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Rt Hon Michael Gove MP
Lord Chancellor and Secretary of State for Justice
Ministry of Justice
102 Petty France
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Dear Michael Gove

1. I am pleased to submit to you some suggestions on how to reform the youth justice system radically to help children and at the same time save the taxpayer a significant sum of money.
2. It was with disappointment that I read the Youth Justice Board's (YJB) current consultation paper that sets out proposed cuts driven by short-term financial pressures, rather than what works for children in trouble with the law and the communities where they live. This is the wrong way to implement budget cuts and instead we are proposing a strategy for a significant reduction of the number of children in prison that fulfils both objectives.
3. Legislation, practice and culture need to be transformed if the lives of children are to be redeemed. This cannot be the sole responsibility of the Ministry of Justice: resources and focus must be diverted to welfare, health, and local services to prevent children sliding into a system that locks them behind a door, isolated and frightened and doomed to a life of criminality and economic and social exclusion.
4. Locking up children is not working. The fall in the number of children in prison is one of the great successes of the government; however, there are still 1,000 children imprisoned in England and Wales. The children who remain are being failed: the majority are detained in prisons, where conditions have deteriorated, whilst rights violations, rates of violence, restraint and self-harm continue to increase. Stubbornly high reoffending rates are on the rise – 69 per cent of children reoffend within 12 months of being released. You talked, very movingly, about the treasure within the heart of every person, and it is our contention that prisons are stifling environments for children where they are prevented from flourishing.
5. Although significant challenges arise in times of straitened public resources, they also present an opportunity for radical reform. It is time to stop throwing good money after bad: the YJB spent £142million locking up children in the last year. It is the system that is failing, not the children. As a society, we are responsible for the troubled and troubling lives of these children. We must, and can, do better.

6. One of the first acts of the New Labour government was to sign contracts for secure training centres. For the first time in a generation, the contracts for two centres, Rainsbrook and Medway, are due for renewal. I would urge you not to sign them and close the centres. This is a timely opportunity to save a lot of money quickly: it would bring up to £181million worth of savings to the taxpayer over the next seven years.
7. We are all so much more than the worst thing we have done: all children deserve the possibility of redemption and hope for a positive future; communities deserve to feel safe; taxpayers that their money is well spent. Only by taking a radical approach can a lasting solution be found.

Recommendations

8. Immediately:

8.1 Do not renew contracts for Medway and Rainsbrook secure training centres. In the late 1990s, the then government signed PFI contracts, which locked the taxpayer into what has transpired to be an expensive experiment in detaining hundreds of children at any one time. These contracts are due for renewal. There is an opportunity to close these centres, which would generate considerable savings, and invest the money into evidence-based interventions and preventing children from coming into contact with the youth justice system in the first place. Placements to the centres should immediately cease, allowing for the gradual reduction in roll as children are released. Those who are serving longer term sentences should be transferred to the empty but paid for beds in secure children's homes.

9. Within three to six months:

9.1 Introduce legislation to abolish the Detention and Training Order (DTO). Although the recent reductions in the number of children in prison are welcome, this needs to be viewed in the context of the huge increase in child custody levels over the past two decades, primarily due to the introduction of the DTO in 1998. In the last year, 1,947 children were sentenced to a DTO serving an average of 15 weeks.¹ Research published by the YJB raised serious concerns regarding the effectiveness of short-term prison sentences, which result in "*insufficient time for staff to build strong relationships with young people or to provide appropriate and effective interventions which could be carried forward upon release*". Practitioners interviewed for the study "*expressed the view that short sentences have little or no impact on a young person*".² The DTO is a costly and wasteful response to the complex welfare needs that underlie children's behaviour and exposes children to the violence of imprisonment, often hundreds of miles away from their families and communities.

9.2 Address the over-representation of BAME children in prison. There has been a reduction in the number of children in prison; however the number of white boys has reduced at double the rate compared to the number of BAME boys. BAME children now account for 41 per cent of the total child prison population.³ A cross-governmental board should be established to review the reasons for this over-representation and to devise a strategy to reduce the number of BAME children in prison.

¹ <https://www.gov.uk/government/statistics/youth-justice-annual-statistics-2013-to-2014>

² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/395999/young-people-secure-estate.pdf

³ <https://www.gov.uk/government/statistics/youth-custody-data>

- 9.3 Devolve the custody budget to local authorities.** The budget for securely remanding children was fully devolved in April 2013.⁴ If a child is sentenced to custody, however, the local authority does not make a contribution to the cost of the placement. Making local authorities financially responsible for children in custody would increase accountability and allow local authorities to invest in prevention and alternatives to custody, based on what works in individual areas. Safeguards should be put in place, including this budget being ring-fenced, to ensure it is not absorbed into other local priorities.
- 9.4** The youth justice reinvestment pathfinders successfully trialled this approach between 2011 and 2013. Under the scheme, the YJB invested a proportion of the central custody budget to the local authority, on the basis that those authorities reduce their use of custody by an agreed amount. Authorities drew together agencies locally from both within and outside the criminal justice tramlines, allowing a holistic approach to each child. By their nature, they focussed on the children with the most complex needs in the system, which mitigated the risk of cherry-picking inherent to some of the payment by results models in the adult system.
- 9.5** In one site, a target was set to reduce the use of custody by 10 per cent. In the first year there were reductions of 28 per cent and 42 per cent in year two. In the second site, they achieved a 40 per cent reduction.⁵ This exceeded the national reductions which took place in the same period and, arguably, could be built on if the model were permanent.
- 9.6 Review the use of remand.** The threshold for securely remanding children was significantly raised in 2012.⁶ Despite this legislative change, 1,930 children were remanded to custody in 2013–14, accounting for 21 per cent of the average child prison population. Of these, 62 per cent were not given a custodial sentence and 25 per cent were acquitted.⁷ We would recommend more stringent controls on youth courts that continue to circumvent the letter and purpose of this legislation.
- 9.7 Issue guidance which encourages a flexible and proportionate response to breaches of statutory orders.** The current policy⁸ inhibits practitioner discretion and means that children are imprisoned when it is not in their, or their communities', best interests. Children on licence can be recalled to custody, without first appearing in court, for missing appointments, being late home or not going to school. Many children who breach their sentence conditions do not wilfully do so but because of their chaotic lives and lack of family support. 70 per cent of children in the youth justice system suffer from significant communication difficulties, undermining their ability to engage or comply with requirements.⁹ If better outcomes are to be achieved, the period on licence should be one focused on support rather than compliance.
- 9.8 Build on and promote evidence based good practice and interventions which work.** Some excellent work has been achieved in youth justice and there is much to build upon. As gatekeepers to the system, police forces across the country have reduced the number of children arrested, which has led to huge reductions in the number of first time entrants and ultimately, the number of children in prison. The Howard League is the only NGO working with the police nationally to reduce child arrests and we are gratified that this has contributed to a 60 per cent reduction. We are continuing this work.

⁴ Legal Aid, Sentencing and Punishment of Offenders Act (2012)

⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/414123/youth-justice-reinvestment-custody-pathfinder-final-evaluation-report.pdf

⁶ Legal Aid, Sentencing and Punishment of Offenders Act (2012)

⁷ <https://www.gov.uk/government/statistics/youth-justice-annual-statistics-2013-to-2014>

⁸ National Standards for Youth Justice and Case Management Guidance

⁹ <http://www.publications.parliament.uk/pa/cm201011/cmselect/cmpublic/721/721.pdf>

9.9 Further investment should be made in evidence-based community interventions, such as multi-systemic therapy (MST) and intensive fostering, which are considerably cheaper and more effective than custodial disposals. For example MST costs between £8,000 and £10,000 per family.¹⁰ It is an intensive family and community-based intervention that targets the multiple causes of children's offending behaviour. MST works with the child, family, peers, school and community during the assessment and treatment process. Therapists work intensively with families, providing parents with the skills and resources they need to address the factors contributing to the child's behaviour problems. An evaluation of MST found:

- 96 per cent of families engaged fully with the service and completed treatment
- 95 per cent of children were living at home at the end of the intervention
- 75 per cent of children were attending school
- 81 per cent of children had not been arrested since they began the MST treatment¹¹

10. Within six to eighteen months:

10.1 **Close prison places for children.** If the above recommendations are implemented, the number of children in prison will significantly reduce by 700, with approximately 50 children on remand and 250 serving long term sentences remaining. Such a reduction in numbers would allow for the gradual closure of the remaining YOIs, equating to 1,048 places in the five prisons (many places are not used at present). To mitigate against children being transferred far from home, we would propose that wings in all five institutions are gradually mothballed, rather than an institution by institution closure programme. This will bring substantial saving to the public purse, which can be invested in prevention and evidence-based community provision: based on the direct cost of £60,000 per place per year this would save £62.8 million annually.

10.2 This estimated cost saving is likely to be a vast underestimate, as it does not include costs such as prison education, transport and healthcare. We would recommend that officials in your department undertake a piece of work which aims to clarify the true cost of YOIs, bringing together the funding sources from the Ministry of Justice, Youth Justice Board, Department for Education, Home Office, Welsh Assembly Government and local authorities.

10.3 **Revise the role of the youth courts.** The reduction of children coming into contact with the system would inevitably mean a reduced role for youth courts in processing children day-to-day. This would allow youth courts to concentrate on the few serious cases brought before them and develop expertise based on detailed knowledge of the backgrounds of individual children, and why they have committed the crime for which they appear. Youth courts should be given wider powers to ensure that welfare needs are met, which would not necessarily invoke or incur a criminal sanction, to ensure there is a tailored and appropriate response to each child.

10.4 **Address the shortage of suitable secure accommodation in London.** In 2009, the YJB took the decision to close the only secure children's home in London. There are now four beds in a secure children's home in Southampton for the entirety of London and the South East of England. The few children from these communities who require a period in a suitable placement in custody risk being held hundreds of miles from their families unless investment in a small, local unit is made.

¹⁰ <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmjust/339/339we08.htm>

¹¹ http://www.urboss.org.uk/downloads/publications/HL_Life_outside.pdf

10.5 Transform the Youth Justice Board. The primary function of the YJB is the commissioning of custodial places and placement of children into custody. If this strategy is implemented, the purpose of the YJB will be largely defunct. The YJB could be transformed into an independent, expert body, operating as a centre for best practice, scrutinising and sharing what works with children in trouble with the law. It should also establish an independent scrutiny panel to review the case of each child who is imprisoned so that lessons can be learnt. The purpose would be to ensure that custody is only used as a last resort, for the shortest period of time and to highlight where children have been failed by other services, such as education, health and social care and to make recommendations for change. The newly constituted body would have the powers to follow-up such recommendations and improve transparency and accountability in the system. Ultimately, we should all ask – why is that child in custody?

11. If this strategy were successfully implemented, we would have a smaller, cheaper more effective system, which would lead to safer communities, fewer victims and substantial savings to the taxpayer – a vision we share.

12. Much of what we are proposing is complicated and, inevitably, in a letter we have given you the headlines of our strategy. We would be happy to discuss our proposals in greater depth with your officials.

Yours sincerely



Frances Crook