The Youth Justice Board for England and Wales

Introduction

As a non-departmental public body (NDPB) with a unique focus on children in the youth justice system (YJS), the Youth Justice Board for England and Wales (YJB) welcomes the opportunity to respond to the Housing Community and Local Government Committee’s inquiry into local government funding. Our statutory responsibilities along with the expertise of our Board enable us to set standards for, and monitor the operation of, the youth justice system. Our work with multi-agency Youth Offending Teams (YOTs) gives us an operational perspective, which allows us to inform national policy and maintain a focus on the continuous performance improvement of youth justice services.

The YJB is the only official body to have oversight of the whole youth justice system and so is uniquely placed to guide and advise on the provision of youth justice services.

We are particularly interested in this inquiry because of our unique relationship with local youth justice services. This submission does not seek to answer all the points in the inquiries terms of reference, rather it focusses on the most pertinent areas relating to the funding of local youth justice services.

Vision

Every child and young person lives a safe and crime-free life, and makes a positive contribution to society.

Children in the criminal justice system should be treated as children first and as offenders second and supported in turning their lives around.

Youth Justice System Aims

Our Board have established the Youth Justice System Aims which are not only for the YJB to work towards, but for the youth justice community as a whole. They are:

1) to reduce the number of children and young people entering the youth justice system
2) to reduce reoffending from children and young people in the youth justice system
3) to improve the safety and wellbeing of children and young people in the youth justice system
4) to improve the positive outcomes of children and young people in the youth justice system

Our role

The role of the YJB is to oversee the youth justice system in England and Wales. The statutory responsibilities of the YJB include:

- advising the Secretary of State on the operation of, and standards for, the youth justice system;
- monitoring the performance of the youth justice system;
- identifying and promoting good practice;
• commissioning research and publishing information

While the YJB is responsible for overseeing the performance of youth justice services including multi-agency YOTs, the YJB does not directly deliver or manage these services.

Full Response

YOTs and YOT Partnerships

YOTs were established following the enactment of the Crime and Disorder Act 1998.¹ The Act requires the co-operation of the named statutory partners to form a YOT and places upon them a duty to co-operate to secure youth justice services appropriate to their area. These statutory partners identified in the Act are:

- the Local Authority
- Police
- the Probation Service
- Health

Membership of the YOT is not limited to these representatives and can also include a number of other partners, including education officers, social workers, substance misuse workers, accommodation officers and a range of other supporting staff.

YOTs play a vital role in the prevention of offending by children, as well as the rehabilitation of those who have committed an offence. YOTs have a number of statutory responsibilities, including:

1. the assessment of children and the provision for them of rehabilitation programmes
2. providing reports or other information required by courts in criminal proceedings against children and young people
3. delivery of community sentences
4. supervising children on licence following release from custody.

Prevention and early intervention

One of the principal aims of the youth justice system is to prevent offending by children. In September 2015, Charlie Taylor was asked to lead a departmental review of the youth justice system for the Ministry of Justice (MoJ). The Government’s response to Charlie Taylor’s review acknowledged that the best way to reduce the level of youth crime is to intervene early to prevent children offending in the first place.

However, working with children who are not subject to criminal proceedings, to prevent them offending is a non-statutory part of a YOT’s workload. Unfortunately, given that there is no requirement or obligation to conduct or deliver it, non-statutory work is often the first to be cut when local services are facing budget constraints. The joint YJB/MoJ audit of prevention initiatives across the youth justice system highlighted this, with 77% of respondents indicating that a lack of resources/investment was the most commonly indicated barrier to delivering an effective prevention intervention.²

The YJB believes that early intervention and diversionary approaches are not only more effective than just law enforcement approaches in both improving public protection and reducing recidivism, but that they are also more cost effective. Successful prevention and intervention with children will reduce the number of overall

offences committed by children and therefore the number of victims, as well as the number of children that go on to reoffend.

**The current picture**

The youth justice funding landscape is complex. Local authorities receive funding from a number of statutory partners as well as an annual Good Practice Grant from the YJB, local authorities are required to use this investment to fund a local YOT or Youth Offending Service. On average, the Good Practice Grant accounts for approximately 30% of YOTs’ total funding. The remainder of the YOT partnerships’ funding is provided through its statutory partners (listed above).

The settlements that local authorities receive from central government have been reducing across the board for some time. The YJB Good Practice Grant has fallen by over 50% since 2011/12 from £145m to £72m in the last financial year. Funding from YOTs’ partnership agencies has reduced from £228m in 2010/11 to £188.5m 2016/17, a reduction of 17%. The number of children in custody and being supervised in the community has reduced dramatically, in part because less crime is being committed but also because of successful diversionary work. Between 2011/12 and 2016/17 the number of first time entrants have reduced from 36,900 to 16,500, the average number of children in custody has gone from 1960 to 870, however median number of nights spent in custody has gone from 87 to 90 in 2014/15 to 2016/17 and reoffending rates were 40.9% 2010/11 and are now 42.2% in 2015/16. We are consistently hearing reports of an increase in both complexity of need and support required for those children who are entering the criminal justice system.

Over the last few years, pressures on wider provision for children’s services across partners have been considerable, and we routinely see children coming into the criminal justice system who have been badly let down earlier in their lives.

The burden this has put on local authorities has been highlighted by the Local Government Association (LGA) who have warned that councils are currently facing an estimated £2bn funding gap for children’s services by 2020. In addition, despite the reductions in funding, YOTs' statutory requirements have remained the same and the non-statutory work, which is often invisible, that supports prevention and diversion has increased in demand.

The YJB recognises the significant financial pressures the Ministry of Justice is facing, however, at the time of writing, we are yet to receive our budget for 2019/2020 from the department. This delay means we are not yet able to confirm with local authorities the size of the grants they will receive this fiscal year, despite councils already having had to set their overall annual budgets. We recognise that uncertainty regarding the amount of funding they will receive prevents local authorities from undertaking informed financial decisions for the coming year, and we have subsequently received a number of representations from YOTs highlighting the difficulties of late allocation.

**Short term funding**

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3 Median time in custody will not generally equate to the average sentence length owing to factors including, but not restricted to, early/late release, time spent on remand, concurrent sentences.


5 https://www.local.gov.uk/about/campaigns/bright-futures/bright-futures-childrens-services/close-childrens-services-funding
In more recent years, we have seen an increase in pots of money available through various Government grant schemes that require local authorities to engage in a bidding process. While more funding opportunities are welcome, the YJB is concerned that these additional funding pots may not be sufficient to plug the gaps left by the long-term budget cuts described above. They are also not always accessible by local authorities.

In addition, funding schemes that have bidding processes can lead to unequal distribution of funding. Those services with more resource to dedicate to creating funding bids, or those who are already well performing, are more likely to be successful in being awarded funding through these schemes.

Moreover, many of the funding opportunities available through these schemes are for short term projects or are available on a short-term basis. Short term funding could lead to a lack of sustainability and consistency in the interventions that are delivered to children; in turn, this may have an adverse impact on the children who would otherwise benefit from these much-needed interventions. We are aware of YOTs that have previously decommissioned areas of work due to budget restraints, leading to redundancies, only to re-establish the work after successfully acquiring grant funds. This sporadic funding not only impacts on local services ability to run a financially efficient service, it also means that services are, again, unable to make strategic longer-term funding decisions.

The YJB is concerned that there is no strategic oversight of the funding streams going to local areas and therefore no way to identify where there may be gaps in funding. Lack of strategic oversight also raises the questions about whether the money is going to the right places, or those services with the most financial need. This would suggest that a more cohesive and collaborative approach may be the way forward.

The future of local government funding

The YJB continues to engage with the Ministry of Justice on the Comprehensive Spending Review (CSR). Given the reductions that have been made to the YOT Good Practice Grant, local authorities and Children’s Services in recent years, we believe the CSR is a real opportunity to take a fundamental look at funding for local youth justice services and the children they support. The YJB stand ready to provide advice to Ministers on this.

We would welcome the opportunity to work in a more strategic and joined up funding landscape where the opportunities available are focused on cohesive delivery across prevention, early intervention, support programmes including education, skills and training and resettlement services.

Any future funding of local government needs to recognise the importance of maintaining holistic (statutory and non-statutory) prevention and early intervention services for children, young people, their families and victims. It must be to society’s advantage to intervene when a child is struggling in early years rather than in a police station when they have committed a crime.

Many children who commit crime have experienced adverse childhood experiences, been victims of crime themselves or have faced other challenges. Investing in prevention and support upstream allows individuals who would otherwise not meet the support thresholds for statutory services to get the support they need much earlier. This would not only produce savings down the line by reducing the need for individuals to access statutory services, but would, most importantly, positively impact the lives of children, families and the wider community. Ensuring that children are seen as children first and offenders second and supporting them effectively represents the best way to
reduce crime. Funding and governance arrangements at the local level should ensure that children with the most challenging needs are not marginalised as a result of the way local services are delivered. This lends to the argument that early years support should be made available long before children end up involved with criminal activity.

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