



Post-YOT Youth Justice

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Abstract

This paper looks at the potential to develop a post-Youth Offending Team (YOT) strategy to deliver a child-centred response to children and young people who offend. The authors draw upon practice experience from Surrey's Youth Support Service, placing this in the context of national developments in youth justice and integrated support for young people. The authors argue that the underpinning architecture of New Labour's youth justice is now under threat and a range of competing possibilities exist for what will replace it. The paper provides detail of Surrey's departure from orthodox YOT arrangements and describes the development of an informalised, restorative, and integrated response to supporting young people who have offended. Central to this approach is the organising theme of participation for vulnerable and socially excluded young people and the move away from reliance upon discrete services for 'offenders'.

Underpinning these developments is a theoretical perspective which views authentic relationships as the dynamo for change. This is contrasted with prevailing YOT models, which rely heavily upon specialist referrals and expert 'fixes'. The opportunities identified in this paper are heavily mediated by local factors, which have the potential to lead to significantly differentiated responses to youth offending between local authorities across England, with no guarantee that developments in all places will be positive for young people in contact with the youth justice system.

Introduction

The paper starts by providing the historical backdrop to contemporary practice and policy development which has seen the youth offending team (YOT) take centre-stage in terms of the response to young people who offend. It then goes on to consider the elements that research and practice experience within the sector, allied to international standards, would suggest should be present within evidenced-based youth justice practice. The third section looks at Surrey's experience of attempting to build a local youth justice system informed by these principles, and to move beyond the YOT model. Finally it considers the potential for the youth justice system as a whole to move beyond New Labour's 'new youth justice' (Goldson, 2000) to a more 'child-centred' (NAYJ, 2011; Case and Haines, 2014) approach to young people who offend.

The authors are current managers who have been youth justice practitioners. Having significantly contributed to the developments in Surrey which this paper describes it is recognised that the authors are not disinterested commentators. The Surrey example is used to describe an alternative approach to responding to young people who offend, it is not suggested that this is the definitive model, nor that the tensions of working within established criminal justice discourse and the legacy of the 'new youth justice' have been fully resolved.

1 Defending the children of the poor

How best to treat, punish, reform or otherwise respond to children and young people who commit crime? The ambiguous position of young people in trouble is emblematically captured above the doors of the Old Bailey in the carved entreaty to 'Defend the Children of the Poor & Punish the Wrongdoer', but what to do when our wrongdoers are children and, as is very often the case, they are also the children of the poor? Which has primacy, the child's needs (their welfare) or the child's deeds (justice)? The 'special case' of children in the justice system has been well-documented (Parsloe, 1978; Harris and Webb, 1987) leading to the development of the separate juvenile court in 1908, and practice over the last century which has variously emphasised either the welfare needs of the child, which in this conception are said to generate and sustain offending behaviour, or justice concerns, that the behaviour be proportionately punished (Pitts, 1988; Newburn, 1995; Muncie 1999, Matthews and Young, 2003; Smith, 2006).

The current policy, legislative and practice context for youth justice can be considered to have been strongly shaped by the tumultuous period in the early and mid 1990's which heralded developments variously described as the era of 'popular punitivism' (Garland, 2001), the 'new punitiveness' (Pratt et al., 2005) or the 'punitive turn' (Muncie, 2008).

In this period the murder of James Bulger in 1992 is often viewed as marking a critical turning point, which prompted the change in public policy towards children who offend. There is, however, evidence of a hardening of opinion in respect of youth crime prior to this murder (Allen, 2002), amidst a more fundamental shift towards a neo-liberal form of governance which encouraged greater individual responsibility and was less tolerant of indiscipline on the part of the losers in what was becoming more overtly a 'winner-loser' society (Muncie, 2006 and 2008; Clarke, 2004). While the Bulger murder was therefore not solely responsible for the change in the perception of young people who offend, it did encapsulate the worst fears of a nation that was being encouraged to view sections of the youth population as feral and beyond control (Roberts et al., 2003). Labour made capital from the Conservative government's failure to control recalcitrant youths, playing on the 'respectable fears' of middle England (Pitts, 2005) promising to be better, harder and faster in bringing young people who offend to book (Smith, 2003; Home Office, 1997). Their cause was encouraged by the seminal Audit Commission report *Misspent Youth* (1996) which castigated the inefficiency of the various arrangements that existed around the country for responding to young people who offend.

Once elected, Labour brought in the Crime and Disorder Act 1998 to establish a new youth justice system, replete with multi-agency teams in every local authority dedicated to working with 'young offenders' and with central oversight for both community and custodial regimes provided by the Youth Justice Board (YJB). While youth justice services continued to be delivered through local structures these were significantly shaped by national policy and practice direction, the conditions of central government grants, and enhanced National Standards and inspection regimes (YJB, 2000; Pitts, 2001b; Muncie, 2002). As a result an increasingly homogenous set of arrangements for managing young people who had offended, and increasingly those identified as at risk of offending (Goldson, 2000) were established throughout the early and middle years of the Labour administration.

The YOT model developed a discrete set of services for young people who had offended or who were at risk of offending. While YOTs had the ambition to be connected to other specialist and mainstream services for vulnerable young people their structural separation marked their clientele apart from their peers (Gray, 2005a). Critically it was young people's deeds, their status as 'offenders', which enabled entry to the YOT club and its attendant services, and the object of the system was primarily the correction of faulty individuals, rather than amelioration of the social conditions that generate and sustain offending (Smith, 2014a; Gray, 2007). In this process of 'aetiological narrowing' (Pitts, 2001b) it was increasingly children and young people who had experienced the most damaging environments who were seen as solely responsible for their responses to these environments and professionals were

encouraged to target thinking and behaviour rather than the social context (Pitts, 2007; Allen, 2007; Case and Haines, 2014).

The enhanced structures of New Labour's 'new youth justice' supported a thrust for earlier intervention targeted at those considered most at risk of offending and the need to 're-moralise' (Muncie, 2002) children in trouble and their parents. In practice this often meant conflating acts of immaturity, indiscretion, and everyday incivility when committed by children and young people from deprived backgrounds to predict the imminent onset of an offending career (Matthews and Young, 2003). As a result of this net-widening (Cohen, 1985; Thorpe et al., 1980) more and more children were identified as requiring youth crime prevention and drawn into a system which ever more efficiently propelled them towards court and for many ultimately custody (NAYJ, 2011).

Discretion for police to divert young people from the formal system was curtailed, the courts' powers to use custodial remands were extended and custodial sentences were made more readily available to a younger age group (NACRO, 2003). Added to this volatile brew was the Home Office's targets for police services to improve the rate at which offences were brought to justice (OBTJ), leading to the increased criminalisation of young people who in this scenario were seen as 'low hanging fruit' (Morgan and Newburn, 2007). In the context of increased regulation and central prescription youth justice practice became more process orientated (Bateman, 2005) removing professional judgement to the extent that Pitts described it as the 'zombification of youth justice' (Pitts, 2001a).

By the third term of Labour administration, however, the start of the retreat from what has been described as 'top down corporate correctionalism' (Pitts, 2005) can be perceived. Youth justice outcomes (custody and criminalisation) were starkly at odds with the government's Every Child Matters Outcomes (Home Office, 2003) and the increasing acceptance that young people in trouble often had significant safeguarding needs. Further, as the economic clouds darkened, concern for cost effective management of young people who offend also encouraged a move away from unwarranted and ineffective intervention and the expense incurred by high levels of incarceration (Muncie, 2006; Solomon and Garside, 2008).

Two highly significant policy shifts occurred in the final years of the Labour government. The OBTJ targets were removed following the Flannagan review (Flanagan, 2008) while at the same time the government introduced targets for local authorities and partners to reduce first time entrants to the youth justice system (Public Service Agreement 14: HM Government, 2007). The impact of these changes has been profound, with first time entrants down by 75 per cent from 110,000 per year in 2006/07 to 27,000 in 2012/13. Meanwhile after a decade when there were on average at any one time just below 3000

under-18s in custody, the average population fell to 1544 in 2012/13 (MoJ/YJB, 2014) and in December 2014 fell below 1000 (YJB, 2015a).

The changes which were underway by the end of the Labour administration have been further encouraged by the Coalition government's interest in localism and reduced central prescription. Some aspects of regulation have been reduced through new National Standards for Youth Justice (YJB, 2013), reduced reporting requirements to the YJB, and a slimmed down and risk proportionate inspection regime by HMIP. The Legal Aid Sentencing and Punishment of Offenders (LASPO) Act 2012 and accompanying guidance (YJB, 2013) further promoted local responsibility for out of court disposal arrangements and gave greater discretion to divert from prosecution through removal of the 'youth justice escalator' (reprimand, final warning, prosecution). As ever, a smattering of popular punitivism remains in the Coalition's approach to youth justice, as evident in mandatory sentencing, reinventing and re-packaging of Labour's anti-social behaviour legislation, and the development of secure colleges. The balance sheet as a whole, however, suggests a national context which gives greater freedom to develop informal and child-centred responses to young people in trouble and offers local partnerships greater autonomy in their youth justice arrangements (Smith, 2014b). This of course must be set against a backdrop of public service cuts and the experience of an extended recession, which have the potential to create much greater social stress and social harms and where diversion can be characterised as abandonment when supportive welfare services are absent (Yates, 2012 Smith, 2014b). It is also recognised that devolving responsibility at a time of austerity gives central government the opportunity to devolve blame for failures at a local level.

The final section of this paper considers the potentially divergent paths which local youth justice arrangements may take. First, it looks at what lessons can be taken from youth justice practice and research to use in the space which has been created/vacated by government in order to best respond to children in trouble.

2 What Really Works?

Children's rights, childhood development and international standards

A reasonable starting point for a discussion on the key principles that should be at the heart of our response to children who offend are the internationally accepted standards for youth justice, set out in the United Nations Riyadh Guidelines (1990) and Beijing Rules (1985) and underpinned by the United Nations Convention on the Rights of the Child (1989). These assert and advocate the use of discretion and diversion wherever possible and at all stages of dealing with young people accused of offences. They call for consideration that 'youthful behaviour ... that does not conform to overall social norms and values is often part of the ... growth process and tends to disappear spontaneously ... with the transition to adulthood' and that 'in the predominant opinion of experts, labelling a young person as 'delinquent' or even 'pre-delinquent' often

contributes to the development of a consistent pattern of undesirable behaviour by young persons' (Riyadh 1990).

Underpinning international standards for the treatment of children who offend is the assertion that first and foremost they are children not offenders, and should be given privileged status as such in order to ensure application of their rights (Case and Haines, 2014; Children's Rights Alliance for England, 2011). The standards are at odds with the net-widening, labelling, pervasive interventionism, and high levels of incarceration of 'the punitive turn' and the 'new youth justice'; as has repeatedly been made clear to the UK government (United Nations, 2008; Office of the Children's Commissioner for England, 2013) but rather support an approach underpinned by diversion and informality as promoted by research into desistance (McAra and McVie, 2010; McNeil and Batchelor, 2004) and the knowledge that through the natural process of maturation young people are likely to grow out of crime (Rutherford, 1986).

Responding informally and dampening down the system

Formal processing of youths tends to increase rather than decrease their likelihood of offending. Petronisino, Turpin-Petronisino and Guckenburg's (2010) meta-analysis of 29 studies over 35 years concluded that formal processing increased the likelihood, frequency and severity of further offending. This was true when formal processing was compared with diversion to other services and when compared with 'doing nothing'. Notably they found that 'processing seemed to backfire most with juveniles who would seem to warrant a formal system response, those rated as having a 'high' prior record.' Little and Sodha (2012) put it even more plainly, 'if there are two young people, with equal propensity to do wrong, and one is arrested and the other not, the one who is drawn into the criminal justice system will continue longer and harder with a criminal career'. This toxic effect is most likely the unhelpful consequence of labelling as classically described by Becker (1963), Lemert (1967) and Matza (1969). Thus the use of diversion and discretion is pertinent across the spectrum from low level first time offending to high level more persistent criminality.

We know that many young people who offend have a range of unmet needs. Diversion from the criminal justice system does not discount the needs of young people but seeks to deal with them more effectively in the knowledge that criminal justice intervention is inherently dangerous for those on the receiving end (Goldson, 2005). This understanding underpinned the 'minimal intervention' approaches of the 1980s and the danger of 'systems contact' has been further underlined by more recent research (McAra and McVie, 2007). However, it should also be recognised that diversion has an increasingly contested set of meanings and diverse applications in the current youth justice landscape (Kelly and Armitage 2014, Smith, 2014b); more of which below.

Re-balancing the 'responsibilising' agenda

Almost every set of bad outcomes lends itself to two contrasting approaches: one that calls on individuals to adapt and one that demands changes in the environment.

(Barry, 2005: 131)

The brief review of our responses to young people who offend in section one identified the increasing emphasis within the 'new youth justice' on locating the responsibility for change with the individual child or young person (Muncie, 2004; Kemshall, 2008; Gray, 2005a). The object is reform of the faulty individual, however, the evidence in respect of the social milieu from which young people who have prolonged offending careers tend to come (Yates, 2012; Smith, 2014a) suggests greater focus should be given to the environments which promote and sustain offending, particularly in respect of experiences of discrimination and deprivation (Bowling and Philips, 2002; Pitts 2007). Unless we make serious attempts to tackle these then the conveyor belt which produces young people who have prolonged offending careers will keep rolling, at a pace unchanged by any individual rehabilitative successes.

Asserting the primacy of relationships over referrals

Where it is determined that intervention is appropriate as a result of offending it is known that change is most likely to be supported through establishing authentic relationships rather than through the application of 'expert fixes'. As Batchelor and McNeill (2005: 166) have put it:

Commitment to desistance from crime on the part of a young person appears to be generated by personal and professional commitment on the part of workers, whose reasonableness, fairness, and encouragement is seen by young people to demonstrate an understanding of, and genuine concern for, them as people.

Too often, however, the young person is processed through the criminal justice system, serving time (in custody or community) and passed between a range of professionals whose interest is often about fulfilling the process expectations of their role, rather than forming an authentic relationship which enables change (Phoenix and Kelly, 2013).

This practice of multiple professionals interfacing with a young person who offended is described in the Tower Hamlets serious case review for Child F, a 15-year-old who hanged himself in his cell in a YOI in 2012. The report highlights that before his death Child F had involvement with at least 17 workers in the YOT in a period of less than a year. The author Keith Ibbetson (2013: 22) comments

This pattern of multi-professional, multi-disciplinary service provision has developed in YOTs nationally, but there are times when this approach will undermine the effectiveness of interventions. There is a considerable challenge in finding the right balance between making available interventions that draw on a range of skills from a number of specialisms and disciplines while at the same time avoiding the involvement of an unnecessarily large number of people in face to face work with a young person.

Reflecting on the YOT practice model as described by Ibbetson suggests it would be preferable to move towards arrangements which are much more supportive of consistent and authentic relationships. This would be a service that is less about process and more about people, less about specialist knowledge and more about skilled helping. This falls from the widely accepted premise that the development of teenagers into healthy adults is dependent on adults who care about them (Fergus and Zimmerman, 2005; McNeil and Weaver, 2010) and indeed that successful engagement and cooperation with workers is also predicated upon those adults demonstrating that they care (Brandon, 1982; Graef, 1997; Smyth and Eaton-Erickson, 2009; Hanson and Holmes, 2014).

Within a relationship-based approach there is also the challenge of how to use those relationships as a tool to enable change and as a 'secure base' to enable the young person to form other connections and relationships. Professional relationships are ultimately a means to an end, and not the end in itself. They must demonstrate acceptance, facilitate a sense of worth and belonging, model behaviours and ways of being to which young people will aspire and in so doing should inspire young people to change and achieve (O'Mara et al., 2011; Coffey, 2014)

Focus upon strengths and resilience rather than risk

The dominant discourse in youth justice policy and practice for the last two decades has been one of risk management underpinned by the risk factor prevention paradigm (RFPP) deriving significantly from the work of Farrington (1996). RFPP has come under sustained academic criticism (Case, 2007; Pitts, 2007; Case and Haines, 2010; O'Mahony, 2009) but has survived largely intact because of its utility for politicians, policy-makers and managers. It finds its expression in youth justice practice most explicitly in the Asset assessment tools and in the application of the 'scaled approach' (Bateman 2011a, Haines and Case, 2012). In addition to empirical concerns as to the validity of claims made for practice built on risk prediction, the increasing tendency to see young people who offend primarily in terms of their risks pathologises the young person and obscures the commonality of their experience with others, losing sight of the

opportunities to build on strengths and enhance resilience (Ward and Maruna, 2007; Case and Haines, 2014).

Bateman (2005) has argued that concentrating on risk and risks can in fact have the effect of reinforcing the beliefs that promoted, or at least permitted, the young person's offending. Gilligan (2006) follows Bateman in proposing an alternative approach, which is a more fruitful starting place for work with young people in trouble: 'helping is about drawing out the talent, the capacity and the resources that people may have and creating a space where good things may happen.' The relationships described above create that space through helping young people believe that they have something positive to offer society and that society has a positive place for them.

The importance of inclusion, integration and participation

Thus building upon young people's capacity and resources appears a more promising approach than focusing upon their risks and deficits. The 'opportunity model' promoted by Currie (1991) further suggests this is most likely to be successful where young people who have offended are given the opportunity to develop their skills and identity by participating in activities alongside non-offending peers. For Pitts (2001b) establishing an identity which is not reliant upon offending requires young people to be able to acquire a steady and adequate income. Thus access to education, training and ultimately reliable employment should be central to any service which works with young people who are offending (Prince's Trust, 2007).

Critically these services should avoid siloing 'offenders' as to do so inevitably encourages labelling and establishes offender identities, which further marginalises the young people services are purporting to help. Such services should consider young people who offend, as with other socially excluded young people, as potential assets to their communities whose participation is central to the future well-being of those communities (Drakeford and Gregory, 2010).

Restorative practice and the victim of youth crime

The introduction of restorative justice (RJ) into youth justice practice has not been without criticism and indeed its application in the narrow confines of the 'new youth justice' can be seen as a further extension of the responsabilising drive, with this time the victim, rather than the state, inflicting punishment upon the young person who has transgressed (Acorn 2004, Muncie 2001 and 2006). Clearly where RJ fulfils this role it departs from its own value base, as without recognition of the harm which many young people in the youth justice system have experienced (Johnson, 2010) and an opportunity for them to effectively convey their unique perspectives, RJ becomes a servant of the punitive justice system it purports to challenge (Crawford and Newburn, 2003; Gray, 2005b).

Research does, however, indicate restorative justice offers benefits for young people, victims and the wider community (Shapland, 2011). Restorative justice involves the victim of youth crime, as a primary stakeholder, in ways that adversarial justice, where the Crown becomes the proxy victim, does not. Traditional justice can insulate young people from the harm their behaviour has caused in a way which is unhelpful for the development of empathy and connectedness to others (Braithwaite, 2002). If there is a genuine interest in repairing harm caused by young people and to young people, then the victim has a uniquely important role to play. Further, when RJ is authentically pursued it has as much interest in restoring the young person as it does in repairing harm for the victim.

3 Developing beyond the YOT approach

The national drivers identified in section one have started to unpick the structures and orthodoxies of 'new youth justice' and have allowed opportunities for local services to develop more bespoke approaches (Kelly and Armitage, 2014; Case and Haines, 2014). In Surrey the attempt has been to apply the principles outlined in section two.

Surrey's attempt to deliver a more 'child-centred approach' to youth justice (NAYJ 2011) is described here, not to suggest that the breach between academic research and youth justice policy and practice has been healed (Goldson, 2010) but rather to share the experience of trying to apply critical criminological understandings of youth offending in the current context. It is recognised that the legacy of the 'new youth justice' is still evident in Surrey, as elsewhere, and that the current terrain continues to offer challenges to progressive youth justice practice.

An integrated, non-discrete service for young people who offend

In Surrey the opportunities of 'localism' and expectation of greater integration of youth services (stemming originally from the 2005 Youth Matters green paper) led to the disbanding of the traditional YOT in 2012 and the incorporation of the functions of the YOT into a wider youth support service (YSS) working with a range of vulnerable young people. This abandonment of the YOT model explicitly stemmed from the desire to develop non-siloed services for young people with youth justice involvement (Surrey County Council, 2011).

Surrey's approach comprises local teams, one in each of the county's eleven boroughs and districts. Services are provided to young people who are homeless, who are deemed to be children in need (s.17 Children Act 1989), who are experiencing emotional and mental health difficulties but are not engaged with Child and Adolescent Mental Health Services, who are not in education, employment or training, and/or are in the criminal justice system, either formally or informally. Except insofar as services are provided to the courts and statutory requirements are met young people receive essentially the same services and opportunities from the same people regardless of

their entry point. Meanwhile the YOT management board has developed into a Youth Justice Partnership Board, which is less about oversight of a single service and more about the activities of all partners that impact upon young people's involvement with offending (Surrey County Council, 2011 and 2015).

The service attempts to offer an holistic response to young people's needs, and to them as citizens, marked by restorative practices with relationships being seen as the dynamo for change. Thus the case worker will both coordinate the package of support and deliver many of its components, pulling in co-workers where required but not routinely referring out to others to do the bulk of the direct work. In some respects the YSS has grown the multi-disciplinary YOT model, but in doing so it has sought to avoid over-reliance on referrals to in-house experts or allied services to do discrete pieces of work with young people. Most of the skilled help a young person needs can be provided by their well-trained and supported youth support officer who is surrounded by suitably qualified specialists for advice and co-work when required. Thus the model of relationship-based practice seeks to address concerns about the overly bureaucratic processing of young people (Pheonix, 2013), the multiple referrals within multi-disciplinary teams (Ibbetson, 2013) and the criticism that human interactions and services have become subordinate to an 'inflexible technocratic framework of routinized operations' (Webb, 2001).

Restorative diversion and dampening down the system

Key to the development of youth justice responses in Surrey has been an ongoing partnership with Surrey Police and a highly integrated response to gate-keeping the formal criminal justice system (Mackie et al, 2014). This partnership has worked to achieve wide-scale diversion from prosecution and formal pre-court outcomes. This has included the development of the youth restorative intervention (YRI), sponsored by the Local Criminal Justice Board, as, in effect, the disposal of first choice for young people admitting all but the most serious offences or where the offence cannot be dealt with by community resolution. Critically this has been available not only for un-convicted young people but also those with – sometimes significant – offending histories. The YRI focuses on restoring relationships and enabling the young person to make some form of amends; this may be through an apology to the victim, through direct acts of repair, or through community reparation. Any further work to support the young person will be agreed on a voluntary basis with their youth support officer and within the integrated (non-offender specific) YSS. A more detailed description of the operation of the YRI is available in the YRI external evaluation report (Mackie et al., 2014).

The danger of net-widening through the effort to restoratively divert most young people from the criminal justice system is a serious one, potentially extending the reach of criminal justice further into the lives of a wider group of young people (Phoenix, 2009). While most academic commentators would recognise the benefits of preventing

unnecessary formal adjudications of young people, this must be balanced against the potential that through ‘interventionist diversion’ (Kelly and Armitage, 2014) we interfere in the lives of young people who in earlier forms of diversion (Allen, 1991; Thorpe et al, 1980) would not have received criminal justice intervention.

Attempts to guard against net-widening in Surrey are supported by a return to greater on-street discretion for police to deal in a non-formal way with problematic behaviour (and similar approaches in schools and residential children’s homes) and a further layer of non-interventionist diversion in the form of the community resolution disposal. Both of these are available before consideration of the use of the YRI.

Questions remain as to whether routinely seeking a restorative response to offending behaviour and the co-mingling of criminal justice and non-criminal justice practices within one service (as is the case in Surrey) amount to prolonging ‘systems contact’ and are in themselves criminogenic. These would no doubt benefit from further research. It can only be said here that they are explicitly considered as dangers to be understood and addressed as the service develops. The starting point for the service is to work with vulnerable young people – some of whom come to the attention of the YSS as a result of offending, other service users come through other entry routes and may (or may not) themselves offend. Youth justice is therefore something the YSS does when required, but it is not primarily a youth justice service.

Alongside this dampening down of the system through a systematic approach to restorative diversion, Surrey has continued to embrace a drive to keep young people out of custody (for reasons well-evidenced in the academic literature: Goldson, 2002; Hagel, 2005; Hanson and Holmes, 2014) and has drastically reduced the use of higher-end sentencing options, in particular the intensive supervision and surveillance requirement. There are certainly a very few young people who do need to be managed robustly or even secured in order to protect the public. This is, however, a small minority and Surrey’s approach is to be selective in the use of tough criminal justice sanctions, even tough alternatives to custody, as these tend to lead to tough sentencing and to escalation towards custody rather than de-escalation (Bateman, 2005).

A participation service not an offending service

The Youth Support Service’s stated mission is ‘participation for all Surrey young people’. The service’s responsibilities towards young people who are not in education, training and employment (ETE) mean that it is embedded in the 14–19 education, training and employment network and closely aligned to the commissioning of provision. Young people who have offended are therefore able to access ETE provision – not because they are ‘offenders’ but because they are young people who, like others, have particular needs, and require responses from employers and educators that are

sensitive to these needs. The expansion of apprenticeships/traineeships and a strategic connection to the local enterprise partnerships in Surrey is fundamental to providing employment and training opportunities for young unemployed people, a proportion of whom are also known to the youth justice system (Boivard and Loeffler, 2014).

Similarly, because the service's clients are drawn from a range of young people with additional needs or vulnerabilities, access to support and opportunities can come through one service route. The overlapping nature of the service's responsibilities and the needs which are being met – unemployment, poor emotional and mental health, homelessness, offending, substance misuse, family distress, sexual exploitation and unhealthy intimate relationships – mean that as well as the benefits of a 'one-stop-shop' for young people with multiple needs there is clearly the potential for efficiencies in terms of service delivery (Boivard and Loeffler, 2014; Mackie et al, 2014); another reason why the model is attractive to those tasked with providing such services in a time of public sector austerity. Critically the supportive services in respect of those deemed as children in need, at risk of homelessness and in need of emotional health support have been enhanced through the contraction of the local youth justice system and the savings which this has delivered (Mackie et al, 2014).

Developing the workforce

The change to Surrey's approach to youth justice has brought with it particular workforce and service development challenges. Those who have come from the YOT have practised in an era dominated by procedural requirements which create 'the illusion of certainty...and an overdependence on process which diminishes professional judgment and creates a mindset which seeks pre-formulated solutions to complex and uncertain situations' (Munro, 2011).

Letting go and putting the needs of service users, be they young people, victims or families, at the heart of the service instead of shoe-horning them into prescribed processes required by courts, the YJB or Her Majesty's Inspectorate of Probation (HMIP) is hard for managers and practitioners (Coyles, 2014; Kelly and Armitage, 2014) who have not been immune to the "punitive vice that has gripped the youth justice system" (Bateman, 2005).

Conversely there is a challenge to develop the skills of those from a non-YOT background and ensure the right balance between the de-mystification of youth justice practice and ensuring sufficient attention to regulatory requirements. Experience thus far suggests that the greater of the challenges for the service is in helping workers who see themselves as youth justice practitioners to let go of traditional YOT practices.

Maintaining Youth Justice Performance

While an increasing space has been created for local innovation (with reduced resource) in contemporary youth justice practice, as noted earlier, this has also come with a greater devolution of responsibility from central to local government and with it increased sanctions for failures in local systems. Poor performance against the three key youth justice performance indicators (custody, reoffending and first time entrants) comes with tiered levels of intervention by the YJB and can trigger HMIP inspection (YJB, 2012). For this reason alone any attempt to reform local practice, as has been undertaken in Surrey, must keep a keen eye on central government regulatory expectations; if you are going to be unorthodox you had better also be successful (on the regulators' terms). These regulatory expectations have only been modestly reformed in recent years and still require adherence to practice models dominated by the risk factor prevention paradigm (Kelly and Armitage, 2014; Smith, 2014b; Coyles, 2014) which provide a critical barrier to fuller implementation of a child-centred approach to youth justice (Case and Haines, 2014).

In view of regulatory expectations it is relevant therefore for those considering Surrey's model of youth justice delivery that performance against government targets are some of the best in England and Wales and have continued to improve since the move to become a Youth Support Service. First time entrants are the lowest per capita in England and Wales (averaging just over 1:1000) and custody rates are also some of the lowest in England and Wales. In a county with a population of over 1.3 million, 130,000 of whom are 10–18 year olds, there have been 140–200 first time entrants in each of the last three years (this peaked at just under 2000 in 2006/07) and fewer than 10 young people sentenced to custody in each of those years. This appears to conform to Bateman's (2005) assertion that 'diversion from court and diversion from custody are two sides of the same coin'. The reoffending of young people has also remained below the regional and national average in spite of the fact that, as a result of the success of diversion, the cohort that are reported upon in the formal justice system now have a very different, more complex profile than the 'low hanging fruit' which previously populated the local youth justice system.

Other beneficial outcomes from the local youth justice reforms have included significant reductions in the number of looked after children and young people coming into the criminal justice system. This has resulted from pursuing a shared strategy between YSS, police and children's social care and has led to the development of a regional protocol for the reduction of the involvement of children in care in the youth justice system (South East Regional Protocol, 2014). Additionally, Surrey's youth justice reforms have seen a marked reduction in children under the age of fourteen entering the formal justice system (down from 12% in 2008/09 to 4% in 2013/14). These benefits are in addition to the fact that it is the contracted youth justice demands which have

freed up resource to invest in broader support services to prevent homelessness and family breakdown, and to promote emotional well-being and employment.

4 What next for Youth Justice?

Surrey is not alone in placing its youth offending services within an integrated youth support service, although it is unusual in the attempt to fully integrate practice, and there is an interest in pursuing this or similar approaches around the country. The greater freedom to innovate locally, allied to the financially stricken position of local government, increases the likelihood that the traditional YOT model will come under close scrutiny and challenge. This changing nature of youth justice delivery, allied to the need to ensure value for money, and the potential application of approaches from adult Transforming Rehabilitation are all factors relevant to the Ministry of Justice's ongoing 'YOT stock-take' (YJB, 2015b).

As well as the opportunities outlined in the preceding section there are significant threats in the current youth justice context. Many hard-pressed local authorities are taking the opportunity to scale back youth justice provision (Children & Young People Now, 2013) while also cutting allied welfare services, meaning that young people who offend, who need a quality service that works to protect them and other people, may not receive one. The benefits of a contracted youth justice system are likely to be illusory if young people are left in need without the social support mechanisms they require. The further threat of payment by results and out-sourcing youth justice to the private and voluntary sector is unlikely to make greater resource or support available to these young people or to impact upon the conditions which sustain offending (Garside 2014).

In this context the YJB has to find a new role now that the 'steering and rowing' relationship (Crawford, 2001; Pitts, 2007) with local services has altered. A potential resolution for the YJB, in concert with HMIP, is to be vigilant around youth offending outcomes (while recognising Bateman's (2014) challenge regarding the limited utility of short-term and binary reoffending measures for young people) but being less prescriptive about adherence to centrally mandated process, emphasising instead the role of local services in ensuring that the rights and needs of young people are being met. This would encourage greater innovation in individual practice with young people as well as enabling local authorities to develop the right structures to provide services to reduce and prevent offending and a range of other negative outcomes experienced by young people and communities. In a time of austerity the principles outlined in section two, based as they are upon empirical evidence and a largely consistent body of academic opinion, would appear to be the best guide to inform service development and national regulation. These are equally applicable in Surrey or Southwark or anywhere else where young people offend.

The fear, however, must be that we may increasingly see a two-tier approach to youth justice. In the more benign environments, like Surrey, which is neither affected by high levels of crime nor deprivation (but where, nonetheless, one-in-ten children are growing up in poverty, amid damagingly high levels of inequality (Faulkner, 2014)) a virtuous circle can be created where reliance on formal criminal justice sanctions and methods becomes increasingly unnecessary and further progressive innovation is encouraged. In contrast those areas most affected by youth crime may be the ones where radical innovation, which it is suggested here can support improved outcomes and better use of public resources, are likely to be those where the technologies of ‘new youth justice’ and the ‘illusion of certainty’ in managing risk holds on for the longest.

As ever in the fast-changing world of youth justice the encouraging developments towards a more child-centred and effective response to children in trouble is far from bolted down (Smith, 2014b) and the pendulum could swing again. Nonetheless, the progress towards decarceration and decriminalisation as yet shows no sign of abating. This paper has shared a potentially productive course for the development of non-discrete youth justice services, which it is hoped can become a more widely deployed approach to responding to children and young people in trouble. The challenge for the sector as a whole will be to ensure that progressive innovation can continue to flourish and that the recent gains for children and young people in trouble can be built upon and are equally available to young people in all parts of the country.

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