** Well, we'll get into the regional variations, no doubt, because some are massive: the difference between Somerset and North Somerset, for example. But I just wanted also to take you to figure 4, because figure 4 gives the impression that there has been considerable progress in terms of the reduction in matters which are being dealt with as crimes. I just wanted to understand whether there's been any displacement in terms of matters that were previously dealt with as criminal offences, which are now being dealt with as civil offences.

**Sir Suma Chakrabarti:** Right. I don't know offhand. John?

**John Drew:** No, I don't think that's the case. If you were worrying about PNDs—police notices—that is now factored into the statistics.

**Q32 Stephen Barclay:** What I was driving at is, for example, restorative justice programmes, ASBOs that are dealt with by local authorities, informal agreements, where the council have entered into an agreement, or indeed figures around arrests, where there's been an arrest but there hasn't been a charge. Has there been an increase in numbers in any of those areas that would previously have been dealt with within what's covered by figure 4?

**John Drew:** Yes, there are some localities that are doing very early intervention, in which, before a formal disposal is decided upon, restorative initiatives take place, and the consequence of that—you're absolutely right—would be, in some instances, that children wouldn't appear in the official statistics in the way that this group of children do as a consequence of the intervention. I wouldn't like you to go away from here with the impression that those were interventions that didn't confront children with the consequences of their behaviour.

**Q33 Stephen Barclay:** But again you don't know because, first, you're not measuring them, but in

essence the concern I have is that all you're perhaps doing is re-categorising them, because the Report itself says: "It is not known...to what extent falls in first-time entrants reflect genuine reductions in crime". So, if you had matters previously which were dealt with as criminal offences, and which you now re-badge and deal with in a different way, you have not necessarily reduced the problem; you're just dealing with them in a different way. Then, when you are making assessments, a third of those are of a poor quality, and so that's driving what you're doing. A quarter of the assessments are being ignored anyway in sentencing, which, again, I'm sure we'll come on to, which suggests a lack of faith. And those assessments which are used, which drive the bulk of your spending, are having the worst results. So, I'm struggling to see where you can evidence you're achieving value for money.

**John Drew:** There are a whole range of things, as you rightly said, that you've raised in that question. On the particular issue of, "Are the pre-formal disposals displacing activity?" I'd be confident to say not to the degree that the numbers of first-time entrants have fallen. That won't be the case throughout the country. There will be some schemes where that probably does account in significant measure for the fall in first-time entrants.

**Q34 Stephen Barclay:** But you're not measuring those.

**John Drew:** We are aware of the volume of activity. We don't count it in that way.

**Q35 Stephen Barclay:** But you don't measure which interventions work, so you don't say "one local authority has had a really innovative idea that works well and we're going to spread best practice".

**Sir Suma Chakrabarti:** No, we do.

**John Drew:** We do.

**Q36 Stephen Barclay:** But the Report makes reference to that not happening.

**John Drew:** Well, this is a question of degree and also about findings that have analytical rigour or not. But if I could give you an example, perhaps that will make things more concrete. In Swansea, for a number of years now, they've operated what's known as the Swansea youth offending bureau, which is a joint police-Youth Offending Team initiative. There, when a youngster comes to the attention of the police in the first instance, they're bailed for a two-week period and their case is considered by the bureau, which is chaired by a senior police officer. They do have the option of doing a disposal which wouldn't count in the figures in table 4, but they do then keep a track of what happens to the young people who are the subject of pre-formal disposal and, actually, they are much less likely to reappear than the young people who are the subject of more formal intervention.

**Q37 Chair:** Why don't you measure that nationally?

**John Drew:** Because there isn't one system nationally. The Swansea system is pretty unique to Swansea.

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**Q38 Chair:** One of the things I felt in reading the Report was you can reinvent 157 ways of doing it, and one of the obvious *raisons d'être* of your existence will be that you should learn from best practice and then spread it across the country, rather than reinventing the wheel, so it seems to me a bit daft.

**Q39 Stephen Barclay:** Also spread in terms of need as well, because you didn't actually address it in terms of need. You gave each geographical area the same figure.

**John Drew:** Sorry, there are a lot of questions here, but, Chair, in answer to your question, it would be completely daft if we didn't take the learning from one area to another, and we do. I'm sure that there's more than we can do in relation to this.

**Stephen Barclay:** That's not what the Report says.

**Mr Bacon:** The report says, in paragraph 3.6, that you don't.

**Stephen Barclay:** Yes, that's not what the Report says.

**Q40 Mr Bacon:** Paragraph 3.6, halfway through, it's talking about the fact that "Youth Offending Teams were developing their own interventions". "In practice"—higher up—"different teams run different interventions that seek to address common issues". And it goes on to say: "While this assists a flexible approach in dealing with local offending issues, it risks poor value for money as lessons learned from delivery of interventions at other teams may not be well disseminated, and errors and poor practice may be repeated". Now, this is an agreed Report, isn't it?

**John Drew:** It is an agreed Report—it absolutely is—but it isn't the case that we don't take learning from one part of the country and present it to other parts of the country. Nevertheless, this is a locally delivered system and it's part of the current settlement that local areas will, in the end, determine which programmes they wish to run.

**Q41 Chair:** Is that going to change in the new arrangements?

**Sir Suma Chakrabarti:** That's exactly one of the things that I think has to be looked at in the new arrangements, and I think the new Government's localist agenda would suggest, actually, more variability and less central control, if anything.

**Chair:** So, we'll waste more money.

**Matthew Hancock:** What this says is that there aren't the learnings taken from where best practice is spread, so becoming more localist doesn't mean not following best practice.

**Q42 Mr Bacon:** Sir Suma, you said there'll be more variability. It's very interesting, this, because the common issues which are referred to in paragraph 3.6—things like anger management, impulsivity management, victim awareness, teaching skills for independent living—we're not seriously saying, are we, that there are ways of doing anger management in Somerset that work if you are a native-born child of Somerset but don't work if you're from Yorkshire or Stirling, or even Grimsby?

**Sir Suma Chakrabarti:** No, I wouldn't say that at all. I think what I'm saying is—I think Mr Hancock had it exactly right—essentially, the centre has to play a different sort of role, which is, actually, to take the best examples and be even more assertive about showing those examples to other areas than it is at the moment. That's all I'm saying.

**Q43 Mr Bacon:** But the extraordinary thing is—and it really shocked me when I read this—paragraph 3.10: "Very little is known about the relative effectiveness of interventions", it says. And after 10 years—that's what surprised me more than anything else about this report. Why is so little known about the effectiveness of different kinds of interventions, after really quite a long time of doing it?

**Chair:** Answer that succinctly and then you won't be interrupted again.

**John Drew:** In the broadest terms, we know that the whole system is evidence-based in the broadest terms: the creation of Youth Offending Teams, the idea of the multi-agency focus, the idea of local leadership around the range of services around youth offending.

**Q44 Chair:** That's all process. I want to get you to the heart, because I think we know process. What we're interested in here is that you don't know what anger management course works or, if you do, you don't make sure that, right across the country, they use the sensible anger management course.

**John Drew:** And your particular example of anger management, that would be absolutely right. So, we're not saying for one moment that the track record is perfect in relation to this.

**Q45 Chair:** So, what's absolutely right? You would not tell Somerset, Norfolk, Barking and Dagenham—and go round the table—what to use.

**John Drew:** We haven't got evidence of anger management. If we were talking about a knife crime programme, we absolutely would tell them what to do. If we were talking about intensive fostering, we absolutely would tell them what to do. If we were talking about intensive supervision and surveillance on major programmes and alternatives to custody, we absolutely would tell them what to do.

**Q46 Matthew Hancock:** My point wasn't intended to be as helpful; it was that you can't spread best practice until you can measure what is best practice, and so, in order to spread best practice, you need to know what it is. So, whether or not you tell people or you show them what are the best processes, you can't even start doing all of that until you know what best practice is, and the Report says that you don't measure best practice.

**Sir Suma Chakrabarti:** What Mr Drew was saying was, in some programmes, clearly, we do have a good idea of best practice; in other programmes, we don't. What the recommendations are clearly about—recommendations (a), all the bullets there—is getting that more consistently known.

**Mr Bacon:** So you don't know if you're getting value for money on those.

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**Sir Suma Chakrabarti:** If I could just finish my answer; so, for those programmes where we don't know, we clearly do have to develop a better evidence base, and there's no doubt about that. That's why the YJB has been developing this thing called the Effective Practice knowledge hubs, where the YOTs actually come in to determining best practice much more, so it's less supply-driven—it's actually demand-driven much more.

**Chair:** I'll go to Stella, who has been very patient.

**Q47 Dr Creasy:** I've got two areas of questions I'm interested in: one which reflects what you've just been talking about, but on the previous conversation about custody I wanted to press you a little bit more about the use of custody because, obviously, that's one of the biggest expenditures that you deal with. First and foremost, you talked about reducing the number of young people going into custody. Do you think that custody is used in the best way?

**John Drew:** That's a complex question. I believe that there are children in custody at the moment by whom we could do better, and the consequence of that would be to see the number of children in custody reduced. If I could point to particular areas where I think that's the case, I think we're not doing as well as we ought to do as a system to offer alternatives to custodial remand. The figures bear that out. Almost one in four children in custody at the moment is there on remand. Around 60 percent of them will never actually serve a sentence at the end of their remand period. While the thresholds for remand in custody and for a custodial sentence are different, those two statistics don't sit well together. So, there is work that we have in hand to try to improve the provision of bail arrangements in the community.

Likewise—and this is trailed in the Green Paper—we believe that there is a significant number of children in custody at the moment who are there as a consequence of the breach of community sentences, and we believe that we can make improvements to the process, which will see fewer children in custody as a consequence of breach, while still leaving a long-term failure to comply with the terms of a community sentence, the consequence of that becoming custody. So, those would be two particular areas.

Beyond that, then there are a whole series of process things, but process things where practice within the courts and the relationship between the Youth Offending Team and the courts can be improved. I could give you a very brief example from Leeds, where Leeds was a high-custody area and the local Youth Offending Team and its management board wished to do something about it, and they, across an 18-month period, developed a really comprehensive programme which looked at the links between courts and the Youth Offending Team, so the author of reports relating to a child who was on the cusp of custody would always henceforth be called to answer questions about it—pretty commonsense stuff, talking about the link; all of those, a whole series of initiatives. The consequence of that, anyway, was that the number of children in Leeds in custody at any one time has been reduced by 17 at any one time, which is a significant saving to the public purse and points

to the fact that, if Leeds can do that, then so also can a wide range of other youth offending areas.

**Q48 Dr Creasy:** I asked the question because I'm interested in what you as the Youth Justice Board have done to lead that change.

**John Drew:** Okay. We were centrally involved in the Leeds initiative. We do a number of things. At the top level, my chair writes, at the beginning of each year, to the chief executive of every local authority outlining the custody rates for that area and describing the costs, and implicit in that is an offer, and we work then with the Youth Offending Teams who wish to take us up on that offer of providing a toolkit on how you can drive down the number of children in custody. A number of areas have come to us with that proposition asking for help, and we have provided help as a consequence.

**Q49 Dr Creasy:** Sorry, you said Youth Offending Teams that wish to take up that offer. If we're recognising that one of the challenges is to make sure that custody is used appropriately from a value-for-money perspective, what sanctions do you have as the Youth Justice Board to deal with Youth Offending Teams that may not?

**John Drew:** You've absolutely got to the heart of the matter. Under the existing arrangements, there is no direct sanction available to the Youth Justice Board in relation to local performance. The Green Paper, though, describes three outcome measures against which it wishes to measure local performance, one of which is the number of children in custody in that area. And in the Green Paper there is a proposition that future funding through the youth justice grant should be linked to a payment-by-results regime, so that authorities that perform well in relation to reducing the number of children in custody get a guaranteed level of funding, and the sanction would be that areas that are not engaging with that don't receive it.

**Q50 Dr Creasy:** How does that fit in with the localism that you talked about, with the variation in the use of arrangements at a local level that you're expecting under the new regime as well?

**Helen Edwards:** It's trying to put the incentives in the right place.

**Chair:** Could you speak up, sorry?

**Helen Edwards:** Sorry. It's trying to put the incentives in the right place because, at the moment, if a child comes into custody, either in remand or under sentence, central Government pays for that—the Ministry of Justice pays for it, with a few exceptions around remand. We're trying to make the local authority responsible overall for what happens to a young person, so if they use custody significantly, we think they should bear some of the cost of that.

**Q51 Chair:** They won't use custody—the magistrates use custody.

**Helen Edwards:** Well, it's very interesting, because we come to variations, don't we, which is not just about the courts, because it's about the provision that's available within a local authority, and I've worked as

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a local authority social worker myself some years ago and I have to say that it wasn't uncommon, although not officially accepted, that, when a child went into custody, everyone would breathe a sigh of relief because that child was gone off your caseload for a while.

**Q52 Chair:** So, are you ring-fencing this money to local authorities?

**Helen Edwards:** No, it's a different system. What we're saying is: if you reduce the use of custody in your area, at the moment that would save us money, so if you can save us money, we think we should share that money with you.

**Q53 Chair:** And are you ring-fencing that?

**Helen Edwards:** Yes, there will be specific money for that.

**Q54 Chair:** Ring-fenced, for use in preventing kids going into a secure unit.

**Helen Edwards:** We will earmark the money that's saved and we will share that with the local authorities that save it.

**Q55 Chair:** But ring-fenced to them—they can't then use it on bin collection.

**Helen Edwards:** Well, it would be down to them. No, no, I can't guarantee that because I don't have the power to guarantee that.

**Q56 Mrs McGuire:** So, it's not hypothecated.

**Chair:** It's not ring-fenced.

**Helen Edwards:** We don't have the power to do that.

**Q57 Dr Creasy:** So, there won't be any guarantee; that incentive won't exist that you're talking about.

**Helen Edwards:** Well, we think the incentives are that they will have more money back if they do well on preventing children reoffending. At the moment, there are no incentives for them to do that—financial—and we don't have direct levers to tell them what to do or to penalise them, so we're just trying to make the incentives work in the right way, rather than the wrong way.

**Q58 Chair:** Are there statutory obligations on local authorities? Will there be new statutory obligations? Will they have a statutory obligation to provide alternatives to incarceration?

**Helen Edwards:** We're consulting at the moment about this but it's not our proposal that they should.

**Q59 Dr Creasy:** And how does that fit in with what you were saying, John, that there are instances where, actually, custody does make sense for some children. If there's then an incentive not to put children into custody—a financial incentive—that doesn't seem to be quite joined-up?

**John Drew:** I think it's joined-up, and I think it's joined-up in the youth courts, where, above you, the judiciary, who don't have a financial stake on either side of the argument, acting within the law look at the need for custody and determine that when they pass sentence.

**Q60 Dr Creasy:** So, what will happen if these courts continue to send young people to custodial sentences but the local authority says, "We haven't got the money to fund this"?

**John Drew:** They will have to fund it. We have to respond to an order from the court to place a child in custody. I don't think the scenario works in the way that you might imagine, to tell you the truth, and the reason I say that is that because we know, from the experience of areas that have driven really significantly the number of children in custody, that in most areas there is sufficient leeway—a lot of leeway—that a determined local authority can operate within to drive down further the numbers of children in custody.

**Chair:** Right. I've got a list of people. I think Chris is going on to a new point, but I can see Anne and Jo want to go on this point.

**Chris Heaton-Harris:** No, it's on the point.

**Chair:** It's on this. Let's go then the way I've got it.

**Q61 Chris Heaton-Harris:** It's on the custodial remedies and sentences and things, but in the Report we've got a general figure of 56% on reoffending rates, excluding out of court disposals, but actually, for custodial cases, I believe there was a report in *Hansard* that it's actually 74% for reoffending—is that correct?

**Sir Suma Chakrabarti:** Yes.

**Q62 Chris Heaton-Harris:** Now, I have a very big interest in this because, in my constituency, I have the STC at Rainsbrook, which seems to have changed. It had a bad reputation and it seems to have gone through a massive transformation and it's now regarded as outstanding by Ofsted. So, there are people who are measuring what's going on educationally in these establishments. Do you keep a track of these sorts of things? Is that a measurement that you would countenance? Because what I'm keen to drive us towards is that there are programmes out there that run within these STCs, YOIs and others that do actually work; I know the transfer of youngsters causes a small problem in tracing whether they've actually gained from the institution they leave or gained from the institution they spent the most time in, but there are institutions that are delivering good-value education and there are programmes—I'll declare an interest; I am the vice-chairman of the parliamentary football club, sponsored by National Grid, who also sponsor a young offenders' programme, which has a reoffending rate of those coming out of custodial sentences of 7%. So, I look at 74% and I see a programme that delivers 7%, and I think, surely, you should be jumping all over people who are delivering things like this and getting more of them and encourage them in. I'd like to hear from you about how, in the future, this is going to happen.

**Sir Suma Chakrabarti:** Well, I'll ask John and Helen to say a bit more about this. The first point is, yes, the YJB does know about, say, the Rainsbrook experience and others, including National Grid, and both our Ministers and we are jumping all over National Grid to find out how they're doing this, although there is some issue about apples and oranges as to whether

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they're actually taking the toughest, the most difficult pupils or not, actually, which may explain some of the differential. But yes, we are.

Part of what the NAO report, I think, very rightly says is about, going back to the earlier conversation, scaling up and making more consistent the good practice, say, in Rainsbrook, in other places, and that's what we've got to do more of, quite clearly. That's what we're accepting. But John, you know about the Rainsbrook one and various other examples.

**John Drew:** I do. Firstly, do we measure performance in relation to education and training requirements? Yes, we do. There is a national indicator at the moment in relation to that. Plainly, the Government are keen to reduce the number of indicators, and there is no proposal in the Green Paper for that one to continue, but the Green Paper is a consultative document and, no doubt, people who feel strongly about that will press that point. But, at the moment, we do know exactly how local areas are doing in relation to education and training requirements. The general trend has been upwards.

**Q63 Chair:** Well, the general trend has been upwards in the population. Do we know whether there is any link between what happens to young children in a secure establishment and their educational attainment?

**John Drew:** Probably not much more than anecdotally, in the sense that we know the progress that children make during the time that they're in custody and we can see thereafter whether they're in full-time education, training or employment. It's not perhaps as direct as you might like it.

**Q64 Chris Heaton-Harris:** This is where it comes back to the discussion we had earlier. I know, because of the transfers between prisons, these aren't as easy to measure as I would like them to be, but surely, after a number of years of doing this, following the individual prisoner, you know where the person is because you're keeping track of them so they serve their sentence and come out. Having the records follow them about their educational attainment and what programmes they're doing and whether they're working must be something you can measure and you should be measuring and you should be spreading best practice. I've noted—I'm sure the public have—that, actually, in YOIs and STCs now we are having the kind of outbreaks of discontent, riots and all that sort of stuff: Stoke, Rochester, Moorland, in this sort of age group that we're looking at. When I visited Rainsbrook, I walked round and I felt pretty secure, actually. It was a very good atmosphere. So, something somewhere is going wrong, something somewhere is going quite right, and I'd love you to tell me that you've measured it, you know what it is and that you're going to transfer that best practice.

**John Drew:** I think we can answer; one of the principal differences between STCs and YOIs is the one that you will have observed, which is around staffing ratios and size of establishment. So, STCs are typically 60 to 80 young people accommodated at any one time. The average costs are in your papers, at £160,000 per child per year. YOIs are in a very, very different position in relation to that: much larger in

scale, differently constructed in specification, and many fewer staff. So, that is a big explanation—

**Sir Suma Chakrabarti:** And cost a lot less.

**John Drew:**—for the difference. And they cost a lot less. If I could just carry on, because you did offer up the National Grid.

**Q65 Chair:** Do you know that? You assert that. If you put more in, how do you know that leads to a better outcome? You assert that.

**John Drew:** I think the question I was answering, or thought I was answering, was: why is the STC estate more stable and not prone to the recent disturbances?

**Q66 Chair:** But do you know that that's because it's a bigger staffing ratio?

**John Drew:** And I do know that the STC estate—

**Q67 Chair:** Do you know they have a bigger staffing ratio?

**John Drew:** I do know that the STC estate has not been prone to the disruptions that we've seen in the—  
**Chair:** That might just be leadership.

**Q68 Matthew Hancock:** But also do you know the value for money, because if reoffending is 7% as opposed to 74%, and reoffending is obviously very expensive, then even more expensive custody may prove better value for money? If you could get that 74% across the board down to 7%, I entirely understand that that is unlikely to be possible, then it would justify 10 times as much expenditure per person in custody.

**John Drew:** Chair, might I come back to that question in a second?

**Q69 Matthew Hancock:** Value for money is about the total input and the total output.

**John Drew:** I understand the question. I just didn't feel I'd completely finished the question in relation to the National Grid, but I will come back to that one. On the National Grid, that scheme is run, actually, with young adults rather than children, but through the good offices of the construction industry—the Construction Youth Trust—we have two similar schemes, one operating in the north-west and one in the south-west. They're both in early days but are beginning to show the same sort of performance, but an analyst would say to me, "Be very careful of what you say in a forum such as this because the numbers are very small".

Equally well, the Mayor of London and the YJB have sponsored a scheme at Feltham for more than a year now—the Heron unit within Feltham YOI—and that has a similar flavour to it. There's an organisation called Rathbone that picks up youngsters during their sentence and has responsibility for supporting and placing them into employment and training when they come out. Again, the numbers are very small, but the numbers are very impressive to date.

**Q70 Chris Heaton-Harris:** And could you just clarify for the Committee how much that costs the taxpayer for these programmes—extra?

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**John Drew:** I'd much prefer to give you an absolutely accurate figure, if I might, so I'll send that.

**Q71 Chris Heaton-Harris:** Well, I'm pretty sure it's very, very low, isn't it, because these are all outside organisations?

**John Drew:** In terms of the figures, I think, we're all talking about, yes, they are low.

**Q72 Mrs McGuire:** You said that the numbers on the National Grid scheme are very small.

**John Drew:** Sorry, no, I don't know about the National Grid scheme, but the Construction Youth Trust numbers are small.

**Q73 Mrs McGuire:** And what do you mean by "small"? Are they in the teens?

**John Drew:** Under 20 at this stage.

**Q74 Mrs McGuire:** Under 20. Do we have any idea how many are on the National Grid's pilots?

**Chris Heaton-Harris:** It's a lot more than that. I've had dinner with about—

**Mrs McGuire:** You've had dinner with them all?

**Chris Heaton-Harris:** The people that come out of the scheme are very nice. They come out with jobs and they're very nice people.

**Q75 Mrs McGuire:** I think that there are issues about volume here as well, which we really do have to address. I have experience of the youth justice system—we don't call it that—in Scotland, both as a practitioner and also as a member of the Children's Panel. Going back to the comment that Helen made about the autonomy of local magistrates' benches in England, which would be a similar situation, how do you tell a local magistrates' bench that, really, we want to cut down on the number of children who are going into custody? If we are saying that it's about local decision-making and that they have to represent the context in which they are operating as local magistrates, how, in fact, have you done it in the past to reduce the number of children in custody? And if their decision is still to put them into custody, to go back to, I think, the Chairman's point, what's the local authority's response to that if you're not going to hypothecate or ring-fence—whatever words we want to use—the funding to meet that demand from local people representing local interests?

**Sir Suma Chakrabarti:** Well, there are a number of layers to that question, but we can answer them. But the point is fundamental, and it's in the Report as well. It compares Newcastle and Liverpool in the Report, and shows the difference. So, local cultures really do matter, and local magistrates' behaviour really matters, but at the local level these can be changed. The Leeds example is the one that John talked about earlier, so that has changed.

At the national level, it requires, frankly, the Sentencing Council, which has been set up, which Helen works with—the judiciary lead that—to try to push for greater consistency amongst magistrates' benches than we currently have. We were quite surprised by the inconsistency, actually. In the setting up of the council, we found that, in 46%, in a survey

that we did of cases, there was sentencing outside the framework. Now, that was a much higher number than any of us expected, actually, which shows the variability there. So, Helen's been working with the Sentencing Council to try to push the principle of greater consistency across benches, but you can do it at the local level as well, as Leeds, I think, showed.

**Q76 Mrs McGuire:** Right. Could I bring you on to my second point, which goes back a wee bit, because you mentioned that you try to disseminate good practice across the country? Prior to being in this Parliament, I did a report for the Cabinet Office in the previous Parliament, albeit about adult reoffending and the difficulties about support, and innovation within that sector. One of the areas that caused great concern was—I think it went back to a point that somebody else made about this reinvention of the wheel—that there is good practice out there and, frankly, the good practice could be in North Somerset and not be cascaded to southern Somerset. Sometimes, it's as local as that. So, what are you going to do to ensure that good practice is disseminated in a far more consistent way than it is just now? Because, frankly, the Ministry of Justice was not a good catalyst in many ways for disseminating that good practice

**Sir Suma Chakrabarti:** Well, I think the Ministry of Justice, when it was set up, was actually rather weak on research and analysis—all of that sort of dissemination of good practice generally across the piece. It's got better at that. I think one of the fundamental issues we've had in the youth justice system—and again John will have more detail—is that we have not so far been disseminating good practice with the Youth Offending Teams actually driving the dissemination. What's happened is London has decided to disseminate—the YJB centre HQ—good practice. It isn't bad. They're doing a very good job of that, but then it's rather left up to the YOTs as to whether they take it up or not. We think, if we turn this on its head, which is one of our responses to the recommendations, and the YOTs actually help to decide what gets disseminated, that changes the incentives completely and there'll be much greater take-up and greater consistency, if you like.

**Q77 Mrs McGuire:** And how are you going to do that?

**Sir Suma Chakrabarti:** John, do you want start the process?

**John Drew:** For example, what we're doing in relation to assessment is that we've set up in what is now eight—it was previously seven—of the regional areas, assessment fora, where a representative of each of the Youth Offending Teams in that region comes together and we present to them the messages from the inspections to date, we present to them the evidence that we have about what constitutes good assessment practice, and we know, partially from the inspections, partially from other performance monitoring, there are all sorts of processes that a healthy system will have: it will be well managed, there'll be quality assurance, there'll probably be an assessment panel within the YOT, where a group of

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peers look at an individual assessment. So, that's the sort of work that we're doing.

In, for example, the London fora, where the London YOTs asked for us to co-ordinate just such an initiative, we skilled up a group of practitioners from YOTs within London to go into other YOTs and carry out an audit of individual assessments. More than 200 assessments have been scrutinised in that way. So, we facilitate a learning process, and I think that's what Sir Suma was describing in saying what we're trying to do is to turn some parts of this inside out and place the YOTs more fully in the lead, both in helping us pass that knowledge around, and also determining what it is that they want to know more about.

**Q78 Chair:** This is terribly wishy-washy, if I may say so. Jo, come in. It all feels to me terribly, terribly wishy-washy and you end up with a third of assessments being poor. That's what you end up with.

**Q79 Joseph Johnson:** On that, if I go back to the starting point which you had, Chair, the overall picture of success, I just want to dig a little deeper on figure 3 in particular—the types of youth offending. If you actually strip out these relatively minor categories of motoring offences and so on, which I guess might consist of offences such as driving without insurance, drink-driving—and we'd call them minor maybe—speeding, reckless driving, whatever, does the actual number of offences convicted come down at all? I guess more relevantly, the very serious categories of offence—the ones that really cost society a lot and really ruin people's lives—actually are all rising. So, is it really fair to characterise the overall picture as one of a success when you have violent offences, drug offences, robbery and sex offences all higher than they were seven years ago?

**Sir Suma Chakrabarti:** Well, quite clearly the pattern of crime is changing. When we were younger, clearly what we'd see as a vehicle crime would have been near the top. The car industry has got much better at protecting cars—that's dropped. So, violence, drugs, alcohol tend to be much, much higher than ever before, and so the patterns of intervention have changed. The question, really, I suppose, is whether the programmes that have been redesigned to match the new patterns of crime are being successful or not, and some of them are clearly being successful and, where they're not, we're redesigning the programmes to be better. But the patterns of crime aren't determined, obviously, by the YJB; they're determined by what's happening in society in general.

**Q80 Joseph Johnson:** But do you acknowledge that stripping out motoring offences from this list of 201,800 offences committed in 09/10, there isn't actually any fall in youth offending over the period?

**John Drew:** There is still a fall but it's not as great as if you just lump them all together and counted on that basis.

**Q81 Joseph Johnson:** How great is the fall if you strip out this single category? Did you look at it?

**John Drew:** I'm sure you'd want the precise figure, and we ought to count that out properly for you.

**Ian Swales:** You should take out vehicle theft as well, because that's also fallen dramatically. It's fallen but it's also fallen dramatically, no doubt due to car security measures and so on. So, those two categories are huge fallers, and most of the rest have either gone up or—

**Q82 Joseph Johnson:** And I guess the implication of what you're saying is that you believe the youth justice system has somehow outperformed the rest of the criminal justice system. Do you think that's the case?

**Sir Suma Chakrabarti:** I really want Helen to answer this because she was the chief executive of Nacro before she came into the civil service, so she's got a much longer experience than I have, but talking to a colleague just before I came here, he works in the National Offender Management Service on the adult side, and he was saying that, actually, the adult side has a lot to learn from the youth side about how to make progress, particularly on partnership working at the local level, where, actually, they are way behind. And the Green Paper is pushing very much some of that agenda into the adult areas.

**Helen Edwards:** I think one of the challenges for the youth justice system now is, because we've got better at preventing some crime and diverting some young people who don't commit the most serious crimes away from the youth justice system, the youngsters that do come in tend to have committed more crime, and sometimes more serious crime, so that, in a sense, the challenge in terms of those young people who appear before the courts is arguably greater than it used to be.

Having said that, I know you've been criticising us for not knowing enough about what works. I think we've got more idea than we used to have about what works, and let's not forget it's not that many years ago that everyone believed that nothing worked—they really did believe that, whatever you did, it didn't really make a difference, that people would go on and reoffend. Now, both again on the adult and youth side, we've got quite a long way to go. We've been doing work on accredited programmes on the adult side.

But I think the other thing that I want to say is that there are very many things that come together that affect whether a young person or an adult reoffends, and not all of it is to do with the criminal justice system—a lot about employment, as we were saying, accommodation, about schooling, about families, about the local environment—and it's quite hard to control for all of those. So, I think the scale of the challenge has gone up for the youth system, but I do think it probably is outperforming the adult system. I would expect it to, because we spend more on the youth system than the adult system and, really, it should be possible to achieve change more readily with young people than with people once they're adults, particularly when they've been offending for a very long time.

**Q83 Ian Swales:** Just to say a bit more on this issue of sharing best practice and your role in managing the function, if we can just refer to figure 10, this is about the quality of assessments and planning by Youth

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Offending Teams. It's quite evident that you've got, for example, Merthyr Tydfil nearly the top in all categories, Somerset near the top in all categories, and then you've got Bournemouth and Poole near the bottom in every single category, Hartlepool is mentioned in three of the categories, and I'm struck by the fact that that doesn't sound anything to do with deprivation, because those are quite diverse areas. So, you've clearly got a massive management issue, where you've got double the effectiveness in one part of the country than another, so what are you doing about it? In other words, how are you sharing best practice and management ability specifically across those areas? What are you doing?

**Sir Suma Chakrabarti:** Okay. To repeat—and again John can give more detail—we've created these regional fora where YOTs learn lessons from each other. They are challenged by each other, firstly. Secondly, on the worst performers, we have sent in what's called a performance improvement team—a national performance improvement team—made up of people who are from the YOTs that are the most successful, at the top, to work with those who are least successful, because, frankly, the YOTs are more likely to learn from each other in that way. Just to finish the point, that has made a massive difference already, so the worst performers—the eight worst performers—have had that help and each of them have improved. Of the three at the bottom—Bolton, Hartlepool, and Bournemouth and Poole—Bolton and Hartlepool have already improved massively; Bournemouth and Poole, some way to go.

**Q84 Ian Swales:** Right. Just one point of clarification: if I was in—apologies for my Welsh pronunciation, Mr Smith—Blaenau Gwent and Caerphilly, would I be in a forum right now with Merthyr Tydfil?

**Sir Suma Chakrabarti:** I think John knows the answer on that.

**John Drew:** Absolutely. This does slightly go to the comment that the Chair made about it sounding very wishy-washy, and I know exactly why you make that comment. All of this happens within the legislative settlement which defines the role of the Youth Justice Board and defines the role of Youth Offending Teams.

**Q85 Chair:** Are you tightening that up? I hear that. Are you tightening that up in your changes? If there is a poor performing YOT, you're going to create financial incentives but they're ring-fenced, so I'm not sure how effective the financial incentives will be, so how are you going to tighten up to ensure you bring the performance of poor ones up? What are you going to do, in the new arrangements?

**Sir Suma Chakrabarti:** In the new arrangements, we haven't decided what to do yet, because we've only just heard the decision in October, so we've set up a transition board—John is co-chair of that—with the Ministry, and it has a list of issues, one of which is exactly that: how do we change the performance management system? Do we need to change it? Should we put local authorities even more in the driving seat, for example? What does that do to the

accountability arrangements? Each of these questions has got to be answered in the next months.

**Q86 Chair:** Just one more thing, and then I'm going to go to Nick. Your assessment of the best doesn't tally with the NAO assessment of the best, because your best were the worst on the outcomes.

**John Drew:** I think our assessment of the best doesn't tally with the results of the Core Case Inspection. I don't think that the NAO actually looked in a performance sense, but they cite the evidence and they're absolutely right to do that. What I would say here is that our assessment is looking at a series of different factors and, actually, to create a rounded view of YOT performance, you need to look at both sets.

**Q87 Chair:** But actually, the whole purpose of YOTs is to reduce crime, which is what Aileen looked at, didn't you?

**Aileen Murphie:** Yes. I think that the point is the performance management framework has to include outcome and output, as well as process.

**John Drew:** Can I say just one other thing? Our previously new system, which is what the NAO were commenting on, was in its first full year of run-through, and one part of how we assess is about the weighting we attach to different factors, and I'm sure, if we'd had the opportunity to run it in subsequent years, we would have changed the weighting to make sure that there was a more sensible remit, because we do think that the Core Case Inspection produces useful and important evidence.

**Q88 Chair:** I hate to tell you this all sounds so ruddy process-driven. We're back to the purpose of these little organisations and the purpose of you, which is to work towards reducing—it just seems to me a very simple outcome—the number of kids who come into the criminal justice system and their reoffending. That is an outcome.

**Sir Suma Chakrabarti:** Chair, just to help the Committee, let's make it very concrete. Let's take an example of a YOT that's not working at all well, hasn't been—we don't have to name it necessarily—and let's describe exactly what happens in what's called the ladder of interventions for a full-scale intensive programme of performance management. Why don't you describe exactly what happens?

**John Drew:** So, a YOT that has done poorly—very poorly—in its Core Case Inspection, we will put into that YOT our national performance improvement team, which consists of 13 people. We will also deploy some of our regional staff who have a longer relationship with the YOT and we'll help them carry out an initial analysis using the evidence from the inspection and also from the other data that we have, which includes the hard edge that you were talking about, which is the outcome measures—how they're doing on reoffending, how they're doing in terms of the numbers in custody—and with them we will develop an action plan and we will help them with the particular components of that. The YOT that I have in mind, as I'm describing this to you, was very weak in terms of leadership and management, so we gave them

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a number of tools in order to improve their leadership, and also the involvement of the wider services.

**Q89 Chair:** Have their outcomes changed?

**John Drew:** Their outcomes changed. In terms of the Core Case Inspection, this is a YOT that's been re-inspected. Their results improved from a low 40% score to a high 70% score.

**Q90 Chair:** And have their outcomes changed in terms of fewer kids being taken in?

**John Drew:** If I might, Chair, your question is completely pertinent and it does highlight one of the difficulties here, because that YOT had always done pretty well on the overarching outcome measures: always done pretty well on reoffending, always done pretty well on custody, and it wasn't in the highest of crime areas, but it wasn't in a completely low-crime area otherwise. If I might say, it just points to some of the complexity of some of these different measures and why you need to bring them all together in order to really understand the performance question.

**Q91 Nick Smith:** The colleagues on the Committee have a note today from Geraint Davies, who's the secretary of the all-party parliamentary group on speech and language difficulties, and he's pointed out that over 70% of young offenders have such significant communication difficulties that they're unable to benefit from prison education programmes and the regimes within a young offender's institute, but that the Asset management tool that you use to analyse their needs doesn't test for communication difficulties. I'm interested to know what you are going to do to improve the Asset tools so that these communication and learning needs are recognised so that these young people can benefit from the prison education or young offender regimes. I've got a second question, so let's hear the answer to that, please. Also, I found you to be lovely and soft-spoken today, but it is hard to hear you sometimes, so if you could pipe up a little, it would be helpful.

**John Drew:** I do apologise—I'll speak up. Asset is now 10 years old. We're committed to reviewing Asset, and one of the things that we've already said from the initial work that we've done is that we need to build in a component around speech and language deficits, because the problem is exactly the one that you've described and, actually, it goes beyond just the ability of children to understand the offender management programmes when they're in custody. If you think of the criminal justice system, it's a very oral, a very verbal system, so if they're not understanding some of the offender management programmes or some of the education programmes that are available in custody, they're not understanding what's happening in the court, they're not understanding what's going on during their community sentence as well. So, it's a real issue.

The other thing that we're doing in relation to this is that 15 YOTs have been pathfinders for developing new approaches, often employing a speech and language therapist, which they have the freedoms to do within the way in which YOTs are constructed and funded, and we're now taking the learning from those

15 to a further 15 who've expressed an interest in developing their game in relation to speech and language therapy, and that will take place before 1 April. There are a further 13 that have expressed an interest in pursuing that programme as we go into the new year, so we absolutely recognise the issue and, on Asset specifically, it's a gap in Asset which we intend to clear in a programme to review Asset generally and strengthen the tool.

**Q92 Nick Smith:** Okay. Thanks. I was encouraged by Helen Edwards's earlier remark about recycling some of the money from that spent on custody, and putting it to local services by way of diversionary services or other supportive measures for young people to keep them out of the criminal justice system, but I didn't have confidence in your remarks about how you would get assurance from local authorities and others that they would spend the money on those diversionary services or they would work in partnership to make sure that what could be quite a lot of money to places Blaenau Gwent, Merthyr and other places really makes a difference.

**Helen Edwards:** One of the things that we have said in the Green Paper, which we are consulting on and genuinely want feedback on, is that we will pilot this system with local authorities, so we will have to decide what arrangement we make with them in the first place, and we've got to work out what kind of agreement we can set up. We are looking at whether we can put in a small reinvestment fund and say, "Well, if you can reduce the use of custody by 10% and if we make savings", because we only make savings, really, if we can close custodial establishments, because that's where our money goes, "then you can keep that money; if not, we would expect some of that back".

Now, we've got to work out with local areas how this is going to work in practice, but local authorities, actually, have been approaching us and saying "We want to be responsible for our young people. We take it seriously. If we drive down reoffending rates, we cut crime, we make our communities safer. It is our responsibility, so we want to work with you". So, we are encouraged by that. We think that they want to do the right thing. And in the new world, where government, centrally, is not going to tell local areas what to do or set targets in the same kind of way, the challenge to us is how we can give people data locally so that they can judge how well the local system is doing. Local MPs can see whether, in fact, the local services are delivering what they should. But this is very much work in progress and we've got to try it out.

**Q93 Austin Mitchell:** Just a further point on language, the letter also says that research in Leeds in 2010 demonstrated that 65% of young offenders required speech and language therapy. I think anybody who's spoken to young offenders, their vocabulary revolves round one word—F, U, C, K—endlessly used. This indicates to me that there's a need for more research in the area, and I see from the Report that, in fact, the volume of research commissioned into effectiveness declined in recent years and that you've

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only been spending less than 0.5% of your overall budget on research. Why is there so little research, and isn't that going to get worse now you've no longer got a dedicated service?

**Sir Suma Chakrabarti:** Well, firstly, 6% to 11%, actually, over the years of the core budget that could be spent is spent on research. No, I don't think it's going to get worse. We're signing up to these recommendations, and that clearly does require a strong research programme. I don't see how we could deliver these recommendations otherwise. So, whether the YJB stays as it is or whether it's in the Ministry, we have to have a dedicated focus, in the research programme as well, on youth justice. There's no other way round it. We must do that.

**Q94 Austin Mitchell:** Yes, but from what you've said about the instructions given and the recommendations made to local services, this does need more research as to what best practice is and, without research, you can't tell.

**Sir Suma Chakrabarti:** I absolutely agree.

**Q95 Austin Mitchell:** If you don't do that adequate research and publish it and keep it before Ministers, we're in taxi-driver country. Your Minister, if you'll forgive the phrase, would have made an excellent taxi driver: he's got opinions on everything. Everybody has on youth justice and youth crime. And without research and documentation and the knowledge spread widely, the *Daily Mail* is going to dominate this area by panicking Ministers, unless you can prove anything to the contrary.

**Sir Suma Chakrabarti:** I absolutely agree with you. I think we absolutely agree with you: the research is fundamental and we will maintain a dedicated focus on youth justice research.

**Chair:** Good.

**Q96 Austin Mitchell:** Why has research gone down?

**Sir Suma Chakrabarti:** It's varied between 6% and 11%, I think, hasn't it, over the five years in the Report?

**John Drew:** It has. Some of our research, of course, is cumulative.

**Q97 Austin Mitchell:** Well, the Report says it has.

**John Drew:** No, that's right. There have been periods when we've spent more. Some of the research is cumulative; in other words, we've 64 pieces of research that have been conducted by the YJB since it came into existence, and some of that, obviously, doesn't need repetition—it stands there—but there's always a difficult decision when you're setting budgets for a year around how much you spend on research and how much you spend on programme implementation, as an example. So, in the year in which we spent less than in other years on research, we actually invested very heavily in training up Youth Offending Teams for the new legislation—the youth rehabilitation order—and the implementation of the scaled approach, which the NAO praised in the Report. It's a trade-off.

**Q98 Chair:** Right, but I think we have an assurance from Sir Suma that he accepts the point in the Report about having evidence-based research to decide what works with young kids.

**Sir Suma Chakrabarti:** Absolutely.

**Q99 Stephen Barclay:** Some areas have 15 times the need of others, but you gave them the same amount of money.

**Sir Suma Chakrabarti:** Are you talking about the Youth Crime Action Plan?

**Q100 Stephen Barclay:** Indeed, the Youth Crime Action Plan, so it refers to the 69 local authorities, but you gave out a flat rate when some areas had 15 times the need. Was that a mistake?

**Sir Suma Chakrabarti:** The 69 areas clearly were not all the local authorities in England, because it could have gone to all of them, so clearly some of them were sifted out with high crime.

**Q101 Stephen Barclay:** I'm talking within the 69.

**Sir Suma Chakrabarti:** So, within the 69, the Government of the day decided, I think, actually, for speed's sake, if I recall rightly, to get the money out, not to refine further. This is 2008.

**Q102 Stephen Barclay:** Was that one of the factors in the wide variations we see in the figure that Ian Swales referred to?

**Sir Suma Chakrabarti:** Can you just point to the figure?

**Q103 Stephen Barclay:** Well, figure 10 has a wide variation between Somerset and North Somerset, for example. I'm just trying to understand the wide variations. But it just seems odd. If you have a population of 69 and, within that 69, some have 15 times the need of others, why would you give them all the same amount of money? It seems a bit bizarre.

**John Drew:** As Sir Suma said, it was a decision of the Government of the day that this was the simplest and cheapest way, having made a needs judgment in the first place, to prioritise the 69 authorities.

**Q104 Stephen Barclay:** A needs judgment?

**John Drew:** So, the high-crime areas were the areas that were included in the 69. Having made that first judgment, after that, speed and simplicity suggested just a block grant.

**Q105 Mrs McGuire:** So, the 69 were high-crime areas and they were already a niche hierarchy.

**Sir Suma Chakrabarti:** That's right, so they were already targeted. So, we didn't do all the local authorities in England, which was obviously one option.

**Q106 Chair:** This is just the top 69.

**Sir Suma Chakrabarti:** We started on the 69 highest-crime areas. But the question is pertinent.

**Mrs McGuire:** Right. That makes a bit more sense.

**Sir Suma Chakrabarti:** Should we have refined it further is the essential question.

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**Q107 Stephen Barclay:** But there's a massive variant within that 69 is what you're saying.

**Sir Suma Chakrabarti:** Yes, and the Government decided at the time.

**Q108 Stephen Barclay:** Okay. Could I move on then? You also spent £30 million annually on the intensive surveillance and supervision, but provided no specific content. Is it normal for the Department to spend £30 million but not give any content?

**Sir Suma Chakrabarti:** You mean the YJB.

**John Drew:** Is it normal? Our programmes at the moment have more specific content, but at the time that was typical to set the very broadest framework for intensive surveillance and supervision but then leave local authorities and their partners to determine the particular content.

**Q109 Stephen Barclay:** But these are the most prolific offenders. You're spending £30 million of our constituents' money. How do you know you're getting value for money if you don't have any sense of what the content is?

**John Drew:** We specified the overarching components; for example, a minimum of 25 hours' contact with a Youth Offending Team worker in each week.

**Q110 Chair:** Process.

**John Drew:** As I said that, Chair, I knew you were going to say that, and you'd be right—you'd be right.

**Sir Suma Chakrabarti:** And that was the approach in 2002. Essentially, I think what you'll find with the programmes now, the content will be much more specified.

**Q111 Stephen Barclay:** But what I'm struggling to understand is, if you're not defining at the front end what they need to do, but you're not measuring at the back end what they have done, it's very hard to assess whether you're getting value for money; for example, if one looks at prevention work, the Report says, "Evaluations are yet to identify which of the activities that make up the content of these programmes are driving reductions and which are not". So, presumably, you're spending money on prevention programmes which are not driving reductions.

**John Drew:** All our prevention programmes have been subject to evaluation at the time that they were introduced, and the current position is, for the most refined initiatives on prevention, intervention and the family intervention programmes, there is an evidence base being built up as they go along, so we were never in a position where we spent money on prevention without trying to carry out some evaluation of content.

**Q112 Stephen Barclay:** But that's not what the Report says. I've read out what the Report says. The concern I have is you were requesting 3,000 data items each year, and Youth Offending Teams, even now, when they were surveyed by the NAO, were saying, "We're inundated with bureaucracy and data requirements", so there's no shortage of information you're requesting and the burden you're putting on the teams, but you're not actually evaluating and

disseminating which are the best programmes and what is the best practice. So, you're collating a load of data—goodness knows what for—but you're actually not improving the outcomes by evaluating the prevention programmes. That is what the Report is saying.

**John Drew:** And some part of my answer to that does come back to the remark I made a few minutes ago: that the way in which the youth justice system is configured, it's designed to leave Youth Offending Teams a considerable degree of flexibility in certain areas of their operation, and that would have been one. Now, clearly, there are alternative ways to do this. You could have a national youth justice system run by central government in much the way that the Offender Management Service runs the Probation Service, or what have you, but that wasn't the will of Parliament in 1998.

**Q113 Chair:** Right. We're coming closely to a vote. I want to bring in Matt and Stella on this.

**Q114 Matthew Hancock:** Thanks. I want to go back to the big-picture question about value for money, given rates of reoffending. We talked earlier about how, in some cases, there are programmes put in place which are more expensive but have better outcomes in terms of lower reoffending. This clearly has a beneficial impact, not only on the individual and on your costs—the costs of the Ministry of Justice—but also on the total social cost. If people stop reoffending, and especially if we can get a young person to stop reoffending, that's a big bonus across society, to your budget and to them individually. So, what assessment have you made of how to get best value for money even though that may involve going for higher-cost programmes that may be better value in terms of whole-programme outcome?

**John Drew:** If I can give you an example, the example would be intensive fostering as a direct alternative to custody.

**Q115 Matthew Hancock:** I'd rather look at not one example but in aggregate, the whole budget.

**John Drew:** The Youth Justice Board does constantly scour the landscape to see what programmes are being developed.

**Q116 Matthew Hancock:** I understand that; that was similar to your first answer. The question I'm asking is: how do you analyse what actually goes on to work out what is the appropriate level of funding to get best value for money?

**John Drew:** I'm not sure I'm completely with your question. The reason I was going to give an example was to explain in concrete terms how we take a proposition, trial it and look at the outcomes, set those against the cost.

**Q117 Matthew Hancock:** Yes, you can do that on an anecdotal, individual-example level, piloting or using different schemes, or you can do it by looking across the piece at the amount per person that you use, and seeing if there's a correlation between that and reduced reoffending and, therefore, trying to decide

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whether the cheap and “bang ‘em up” method actually is the best value for money or whether spending a lot of money reduces reoffending and so gives you the best.

**John Drew:** I’m with you now, yes. We’re running a programme at the moment around just that proposition of value for money, so a complicated team looks at total expenditure in the local area, looks at all the different types of programme that are being run—disposals etc—in order to provide unit costings in relation to each and some measure of outcome.

**Q118 Matthew Hancock:** And when will the analytics be available?

**John Drew:** We’re running a pilot with Cambridge and Sheffield at the moment. That pilot will be concluded in February. We’re hoping to be able to analyse the results of that and roll that out across YOTs more generally during the summer.

**Matthew Hancock:** Would you be able to write?

**Q119 Chair:** What, so you’ll tell YOTs what programmes to use, will you?

**John Drew:** We will be able to give them the tools and the experience of running the system that will allow them to make a judgment on value for money which they haven’t been able to make heretofore.

**Q120 Matthew Hancock:** Will you write to the Committee with the outcomes of that analysis?

**John Drew:** Sure.

**Q121 Matthew Hancock:** I wanted to push on, in a similar vein. You said, Ms Edwards, earlier, “Everybody knows that short sentences aren’t always the best tool”.

**Helen Edwards:** I said in terms of reducing reoffending.

**Q122 Matthew Hancock:** Yes, and then you said, “And some of the changes that we’re bringing about will mean that we’ll have lower numbers in short sentences”.

**Helen Edwards:** I said that some of the work we wanted to do on driving incentives was to encourage local authorities to make every effort to take the action they need to so a custodial sentence is not necessary, because, as I say, at the moment the incentives don’t really encourage them to do that.

**Q123 Matthew Hancock:** So, why hasn’t that happened in the past?

**Helen Edwards:** Well, one thing I was going to say earlier is we should remember that most of the money that goes into YOTs goes in locally. It goes in from local authorities, it goes in from the police.

**Q124 Matthew Hancock:** But you’re the Ministry of Justice. If everybody knows that this isn’t working and you want to move in a direction, which you’ve set out, since everybody knew it, why didn’t you change it before?

**Helen Edwards:** Well, I think you have to look at the reasons why.

**Matthew Hancock:** That was the question.

**Helen Edwards:** An independent sentencing body might impose a custodial sentence, even though they think it might not achieve much in terms of reducing reoffending. They might do it because they think they’ve exhausted other options. They might do it because they think the local community deserves a break. They might do it to preserve the credibility of the court, because they’ve previously said someone’s running out of options. They often don’t think that it’s going to make a difference in terms of stopping that young person committing further offences.

**Q125 Matthew Hancock:** But you said that everybody knows that this can be improved, and then you set out how you’re trying to improve it and set out the Green Paper, but if everybody knows that “this can be improved”—and I’m using that in quotations—then why hasn’t it happened before?

**Helen Edwards:** Well, it has been improving. I think that’s part of the point we’re trying to make. I think the other point I would make, which we were talking about earlier, is it’s not easy, and the young people who come through the system—particularly the ones who come through now—are the most difficult young people that we have in our society, and stopping them reoffending, particularly when it’s become a lifestyle choice, particularly if it’s to do with drugs or other kinds of behaviour, is really, really hard. Now, if it was easy, we would have done it sooner and we would be doing much better, but we’re making progress, we’re learning more about what works, we’re trying to stack up the incentives in the right way, we’re trying to make sure the money works to get better outcomes, so I think we’re making progress but we’d be the first to say that we’re not there yet.

**Q126 Dr Creasy:** I’ve just got a very simple question for you. I want to go back to what you said at the beginning, Sir Suma: you said the decision to get rid of the Youth Justice Board wasn’t necessarily on a performance metric. What would a performance metric be for the Youth Justice Board?

**Sir Suma Chakrabarti:** Well, I think the fundamental outcome, I suppose, for those of us who’ve worked in the system is about reoffending rates, actually: this goes very much to the question Mr Hancock asked, what’s the best way of reducing reoffending? And the Youth Justice Board has done a good job on some metrics on that front. That’s what I think is fundamentally what we were set up to do.

**Q127 Mrs McGuire:** Given what you’ve just said, how then are you going to replicate some of that good work with the new system, and will there be the capacity within the Ministry of Justice to have that strategic overview that we’ve actually spoken a great deal about today under the proposals?

**Sir Suma Chakrabarti:** Look, I think the three of us are completely committed to not losing this legacy, because I think it’s actually quite an important success story. Despite some of the questions, I think it has been a really good advance on where we were 10 years ago. So, we do not wish to have youth justice completely pushed down in the Ministry somewhere and lost. We want a dedicated focus at senior level

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responding on youth justice and giving it the strategic weight it deserves, but there are issues to work out: what is a new performance management regime going to mean when the Ministry has to take forward the relationship with YOTs, for example? What's the accountability around that? What are the metrics that we're going to judge them by, etc., etc? So, that's why the transition board has, over the next six months, got to answer each of those questions.

**Q128 Dr Creasy:** So, you'll be pushing for the Youth Justice Board to remain, just not be named, within the Ministry.

**Sir Suma Chakrabarti:** No, I'm not pushing for the Youth Justice Board to remain, because it'll be by statute abolished, if the public bodies reform Bill goes through. But I think there is an interesting question about how you get hold of the expertise that the Youth Justice Board has had. I'm amazingly impressed, really, with the board members, for example. I think they bring great knowledge, both of delivery and policy, that I would not wish to lose sight of.

So, one of the things, I think, I'm asking John to look at is, if there isn't a board but we've got a new policy initiative Ministers wish to mount and work up, quite rightly, in the youth justice area, can we at least have an expert reference group, for example, that we can go to, which will give us some of the advice that a board would have done, more expensively, but we could still get an expert reference group to help us with that sort of work.

**Q129 Dr Creasy:** So, how much will all this cost then?

**Sir Suma Chakrabarti:** Well, overall saving, as of today—it's a rough estimate because this came in after the Spending Review—is we think we're probably going to save about £6 million by abolishing the board.

**Q130 Chair:** £6 million.

**Sir Suma Chakrabarti:** Over the four years.

**Q131 Mrs McGuire:** Over four years?

**Q132 Joseph Johnson:** What's the total cost?

**Sir Suma Chakrabarti:** The total cost is much, much larger.

**Q133 Mrs McGuire:** £1.5 million a year?

**Q134 Joseph Johnson:** In percentage terms, how much of your overall budget are you saving?

**Sir Suma Chakrabarti:** This is tiny. Our overall budget is, I think, about £2 billion over the four years.

**Q135 Joseph Johnson:** £2 billion? So, as a percentage, it's negligible, what you're saying.

**Sir Suma Chakrabarti:** It's negligible, so the savings issue is not an issue at all.

**Q136 Chair:** It does seem to me ridiculous, because it sounds to me you're going to be reintroducing your Youth Justice Division instead of Board, with a reference body which might have been a board in the

past. So, you're saying you want to conserve and preserve, actually, what has been an effective mechanism.

**Matthew Hancock:** Chair, it may seem to you ridiculous, and earlier you called it shocking. I think that I understand the explanation and, in fact, through today's hearing, I'm persuaded it's the right thing to do because it gets more accountability up to Ministers, so I think it's a good idea. I don't think that we should conclude the opposite.

**Chair:** Well, there may be a difference in view.

**Q137 Dr Creasy:** Chair, can I just clarify? You said something there about you may have to bring in reference people, that you think that will actually cost you more to bring in the expertise that you're getting.

**Sir Suma Chakrabarti:** No, no, no, no, no, it will cost us less, because there won't be a board. If you have a board, you have to have board meetings.

**Q138 Dr Creasy:** So, you'll have to do them on ad hoc basis.

**Sir Suma Chakrabarti:** Exactly. So, when you have a policy initiative or a delivery initiative, what I'd like very much to think—this is exactly the question I'm putting to John in the transition.

**Q139 Dr Creasy:** Is it not decided yet?

**Sir Suma Chakrabarti:** It's not decided at all. It's got to go through Ministers. It's: is there any way we can actually access the expertise that a board would have given us? By the way, can I just be clear about the criteria? As Mr Hancock says, the three criteria the Government used weren't just for the Youth Justice Board—that was for all public bodies. It wasn't just for the Youth Justice Board.

**Q140 Chair:** I understand that—I do understand that. We've got a Division. I think we will return. I hope members will feel able to return and I think Stephen's got some more questions and there are one or two that other members have got. Okay?

*Sitting suspended for a Division in the House.*

*On resuming—*

**Q141 Chair:** Right. I think we were talking about future arrangements, right? Austin, did you want to ask something on future arrangements? Then Anne did and anybody else who indicated—Stephen wanted to come in.

**Q142 Austin Mitchell:** In statistical terms, has the fall in youth crime paralleled the fall in crime generally? Is it faster or is it slower?

**Sir Suma Chakrabarti:** I think it's slightly faster, isn't it?

**Helen Edwards:** It's slightly faster.

**Sir Suma Chakrabarti:** It is faster.

**Q143 Austin Mitchell:** And secondly, given the fact that we're now entering a period when youth unemployment is high—and it's certainly high in Grimsby—and we're faced with a situation where youth services are being cut, I remember talking to youths on community service in Hull and they said

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that, if the youth club closed, there's nothing to do. So, they sit around and have fun doing whatever, taking without consent and just general kind of hooliganism. It was the fact that they had no focus for that evening. Are you expecting that youth crime, youth offending is going to rise?

**Sir Suma Chakrabarti:** Well, there's two parts to it. First of all, one of the most interesting things about the recession that has just been is that, actually, for the first time, I think, in our economic history, there doesn't seem to have been a direct link between the state of the economy and crime, and that relationship that we all grew up with seems to have broken down, actually. So, acquisitive crime did not rise by much at all, if at all, during that period.

Nevertheless, I am worried—we are all worried—about cuts in local authority budgets, particularly in those areas of youth services which are not statutory, because they're obviously optional, and if those get cut, it could have an impact, clearly, on the work of the YOTs and, therefore, on reoffending, and that is something we have to worry about.

**Q144 Chair:** They are getting cut.

**Sir Suma Chakrabarti:** Yes, yes, absolutely, and it's worrying us quite a bit.

**Q145 Nick Smith:** So, what do you think should be done about it?

**Sir Suma Chakrabarti:** Well, I think, in terms of value for money, clearly what we've got to do is use the scaled approach much praised by the NAO in this report to target the smaller resources that we're all going to have on the most difficult cases—even more so. So, that's got to be the picture for the next few years.

**Q146 Mrs McGuire:** My question turns back to some of the discussion that we've had earlier about the lack of research. If you're not quite sure what works, why it works—and I've got a lot of sympathy with some of the responses that we've had on that issue—but if you don't understand the impact, how do you know where you're going to make the most severe reductions in budget?

**Sir Suma Chakrabarti:** Well, John is responsible for the YJB budget. He'll start, but just as I'm sure it's the same with the YJB as it is in the Ministry, what we start with is not programmes. I'm going to, obviously, try to, in the Ministry, cut back severely on headquarters, and so we're cutting headquarters by a third. The same is going to happen to the YJB and other places. So, staff reductions in those non front-line areas are the first area, but some front-line areas will have to be reshaped—there's no doubt about that—particularly if there's reducing demand. We haven't talked about decommissioning, which is in the Report, but I think, clearly, in some areas, that's going to have to happen. But I want to try to protect the programmes as much as possible. That's undoubtedly a principle that's running through our budget allocations.

**Q147 Chair:** I did, actually, want to talk about decommissioning. It allows me to bring that in,

because it seemed to me two things: one is there obviously appears from the figures to be room for further savings through decommissioning. Even at your 93%—I can't remember which figure it is—you only hit it twice over the period of the graph. So, do you accept that? And that seems to me a sensible saving rather than cutting preventative services.

**Sir Suma Chakrabarti:** And we wholly agree with you. The budget allocations haven't happened yet and Ministers, obviously, have to decide this, but we want to protect prevention as much as possible, and further decommissioning is undoubtedly going to have to happen.

**Q148 Chair:** And then can I just ask you: what's magical about 93%?

**Sir Suma Chakrabarti:** Well, the 7% that's not in there, John can explain, it's based on operational experience.

**John Drew:** 7% at the moment broadly equates to 165 beds. At any one stage, there will be a certain number that are undergoing capital programmes, so last night, for example, there were 23 beds that were the subject of planned capital programme improvement and what have you, so they're out of the calculation.

**Q149 Chair:** Sorry, I'm finding it difficult because, looking at the graph—I don't know if you can point me to the graph—you never go above 93%. Here we are: figure 14. If you look at figure 14, you only once—I accept this is only over two years, or two and a half years—you only once, April '09, hit 93%. You're always below.

**John Drew:** And that's because we've been operating—this graph describes a period where there's been a significant fall in numbers of children in custody, and in that period what you can't see in that type of presentation is we decommissioned 744 beds.

**Q150 Chair:** My point is you'll reduce the total number because you'll come down, but I don't see what's magical about 93%. Hospitals don't plan on a 93% occupancy rate.

**John Drew:** No, I was going to explain the 93% in terms of just explaining to you what it amounts to. So, it amounts to an allocation for planned capital works, which are happening all the time.

**Chair:** Say that again.

**John Drew:** For planned capital works—that's where we're upgrading the units. Secondly, again, at any one time, regrettably, there'll be a certain number of beds or cells that are out of commission because they've been damaged. It's quite a feature in the youth estate, so, again, there were eight beds—eight cells—not in operation because they'd been damaged, they were uninhabitable.

And then, in terms of the 93%, there are two further calculations. One is to have some contingency if there is a particular issue which means we have to take a wing out of operation if there's been a problem in terms of a disturbance there—something of that sort. We might need to take a large unit and that has happened at times in the past. And then, lastly, it gives us a little bit of room around being able to place children near to their areas of origin. It's no longer a

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target of ours, and we would say placing according to need is the most important consideration. But things like resettlement become much more difficult, particularly on short sentences, if the youngster is placed 150 or more miles away from their area, and that does exist.

**Q151 Chair:** But in terms of priorities, if you're on spending priorities, I do understand all that. Is it worth having that 7% floating around, which you don't have in the hospital system?

**Sir Suma Chakrabarti:** Well, we do in the adult estate as well. We have a margin. You have to, for the various reasons that John mentioned.

**Q152 Chair:** What's your margin in the rest of the estate?

**Sir Suma Chakrabarti:** Do you remember the adult estate, what it is at the moment?

**Helen Edwards:** We have a margin of about 2,000 places.

**Q153 Chair:** Which is how much—what percentage?

**Helen Edwards:** Well, at any one time, we've got—our estate is about 87,000.

**Sir Suma Chakrabarti:** So, it's about 2%.

**Helen Edwards:** Taken away from that.

**Q154 Chair:** 70,000?

**Helen Edwards:** 87,000.

**Sir Suma Chakrabarti:** 87,000.

**Q155 Chair:** So, you've got a lower margin in the adult.

**Helen Edwards:** Yes.

**Sir Suma Chakrabarti:** Yes. In the adult estate, we have a lower margin, partly because the youth estate, as John said, is much more volatile, so there's much more instability in the youth estate.

**Helen Edwards:** And we take more care where we place youngsters. We make choices about that but we're more likely to get a disturbance, we're more likely to have to decant a lot of youngsters at short notice, so it's a safety thing. It's worth remembering as well, when we look back at the graph, in April '09 that's when we ran out of places for adult prisoners and we almost ran out for young people, and we were really concerned that we were going to have to use police cells for young people at one point, and I think it made us cautious, because no one wants to do that.

**Sir Suma Chakrabarti:** I know, certainly, because I've spoken to the chair of the board—the Youth Justice Board—about this, and if you look at December '09 to February '10 and around that sort of period, when the gap was the biggest between the safe operating limit and where the capacity was, that was partly because the board, quite rightly, I think, wanted to be prudent that the changes in the pattern of demand were going to be followed through, that there weren't going to be policy changes following the election. We didn't know what all the parties were going to do after the election, actually. And so that's the prudence. But I can say that because I actually had access meetings with the shadow Secretaries of State,

so I actually know what was being planned and it wasn't clear on any of the parties.

**Q156 Mrs McGuire:** Do you have a waiting list into an institution? If a magistrate's court decides to sentence—while we've all been sitting here, there's 200 children out there being sentenced by various magistrate's courts across the country.

**John Drew:** We don't have a waiting list.

**Mrs McGuire:** You don't have a waiting list.

**John Drew:** Occasionally, there is a more local placement that we would like to put the child in, but we can't put them there to start off with, so they have to be placed further away from home, or a more suitable placement in terms of the specialist facilities. That's a reason for the threshold because it would be unacceptable to us for a sentence not to be able to be implemented.

**Q157 Mrs McGuire:** So, the child will always go from sentencing in the magistrate's court direct to whatever it is they've got to go to, do not pass go.

**John Drew:** To custody, yes.

**Helen Edwards:** And it is one of the things that distinguishes the custodial system from other public services. We don't operate waiting lists. We have to accommodate immediately, so we have to be sure that we can flex sufficiently to be able to do that.

**Q158 Stephen Barclay:** One of the surprising things in the Report was that there's a very wide variation between cities in terms of custodial rates. So, it's 2% in Newcastle but 12% in Liverpool. To what extent are there also wide variations in prevention schemes, and how will prevention schemes be protected in next year's budget, given that, if councils are under pressure, they will fund their statutory obligations first and are likely to start cutting prevention schemes?

**Sir Suma Chakrabarti:** Well, I think this is a worry that we have as well.

**John Drew:** There is a greater consistency in prevention, for this reason: the Youth Justice Board channels resources from government to the YOTs for prevention. And the agreement with local government is that those pounds will be matched pound-for-pound in terms of local investment into prevention. So, that part of a local area's budget which is for youth justice prevention is probably reasonably consistent from one area to another.

**Q159 Stephen Barclay:** So, Youth Offending Teams know their budgets, do they, for next year?

**John Drew:** They don't so far as the YJB's contribution is concerned, because we're still finalising the Ministry's budgets.

**Q160 Stephen Barclay:** But they were told they were going to get that before Christmas, I thought.

**John Drew:** There's a couple of decisions that Ministers have to announce as well, but we're hopeful by 25 January we'll be able to confirm. What we have been able to do is give them a range of figures in terms of planning assumptions, which isn't ideal—I absolutely know that—but the range is only a difference of 2.5%, so it's not a huge variation we've

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been able to give them, so they can at least begin to plan.

**Q161 Chair:** But that means they haven't got enough time, if there are cuts, for the statutory consultation on redundancy.

**John Drew:** No, I think we've given them enough information in respect of that that they could do what they need to do. I'm an ex-local government director myself and fully understand how local authorities set their budgets. I think, by Christmas time, YOTs had enough information that, if they needed to give statutory notice, they would know they had to do that.

**Q162 Stephen Barclay:** So, you accept that prevention schemes are most likely to be the ones that are cut. Coming back to Matt Hancock's point, "sometimes you need to spend to save", I think it was in essence.

**John Drew:** Prevention is clearly vulnerable—clearly vulnerable.

**Q163 Stephen Barclay:** So, there are concerns with that.

**John Drew:** Yes.

**Q164 Chair:** What does "clearly vulnerable" mean? Is it going to be cut next year?

**Sir Suma Chakrabarti:** Valuable or vulnerable?

**John Drew:** It's certainly valuable but the point I was making was really developing Sir Suma's point about when a local authority looks at where it will find its savings, it looks at those things that it has to do by statute and those things that it must do in terms of the bills that walk through the door, and there is a greater degree of choice in relation to prevention funding across the piece.

**Q165 Chair:** So, are you expecting money on prevention to be cut next year?

**John Drew:** I'm not only expecting it; a number of local authorities have already declared their intention in relation to that and I'm expecting there to be a reduction in the central Government funds available for prevention.

**Q166 Chair:** So, the unintended consequence of that may be an increase in custody figures.

**John Drew:** That is clearly the risk—clearly the risk.

**Q167 Stephen Barclay:** And that will impact other budgets, which they're not incentivised on.

**Sir Suma Chakrabarti:** Exactly. This is the problem of short-termism and, in the medium term, it could hit us very badly.

**Q168 Chair:** But the interesting thing is, though—sorry to intervene on you there, because this is a really interesting thing—as we look at the implementation of the CSR, we're very, very conscious about this unintended consequences point, because it's ridiculous that you cut in one area to create additional expenditure elsewhere. I'm interested—Sir Suma, you might be able to answer this—if this is an instance where you think a cut in one area will lead to even

greater expenditure elsewhere, how are you tackling that? How are you practically getting around it?

**Sir Suma Chakrabarti:** What has now been created—it was created by the Treasury towards the end of the Spending Review after the summer—was the Permanent Secretaries Group, where we bring these issues to the group for discussion. They are regional issues as well as policy impact issues, and this is one of those debates that we're having around this. My own view, I suppose, is, in the end, it's for the YJB to decide the allocation of their budget.

**Q169 Chair:** So, you're the accounting officer, so the extra money will come on you.

**Sir Suma Chakrabarti:** Yes, but actually, in the end, the YJB will have to decide its budget, obviously with some direction from the Ministry. I would strongly urge us to try to preserve the share of prevention in these budgets, because, frankly, otherwise, there will be a medium-term consequence, which is higher.

**Q170 Chair:** Well, just to finish the discussion I had with Matt in the corridor, so, when the YJB is abolished and it's then within your control, you would choose, at that point, to conserve. I think the prevention budget is pretty small; it's only 10% of the total YJB budget; you would continue that, would you?

**Sir Suma Chakrabarti:** Well, the share will obviously go down because decommissioning is bringing the custody budget down, but what, I think, we would be advising Ministers to do is try to hang on to the relative share.

**Chair:** Okay.

**Q171 Matthew Hancock:** You just said that you would urge yourself—oh, you would urge Ministers to keep the prevention budget—is that right? You said, "I'd urge myself to keep the prevention—"

**Sir Suma Chakrabarti:** I, myself, would urge Ministers—how about that?

**Matthew Hancock:** Okay.

**Sir Suma Chakrabarti:** I probably didn't go to the right school—I'm sorry.

**Q172 Matthew Hancock:** So, could you possibly just sum up in this area, because we started the discussion in answer to Steve; you were saying that you're worried about prevention, and now you're saying that you would urge that prevention is kept up, so what is going to happen?

**Sir Suma Chakrabarti:** I'm worried about the bits that we can't control or we don't have direct influence over. So, obviously, we will be having a discussion, say, with the LGA to try to urge local authorities not to cut, because, in their long-term interests, this would be a problem.

**Q173 Matthew Hancock:** For them as well.

**Sir Suma Chakrabarti:** Yes, for them as well, exactly. Where we are likely to have, obviously, more direct impact is with other Government Departments. The Home Office, the Department for Education, they also put money into prevention. With the Home Office, we are jointly responsible for the criminal justice system,

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so there is more likely traction there, because they can see the impact themselves directly, but where we're obviously trying to influence the rest is the local authority system.

**Q174 Matthew Hancock:** Right. It's because it's cross-departmental it means that you have to urge rather than act.

**Sir Suma Chakrabarti:** Exactly, but I think my colleagues—our colleagues—in the Home Office or DfE would buy the argument, actually, that we've just been discussing.

**Q175 Stephen Barclay:** Also, in terms of urging local authorities on the prevention, which is the point that you've just made, one of the ways you would do that is by showing them the evidence, and one of the problems that we've all highlighted is you're not gathering that evidence on the prevention. What I particularly wanted to get a sense of, if one looks at the relative costs for a 15-year-old of being in a secure children's home, where it costs £215,000 a year, compared to a secure training centre, which costs £160,000 a year, and a young offenders institution, which costs £60,000 a year, how are you measuring the prevention programmes in those different types of institution to see if the bang for the buck in the secure children's home is three, four times more effective in terms of cutting reoffending compared to the others?

**Sir Suma Chakrabarti:** Well, I presume, obviously, most of the prevention programmes are aimed at those people who haven't yet entered the system, so these are people who are already in the system.

**Q176 Stephen Barclay:** Well, I'm amazed to hear you say that, because one of the things the Report says is there is a massive disparity between the need to target 10 and 11-year-olds, and if you actually address reoffending of 10 and 11-year-olds, you get a much more beneficial effect, and there is a figure, actually, that points this out, which I'm sure the NAO can just direct us to.

**Aileen Murphie:** Figure 6 on page 16 is first-time entrants by age.

**Q177 Stephen Barclay:** Yes, so you can see the proportion of first-time entrants who committed more than 10 offences.

**John Drew:** Yes, but you're talking about prevention before this.

**Q178 Stephen Barclay:** Yes, but surely one of the things is, once you've got someone who has committed one offence, you then want to stop them going on to do a further 10 offences. That's got to be

a target-rich environment, so how are you assessing the programmes you're running in your various custody facilities?

**Helen Edwards:** Well, I just wanted to pick up on the point that, once a child at 10 commits another offence, you should throw resources at them to stop them. Of course, the majority of 10-year-olds who commit offences don't go on to commit further offences, so you can only identify retrospectively that a child who started at 10 has continued, because the majority of 10-year-olds don't appear again in the system.

**Q179 Mr Bacon:** You can only identify retrospectively? I thought there were lots of criminologists saying you can identify children at two and all the rest of it. Are you seriously saying that, at 10, once they've committed an offence, you can't look at a series of factors around their background and their circumstances and say, "There is a target that's very likely to commit lots of further offences"? Are you saying you can't do that?

**Helen Edwards:** You can't do it very accurately. We've got work ongoing at the moment to see if we can get better at it. Lots of people say, "Show me a child at two and I will know if they go on to offend again". Not many criminologists do. What criminologists do is say you can identify the characteristics which are more likely, but you can't say that those will actually predict the outcome for a particular child.

**Q180 Mr Bacon:** Well, isn't the answer then to replace your criminologists with people?

**Helen Edwards:** Possibly. Possibly, but you could waste a lot of money throwing resources at children who are not going to reoffend anyway, and that's the conundrum. That's what we're trying to be clear about.

**Chair:** Okay. I'm going to draw this to a close. There is an interesting stat in the Report that says 25% of kids demonstrate the characteristics; only 2% end up with a record, and that shows the extent. If you invest in the 25%, that's a heck of a lot of money to ensure that you don't get the 2%, so I think we accept it's a complex area. Right. I'm drawing this to a close because other people have elsewhere to go. I'm really sorry we had an interruption, and it was a little bit all over the place, but thank you very much. I do want to come back and say that, on the whole, where we were pressing you was on areas where there is need for improvement but, on the whole, I certainly share with you that I think this is an area of work where there's been some welcome changes in the right direction, so thank you very much indeed.

**Sir Suma Chakrabarti:** Thank you very much.

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**Written evidence from the Ministry of Justice**

PAC PUBLIC EVIDENCE SESSION ON YOUTH JUSTICE

I am writing following the evidence session I attended with John Drew and Helen Edwards on Wednesday 12 January.

First, I would like to reiterate my comments from the hearing that the Youth Justice Board has been a key influence on the recent positive outcomes in the Youth Justice System, particularly around reducing reoffending and reducing the numbers of young people in custody. We are fully committed to preserving the legacy, skills and expertise of the YJB as the Board's functions transfer into the Ministry of Justice, and in maintaining a dedicated focus on young people in the criminal justice system.

There were a number of items that I promised the Committee I would follow up in writing, and I attach the following information as an annex to this letter:

- (1) statistics on short custodial sentences for young people;
- (2) costs of special initiatives on rehabilitation following custody; and
- (3) statistics on what the fall in proven youth offending would be if motoring offences were removed.

Regarding the value for money/unit cost toolkits to which we referred, John Drew will write separately once the pilots in Cambridge and Sheffield are complete in February. While there will be some information available after the initial pilots, more substantive information will not be available until the toolkits have been modified further for wider rollout. John will update the Committee when further information becomes available.

Further to my evidence to the Committee I can confirm that Ministers have now taken the decision that the YJB should decommission further places in the juvenile secure estate. The YJS will shortly stop commissioning places for young people at HM Young Offender Institution Stoke Heath in Shropshire. The YJB currently purchases 202 places at HMYOI Stoke Heath. Due to the welcome and consistent reduction in demand for custodial places, this will no longer be necessary. This decommissioning is on top of the reduction of places set out in the NAO's report.

The YJB will also reduce the number of places it commissions at HMP New Hall. The Rivendell Unit at HMP New Hall in West Yorkshire is one of three YOI Girls Units which hold 17 year old girls sentenced or remanded to custody. The YJB currently commissions 26 places at the Unit which is on the same site as a larger adult female prison accommodating 446 females. Owing to a sustained reduction in demand for beds for females in the young people's secure estate, the YJB plans to reduce the beds commissioned at the Rivendell Unit by 17 places, from 26 to 9 beds.

The annual cost to the YJB for the 202 places it purchases at Stoke Heath is £7.1 million. It is expected that the YJB will realise savings in 2011–12 of around £5 million, following the completion of a six month notice period to NOMS, and full year's savings from 2012–13. It is likely that transitional costs will be incurred, as well as costs to ensure that adequate support is provided for displaced young people. YJB will also incur costs for the development of distinct Welsh provision at HMYOI Hindley for young Welsh boys who will be held there instead of Stoke Heath in the future. The reduction in beds at New Hall will deliver nine month savings in 2011–12 of £0.64 million and an annual saving against the YJB budget of £0.9 million, realised from 2012–13.

*19 January 2011*

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**Supplementary Written evidence from the Ministry of Justice**

**Annex A**

**1. STATISTICS ON SHORT CUSTODIAL SENTENCES FOR YOUNG PEOPLE**

Since 2000, approximately 40% of Detention and Training Orders (DTO) have been for four months. This represents around 2% of all young people sentenced. The four month DTO is made up of two months in custody and two months in the community.

SHORT CUSTODIAL SENTENCES FOR JUVENILES SENTENCED FOR ALL OFFENCES AT ALL COURTS, 2000–2009

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Total juveniles sentenced	91,480	95,485	94,548	92,531	96,188	96,203	93,806	97,387	88,375	81,490
Total juveniles sentenced to immediate custody	7,414	7,596	7,416	6,200	6,325	6,015	6,183	5,830	5,498	4,940
Of which Detention and Training Order <sup>(1)</sup>	5,074	7,069	6,684	5,726	5,757	5,447	5,587	5,279	4,875	4,479
Of which 4 month DTO	2,302	3,274	2,483	2,266	2,251	2,241	2,229	2,121	1,828	1,705
<b>% of all DTOs that are 4 months</b>	<b>45.4%</b>	<b>46.3%</b>	<b>37.1%</b>	<b>39.6%</b>	<b>39.1%</b>	<b>41.1%</b>	<b>39.9%</b>	<b>40.2%</b>	<b>37.5%</b>	<b>38.1%</b>
<b>% of all juveniles sentenced that get 4 month DTO</b>	<b>2.5%</b>	<b>3.4%</b>	<b>2.6%</b>	<b>2.4%</b>	<b>2.3%</b>	<b>2.3%</b>	<b>2.4%</b>	<b>2.2%</b>	<b>2.1%</b>	<b>2.1%</b>
Secure Training Orders <sup>(2)</sup>	85	N/A								
Of which 4 months or less	5	N/A								
Other custodial sentences—all lengths <sup>(3)</sup>	2,255	527	732	474	568	568	596	551	623	461

Notes:

(1) Detention and Training Orders were introduced by the Crime and Disorder Act 1998 from 1 April 2000 for offenders aged 12–17. An offender given a DTO will typically serve half of their sentence in custody and half in the community. Therefore an offender given a 4 month DTO will normally serve two months in custody.

(2) Secure Training Orders were custodial sentences for offenders aged 12–15 and were replaced by the DTO from 1 April 2000.

(3) Includes sentences under Section 91–92 Powers of Criminal Courts (Sentencing) Act 2000, Detention for Public Protection, Extended sentence of Detention for Public Protection, and sentences of Detention.

These data are on the principal offence basis.

The figures given in the table on court proceedings relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences it is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

Excludes data for Cardiff magistrates' court for April, July and August 2008.

Source: Justice Statistics Analytical Services—Ministry of Justice.

Ref: JAS(SENT)024–11 (13/01/2011)

## 2. COSTS OF REHABILITATION PROGRAMMES FOCUSING ON ENGAGEMENT IN EDUCATION, TRAINING AND EMPLOYMENT

### A. Construction Youth Trust

During the hearing we agreed to provide information on the cost of the scheme involving the Construction Youth Trust (CYT).

The Construction Youth Trust was commissioned by the YJB in February 2010 to provide employment opportunities in the construction sector to young people released from custody in the three YJB resettlement consortia pilot areas, Greater Manchester, the South West and Wessex, and one other non pilot area. The Trust works with disadvantaged young people across England and Wales and is supported by a number of the major construction companies.

The cost of the contract with CYT is £195k for services delivered between February 2010 and March 2012. The outputs required over this period are:

150	employers briefed
53	employers committed to the project
225	young people engaged with the project
67	successfully placed into employment

Assuming the target of 67 successful employment placements is achieved over the life of the project this will work out at just under £3,000 per young person successfully placed. However there are other positive benefits to young people engaged even where the engagement does not result directly in an employment placement within the life of the project. The Trust provides personal development support through a course called 'Toolkit for Life', help with CV writing and interview techniques to all young people engaged as well as the introductions to employers through what it calls "speed dating" events. Much of this activity takes place in custody prior to their release. The average cost per young person engaged is therefore projected at £422.

The Trust is on course to meet the above output targets, having exceeded year one expectations for employers briefed in Greater Manchester and the South West. 54 positive engagements with young people have resulted in six young people who will have been successfully placed into employment by February 2011. The continuing fall in custodial numbers and the slower than anticipated start to the consortium project has resulted in a smaller than anticipated cohort and this is reflected in the engagement and placement results. We are confident however that during year two, with four projects operational, the number of placements will rise to expected levels.

### B. Feltham YOI Heron Unit

During the same questions we made reference to the Heron Unit at Feltham YOI.

The London Reducing Re-offending Programme (Daedalus) originates from the Mayor's Time for Action programme which aims to improve opportunities for young people in London and develop a new approach for supporting young people in custody. The programme is co-ordinated by the London Criminal Justice Partnership (LCJP). London CJP are working in close partnership with the Youth Justice Board, Greater London Authority, London Development Agency (LDA), London Local Authorities, National Offender Management Service (HMYOI Feltham), and Rathbone (youth charity) to deliver this programme successfully.

The Programme aims to break the cycle of youth re-offending; by delivering intensive resettlement support inside custody and on release in direct partnership with local communities. This support seeks to achieve improved and sustained resettlement outcomes, in particular education, training and employment (ETE) outcomes to bring about a reduction in re-offending rates for young people leaving custody. The two and a half year pilot programme places young people on an enhanced resettlement unit (Heron unit) at HMYOI Feltham which delivers a robust resettlement regime as designed by the Youth Justice Board in partnership with HMYOI Feltham.

The programme focuses on those young people serving custodial sentences who are motivated to change and willing to engage with an enhanced resettlement programme—both first time entrants into the criminal justice system and those who have been in custody several times.

The programme has seen 117 young people commence the programme since September 2009, of which 91 young people have been discharged so far. We are tracking individuals and we know that, out of the 91 boys who have been through the unit, 17 have gone on to re-offend. This equates to 18%. However this is an indicator and should not be taken as the formal re-conviction rate. As such it is not directly comparable to the national rate of re-offending for this age group. This is primarily because the Ministry of Justice research standards follow young people for a period of 12 months in the community, whilst our tracking tracks everyone who has been released. Some of these boys would have been in the community for 12 months but some only a few weeks.

A reconviction analysis of the Daedalus cohort will be produced in March 2012 as part of a final evaluation report. This formal evaluation report will include a 12-month re-conviction analysis and will calculate a rate of re-offending in line with recognised research methods.

The programme is ESF funding with match funding from the LDA, with further financial and resource contributions from the YJB and HMPS.

Rathbone youth charity (in partnership with St Giles and St Mungos) provide a “resettlement broker” resource within Daedalus. This aspect of the programme has been specifically designed through consultation with partners. A resettlement broker provides 1.1 intensive support to each young person, they will focus on brokering and sustaining education, training and employment placements within each young person during their period in custody and community and beyond. The resettlement broker works in direct partnership with each youth offending team within the local authority. The role of the resettlement broker is supported by a partnership approach to employment with direct support from the Mayor's office with particular focus on the construction sector.

Total forecasted programme costs: £3,689,262

This is broken down as follows:

LDA/ESF funding is profiled against 300 starts for Rathbone. The LDA/ESF profile financial forecasting to Rathbone is:

FY: 2009—2010	£488,693
FY: 2010—2011	£913,624
FY: 2011—2012	£1,008,124
FY: 2013—2014	£89, 552 (this is for the remaining sustained ETE outcomes).
Total forecast of cost:	£2,499,993

It's important to note that this is a “payment by results” model. Therefore if the provider does not deliver the outcomes, the full funding will not be realised.

Additional programme costs are as follows:

MPS—Heron unit refurbishment:	£20,000
YJB—funding 4 officers:	£368,720 total over the 2.5 years of the pilot
HMPS—funding 2 offices:	£191,314
Total:	£580,034
Evaluation: (part funding from LDA/ESF and Youth Justice Board):	
Total:	£159, 228
Programme management costs:	
Total:	£450,000

**Total forecasted programme costs: £3,689,255**

NB. This does not include the “standard” costs of custody at Feltham for young people on the Heron unit.

### C. Keeping Young People Engaged Programme

While it was not referenced during the hearing, the YJB's “Keeping Young People Engaged” programme may be of interest to the Committee.

Keeping Young People Engaged (KYPE) is a funding stream which has enabled youth offending teams to employ mentors to engage more serious and hard to reach young offenders (traditionally those on Detention and Training Orders (DTO) and high end sentences). KYPE mentors work intensively with young people, providing them with personalised support to get them re-engaged through either employment, training or education (ETE).

Studies have shown that many young offenders have disengaged from education for a number of reasons including negative learning experiences. Research also shows that a high proportion of young people presenting as long term (sustained) Not in Education Employment or Training (NEET) have also suffered poor educational experiences. This section of the NEET population is most at risk of becoming involved in the criminal justice system. Many have developed very negative attitudes towards education which may become a barrier to their re-engagement. Young people in the criminal justice system are typically resistant to re-engaging in ETE despite the best intentions of a variety of support workers, including Information Advice and Guidance staff/Connexions. They have typically had poor experiences of education and learning. KYPE mentors provide important support, practical help and guidance to young offenders on the route to re-engagement.

#### Scope of the initiative

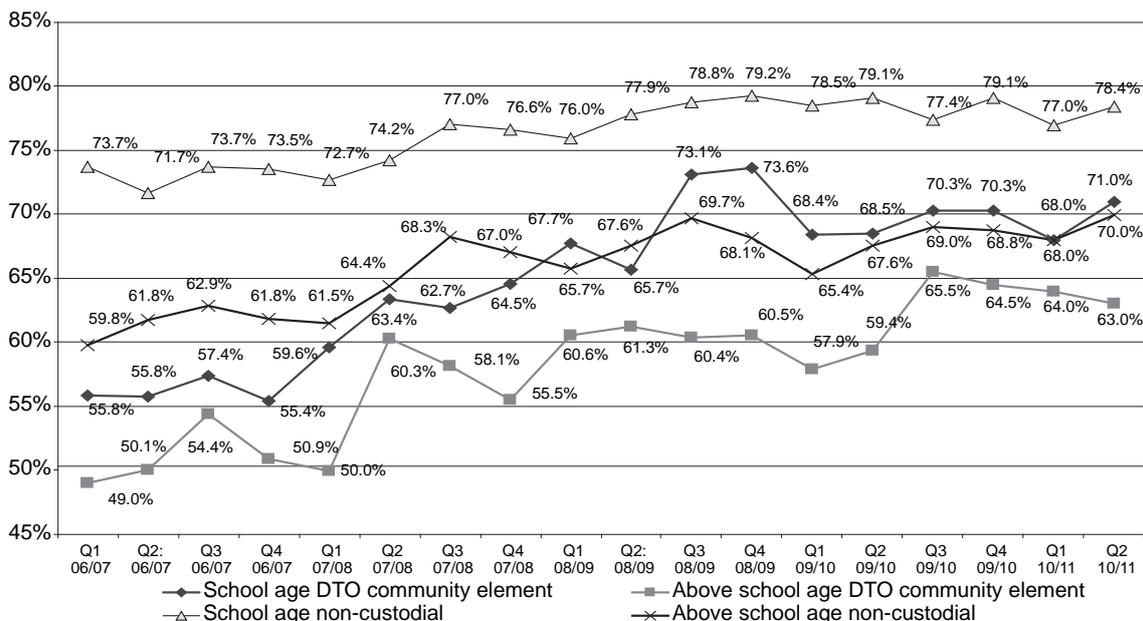
At present there are between 450 and 500 practitioners funded by KYPE (£6.1 MILLION per year), working in all YOTs across England and Wales. Funding has been distributed using a funding formula which gives weighting to those local areas with the higher rates of custodial use.

KYPE throughput is on average 18,000 young people per year, mainly high end DTO and serious offenders and performance against the old National Indicator tells us that between 65% (post 16) and 70% (school age) are engaged in some form of ETE by the end of the community part of their sentence.

The impact of KYPE

Over the last four years the percentage of young people engaged in ETE in the youth justice cohort has seen a consistently upward trend from 58.5% to 69% compared to the largely static, and currently declining, trend in the national NEET cohort. Furthermore, there have within this been marked improvements in increasing and sustaining the engagement of the most hard to reach young people, namely those 16–18 year olds on custodial sentences who are traditionally the most difficult to place.

It should be noted that KYPE is not restricted to interventions for 16–18 year olds, and is available for the hardest to engage/most serious offenders regardless of age. **The graph below shows the upward trend of ETE engagement of the youth justice cohort separated by age and sentence over a four year period.**



Based on returns from quarterly monitoring we estimate that around 18,000 young people per year are worked with by KYPE practitioners. This equates to approximately £338 per intervention.

Poor education can cause the loss of up to 15% in future earnings and tax contributions with added costs including state benefits and financial support. In the lifetime of a young person NEET between the ages of 16–18, the total cost to the state is £97,000 per capita (*Hidden talents: re-engaging young people*, Centre for Social Justice/LGA, 2009).

3. STATISTICS ON WHAT THE FALL IN PROVEN YOUTH OFFENDING WOULD BE IF MOTORING OFFENCES WERE REMOVED

There was a 26% reduction in the total number of proven offences by young people between 2002–03 and 2009–10. When motoring offences are excluded, the reduction over this period falls to 11%, but is still significant. The Committee also made reference to vehicle theft. Vehicle theft is a sub-category of the “All Other” category set out in the table. If vehicle theft is excluded as well as all motoring offences the reduction over the period 2002–03 to 2009–10 would be 7%. (Source: Youth Justice Board)



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PARLIAMENTARY QUESTION FOR WRITTEN ANSWER  
ON THURSDAY 9 DECEMBER 2010

**QUESTION:** **Thomas Docherty** (Dunfermline and West Fife): To ask the Secretary of State for Justice, pursuant to the Answer of 23 November 2010, Official Report, column 165, if he will publish each item of correspondence between him and Scottish Ministers on prisoners' voting rights.

(27172)

**ANSWER:** **Secretary of State for Justice and Lord Chancellor (Kenneth Clarke):** I correspond regularly with Scottish Ministers on justice matters, although I have not to date exchanged specific correspondence regarding prisoner voting rights. Once decisions have been made about how to implement prisoner voting rights, the Government will announce them to the House in the normal way, and of course intends to engage with the Scottish Government on implementation.

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**Written evidence from Geraint Davies MP**

I am aware that the Public Accounts Committee is meeting tomorrow to discuss the NAO report on the youth justice system- reducing reoffending.

In my capacity as Secretary of the APPG in speech and language difficulties, I would like to bring to the Committee's attention that:

- Over 70% of young offenders have such significant communication difficulties that they are unable to benefit from prison education programmes.
- The ASSET assessment used by the YJB does not identify these vulnerable young people, or those with learning difficulties. Consequently they do not receive the support and intervention they require to enable them to benefit from the prison regime or integrate back into society.
- Research in Leeds in 2010 demonstrated that 65% of young offenders required speech and language therapy.
- SLT can have a profound effect, with 88% of the young people treated in the Leeds project making significant and measurable progress with their communication skills.

Therefore, in order to reduce offending in the youth justice system speech and language therapists should be employed within the justice pathway to train staff in communication skills and to work with young people directly.

Please would you circulate this email to the members of the PAC and to the NAO with a view to the PAC adopting this recommendation.

Many thanks and best wishes.

*Geraint Davies MP*  
Secretary of the APPG in speech and language difficulties

*January 2011*

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