

Taking Responsibility
Policies on Youth Justice

Policy Paper 99



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Executive Summary

Liberal Democrats believe that the youth justice system needs to be reformed to ensure that young people accept responsibility for their actions and that communities accept responsibility for their young people. To do this we will:

Empower local communities to play a greater role in tackling the causes of local youth crime and disorder by:

- Championing restorative justice programmes.
- Giving local people a real say over their police force through the reform of police authorities.
- Encouraging police to use their discretion to resolve problems on the spot, rather than making unnecessary arrests, where young people admit responsibility.
- Introducing justice reinvestment approaches in the youth justice system and using the custody budget to improve local incentives to invest in effective community-based interventions.
- Recognising the cost-effectiveness of diversionary work and support local government, the voluntary sector and communities themselves to continue to offer opportunities for young people to engage in positive activities.

Ensure more appropriate treatment of young people in the Justice system by:

- Recognising that children aged under 14 often know the difference between right and wrong and have personal responsibility for their actions, holding them accountable for their criminal acts by specially trained panels, with appropriate penalties, including secure custody in some cases, aimed at reducing the chance of reoffending, and addressing any welfare needs they have; while raising the age of criminal responsibility in England and Wales to 14 so that acts committed below this age do not result in a lifelong criminal record.
- Abolishing the use of ASBOs for young people in favour of local solutions which actually work.
- Amending the Rehabilitation of Offenders Act 1974 so that, for all but the most serious sexual and violent cases, offences committed by persons under 18 would be treated as 'spent' after 12 months, so that they could not then be generally disclosed.
- Decriminalising children in circumstances where they are best treated as victims, for example in the case of child prostitutes.
- Protecting young people through educating them rather than by criminalising them in the context of victimless crime, such as in some cases of consensual sexual acts between those under 16.

Invest in prevention rather than detention by:

- Encouraging pre-school support for children with misconduct problems and investing in Sure Start services.

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- Engaging parents, grandparents and other extended kin to take responsibility for offending children in a whole family approach to tackle offending behaviour.
- Setting up systems across government that can measure and collect the long-term savings that accrue from early interventions, and make future investment possible.

Promote alternatives to custody by:

- Making provision for young people up to the age of 18 to be tried by specially trained panels.
- Champion and extend the use of effective community sentences and restorative justice.
- Increasing the use of intensive fostering, instead of longer custody sentences.
- Providing new guidance on bail conditions for young people to ensure that custody for those on remand is reserved for those who pose a risk to the public and would, if convicted, be expected to receive a custodial sentence.
- Ensuring that those young people who need it receive appropriate specialist mental health, drug and alcohol care planning and treatment and social care as a more effective alternative to custody.
- Stopping the use of custody for technical breach of licence which can more appropriately be dealt with by more sophisticated sanctions and with further engagement from the Youth Offending Team.
- Reserving the use of secure accommodation for those young offenders who are deemed to be a danger to themselves or others or as a last resort for serial offenders for whom other sentences have not been effective.

Emphasise the education and rehabilitation of those in secure custody by:

- Banning of the use of 'distraction' techniques - painful methods of striking and restraining teenagers - except in exceptional circumstances where they are the only option available to prevent serious harm to themselves or others .
- Requiring local authorities to continue to be responsible for the education of children in secure custody.
- Ensuring that those young people who need it receive appropriate specialist mental health and drug and alcohol care planning and treatment and social care support while they are in custody and, if appropriate, are able to continue this after they leave.
- Implementing a targeted rehabilitation programme for offenders involved in gun, knife and gang crime.
- Ensuring suitable provision for young people with parenting responsibilities, and particularly for young women who are pregnant or have young children.
- Ensure young offenders have suitable accommodation on their release.
- Rolling out mentoring schemes which work with young offenders in custody and ensure that each young adult leaving prison who wants to can be met at the gate.

Recognise that some of the issues which apply to under 18s can also apply to 18-24 year olds and the need to pilot a new approach for offenders in this group.

Introduction

1.0.1 A minority of young people commit crimes and acts of anti-social behaviour which can lead to fear and misery in many local communities. Liberal Democrats want to see young people take responsibility for their actions and their next steps, with community interventions which enable them to make reparations to their victims and communities.

1.0.2 Young offenders are generally more vulnerable than older offenders. The human brain continues to develop into the late twenties so young adults can still be immature and impressionable

1.0.3 Thirty per cent of children in custody have been in the care of the local authority and a quarter of under-17s in custody only have the literacy and numeracy levels of an average seven-year-old. If we are to address the root cause of youth offending behaviour and bring the level of re-offending down for good, a new approach centering on the welfare needs of the child is required, coupled with a real involvement for local communities so victims can feel that justice has been served.

1.0.4 The current punitive attitude of the media towards offending children blows things out of all proportion. This is illustrated by the recent (2008) report by the UK Children's Commissioners that that 71 per cent of media stories about young people in the UK are negative and a third of the articles about young people are about crime, noting that "the incessant portrayal of children as thugs and yobs not only reinforces the fears of the public but also influences policy and legislation".

1.0.5 England and Wales received international criticism by the UN Committee on the Rights of the Child because of the UK's low age of criminal responsibility and high level of juvenile prison populations, one of the highest in Western Europe. Although the recent drop in the youth custody population is to be welcomed, from a peak of 3,175 in October 2002 to 2,045 in November 2010, the fact that three quarters of under 18s released from custody are reconvicted within a year¹ confirms that the current situation is simply not working.

1.0.6 In this paper we outline our proposals to empower local communities to develop solutions which can really work for them as we move towards a system which recognises the particular vulnerabilities of young offenders and emphasises solutions which will help enable them to become valuable and contributing members of society.

¹ Prison Reform Trust, *Criminal Damage: Why we should lock up fewer children*, (Prison Reform Trust/SmartJustice 2008), p1.

Empower Local Communities to Tackle the Causes of Youth Crime

2.0.1 Liberal Democrats know that the best solutions are often local solutions. If we are to create confidence in a new approach to youth justice it is vital that local people can be involved and see that the system works.

2.1 Local Restorative Justice

2.1.1 Liberal Democrats want to focus on what works – both in terms of rehabilitating offenders and benefiting victims. The Home Office’s own research suggests that Restorative Justice works for both. It puts the victim at the heart of the justice system and focuses on offenders as individuals. Restorative justice practices involve a consensual, face to face meeting between victim and offender in the context of a supervised conference. It highlights the consequences of the crime, and can lead to heart-felt changes in behaviour. While restorative justice is a good idea for all offenders, Liberal Democrats believe it is a particularly important approach when dealing with young people. Not only is it considerably cheaper than community and custodial sentences, but restorative justice can be a positive experience for the victim.

2.1.2 Currently restorative justice in the youth justice system is available through the Youth Offender Panel system linked to the Referral Order. The Referral Order allows for the court to refer young people who are in court for the first time and who plead guilty to a Youth Offender Panel that is comprised of two trained community volunteers and a Youth Offending Team worker. This panel agrees and oversees a ‘contract’ with the young person in response to their offending and to provide reparation either directly or indirectly to victims. This can involve direct victim involvement at the panel. Referral orders account for approximately one-third of young people in the court system.

2.1.3 Liberal Democrats want to champion and extend the use of restorative justice programmes, with a particular emphasis on early intervention in schools and care homes. We would also like to see more involvement of local people in the process, such as the Neighbourhood Justice Panels in Somerset, where offenders must admit their guilt, apologise and sign a community justice agreement with the victim and offender agreeing a course of reparation, for example removing graffiti or making repairs to communal structures. If this is successfully completed, the case is closed. If not the case goes back to court.

2.2 Problem Solving Courts

2.2.1 Liberal Democrats welcome the pilot problem solving courts in England, including the community justice centres in Liverpool and Salford, more than a hundred specialised domestic violence courts and six drug courts. These courts follow the example of problem-solving courts in the USA which have been shown to reduce reoffending, improve compliance with court orders and increase public confidence². The great value of these courts is that the judge is able to use a broader array of non-incarcerative tools including drug treatment and community sentences, with frequent returns to court to monitor progress. While it will take time to see how effective this approach can be, Liberal Democrats support the holistic approach these courts take to offending and would support further piloting of the next generation of problem-solving courts alongside the

² Greg Berman & Aubrey Fox, *Lasting Change or Passing Fad? Problem-Solving Justice in England and Wales*, Berman & Fox (Policy Exchange, 2009), p8.

creation of an independent non-partisan 'Centre for Justice Innovation', modelled on and linked with the Centre for Court Innovation in New York, to create a permanent and distinctive voice for justice innovation in England and Wales.

2.3 Local Policing

2.3.1 Liberal Democrats believe that effective local policing needs effective local control. While we welcome the principles of democratic accountability being introduced into local policing, we are concerned that concentrating power in the hands of a directly elected individual is risky and therefore will replace the planned Police Commissioners with reformed police authorities with the ability to hire and fire chief officers, set local priorities and budgets and the council tax precept.

2.3.2 Liberal Democrats believe that local police should be encouraged to use their own initiative and discretion to resolve problems in their area. A recent government review gave the example of a police officer who reduced crime and disorder on one estate by 90% over six months through a problem-solving approach, but was then criticised for failing to meet arrest targets³. We welcome the abolition of these centralised targets and state our support for local discretion over centrally imposed targets, and for targeted interventions rather than a 'one size fits all' approach. However, suspects who maintain their innocence should always have the right to have their case heard in the appropriate setting.

2.4 Local Justice Budgets

2.4.1 Although the average annual cost of custody per young offender is high at £75,750⁴, this cost is borne centrally by the Youth Justice Board and the cost is not largely felt at the local level. Consequently there is no financial incentive for local authorities and their partners to invest in effective preventative measures that reduce the need for custody. There may even be perverse incentives not to intervene more effectively with the most challenging and challenged young people, because local authorities are not responsible for the costs if the child is sentenced to custody but they are responsible for the costs of community interventions with these young people.

2.4.2 Liberal Democrats support the work that the Youth Justice Board and other organisations have done to investigate the potential to introduce justice reinvestment approaches in the youth justice system and to use the custody budget to improve local incentives to invest in effective community based interventions. Justice reinvestment needs to be done in partnership with local government to be effective. One approach would be to join up willing local authorities in a region to test the devolution of custody costs. The savings from a reduced use of custody for young people would thus be available for local authorities to use to increase the investment in youth services and diversionary activities to reduce the incidence of offending.

³ Max Chambers, *A State of Disorder*, (Policy Exchange, 2010), p8.

⁴ Max Chambers, *Arrested Development*, (Policy Exchange, 2009), p23.

More Appropriate Treatment of Young People in the Justice System

3.0.1 The current approach to young people's behaviour is disproportionate and is too quick to criminalise them. Fear that groups of young people together must be up to no good has led to draconian restrictions on freedom of assembly and the pernicious prevalence of so-called 'mosquito devices' which emit a high-pitched noise to drive younger people away. Liberal Democrats believe that young people should not all be penalised in this untargeted way and that freedom of assembly should be restored alongside a ban of the use of mosquito devices.

3.1 Age of Criminal Responsibility

3.1.1 Liberal Democrats recognise that children aged under 14 often know the difference between right and wrong and have personal responsibility for their actions but that courts are not the appropriate way to deal with them. Liberal Democrats believe that specially-trained panels should be used to deal with offences committed by those under the age of criminal responsibility. These panels would have the power and flexibility to determine an appropriate consequence, with the emphasis on measures including restorative justice and community sentencing. Panels would be expected to provide consequences which were proportionate, sought to reduce reoffending and provide amends to the victim as well as addressing any welfare needs the child had. This follows the practice in Scotland and most other Western European countries where children below the age of criminal responsibility are referred to front-line welfare services when they do wrong where they are able to examine what is causing the child's behaviour and to address those causes – be they educational difficulties, mental health needs or abuse and neglect. There is far more that could be done in schools and youth settings to offer training and support around, for example, anger management, understanding and tackling bullying behaviour and ensuring professionals are better equipped to respond to the welfare needs of these children. This enables a much earlier and more robust response than the delayed one inevitably involved with legal procedure and can tackle the wider causes of offending more holistically, rather than simply being concerned to provide punishment. It also means that the immature acts of youth do not result in a lifelong criminal record.

3.1.2 We recognise that there will always be a need for secure accommodation for the very small minority of children who commit serious violent offences and who pose a significant risk to themselves or their communities. Liberal Democrats believe that such accommodation should be along the lines of existing secure children's homes, staffed by social workers and specially-trained experts to both protect the public and rehabilitate the child.

3.1.3 The age of criminal responsibility across Europe varies but the UK currently has the lowest ages in Western Europe – 10 in England and Wales and 8 in Scotland (although legislation has just been passed in Scotland which raises the age of criminal *prosecution* to 12). This is much lower than the age they must be before engaging in sexual activity (16) or at which they are allowed to vote (18). We need to protect our children from making mistakes and should not expect vulnerable children to make judgments and decisions that many adults struggle with. The UN Committee on the Rights of the Child, which reports on compliance with the International Convention on the Rights of the Child, has recommended that the age of criminal responsibility in England and Wales should be raised to at least 12 and Liberal Democrats believe it should be raised to the age of 14. A survey of 90 countries by Neil Hazell of Salford University found that the

most common age of criminal responsibility was 14 years; with the large majority of European countries in the 14 – 16 range.

3.2 ASBOs

3.2.1 Anti-Social Behaviour Orders (ASBOs) have failed to tackle the scourge of anti-social behaviour in local communities, with the breach rate for teenagers with ASBOs over 60%⁵, unsurprising given that only 5% of ASBOs include measures designed to address the offending behaviour⁶. Liberal Democrats welcome the soon to be published review of ASB and remain committed to abolish the use of ASBOs for young people in favour of local solutions which actually work. Anti-social behaviour which is criminal should be dealt with in the same way as any other criminal act. Other unacceptable behaviour should be tackled through positive measures such as Parental Control Agreements and Acceptable Behaviour Contracts (ABCs) which specify the new behaviour which is required. This is an approach which works.

3.3 Privacy

3.3.1 In recognition that child offenders are vulnerable defendant, Liberal Democrats believe that the privacy of children under 18 should be safeguarded. The identity and personal details of young offenders should be fully protected and no information should be published or otherwise processed, particularly in the media, which could reveal or indirectly enable the disclosure of the child's identity, such as photos, or detailed descriptions of the child or the child's family. For the purposes of general interest or children's rights advocacy, information on a case can be made public as long as the identity of the child(ren) involved is not revealed. Whenever children are being heard or giving evidence in judicial or non-judicial proceedings or other interventions, it should preferably take place behind closed doors, open to a limited number of persons only.

3.3.2 In order to promote reintegration into society, and in recognition that most young offenders do not reoffend as adults, Liberal Democrats will amend the Rehabilitation of Offenders Act 1974 so that, for all but the most serious sexual and violent cases, offences committed by persons under 18 would be treated as 'spent' after 12 months, so that they could not then be generally disclosed. Exceptions would still be made in the case of applications for employment with vulnerable adults or young people or for reasons of public safety. This change would recognize the need quickly to rehabilitate young people after what are often often isolated incidents of criminal behaviour in their youth.

3.3.3 There are often circumstances in which children are criminalised when they are in fact victims. Most pernicious of these is the example of child prostitutes. Criminalisation of under 18 year old prostitutes puts them at greater risk of exploitation and deters them from seeking help from the authorities for fear of prosecution. In common with many of leading children's organisations, Liberal Democrats support the decriminalisation of child prostitutes and that enforcement should be targeted on the real criminals – the pimps, traffickers and exploiters who are responsible for enticing or forcing these children into prostitution.

3.3.4 Under 16s are also criminalised as a result of the Sexual Offences Act 2003. Liberal Democrats believe that the criminalisation of teenagers under 16 for engaging in consensual sex, or even more absurdly, two twelve-year-olds snogging, is wrong and that a far more effective response is to ensure young people have appropriate education and support if they are to delay becoming sexually active. Giving a 15-year-old a criminal record and placing him or her on the

⁵ *The return of the ASBO*, The Guardian, 29th September 2009.

⁶ WPO, Commons Hansard, Column 936W, 18th March 2008.

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sexual offences register is not only an over reaction – it is potentially hugely damaging to the life chances of that young person.

Investing in Prevention not Detention

4.0.1 Each year the Government spends £415 million on children's prisons⁷, but with 73%⁸ of those under-18s released being re-convicted within a year, this money is neither reforming the young offenders involved nor making our communities safer. Currently nearly two thirds of the Youth Justice Board budget is spent on the 3% of children in the criminal justice system⁹, rather than earlier interventions which can help divert young people away from criminal activity in the first place. Liberal Democrats believe that young people should have somewhere to go and something to do¹⁰. Investing in diversionary activities for young people and promoting mentoring schemes can help stop young people getting into trouble in the first place. Given that being NEET (not in education, employment or training) is one of the key indicators in a young person engaging in offending behaviour, Liberal Democrats place a high priority on policies to help young people at risk of falling into this trap, but a comprehensive treatment of this important topic is beyond the remit of this paper.

4.1 Pre-school support

4.1.1 Prevention starts early. Anti-social behaviour in the early years has been shown to have the highest continuity into adulthood of all measured human traits except intelligence (Scott, 2004) and it has been suggested that harsh parenting with poor supervision and little warmth is responsible for 30-40% of antisocial behaviour in children (Patterson *et al.*, 1989).

4.1.2 A recent study by the Sainsbury Centre for Mental Health has suggested that action to prevent misconduct problems in young children, such as lying, disobedience, fighting and stealing, can dramatically reduce their chances of offending when they are older. Overall, they estimate that around 80% of all criminal activity is attributable to people who had misconduct problems in childhood and adolescence and that consequently encouraging pre-school support for children with conduct problems can reduce future offending by more than 50%. Liberal Democrats believe that the provision of Sure Start services is of crucial importance and provides the ideal mechanism through which to provide appropriate parenting programmes.

4.2 A Whole Family Approach

4.2.1 In a Home Office study, 42% of juveniles who had low or medium levels of parental supervision offended in contrast to 20% of those with a high level of supervision¹¹. Liberal Democrats believe that tackling re-offending by young offenders requires the engagement of parents, grandparents and other extended kin in a whole family approach to tackle offending behaviour and support family mentoring schemes.

4.2.2 Liberal Democrats recognise the potential for long-term savings if effective early interventions are made, noting the report from the New Economics Foundation *Backing the Future* which proposes a comprehensive investment programme in preventative services for children and young people that would both save spending on dealing with the impact of problems later, and deliver wider benefits to society. Liberal Democrats believe systems should be set up across government to measure and collect the long-term savings that accrue from early interventions, and make future investment possible and that, in the meantime, investment in the

⁷ Figure from the Howard League for Penal Reform.

⁸ Prison Reform Trust, *Criminal Damage*, p2.

⁹ YJB Annual Workload Data 2006/7, YJB Annual Report and Accounts 2006/7

¹⁰ "Free to be Young" 2010

¹¹ 4Children, *Unlocking Potential: Alternatives to Custody for Young People*, (4Children, 2008), p14.

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important work of Children's Services should be maintained to ensure that support is available for those families who need it.

Making Custody a Last Resort

5.0.1 Although the rhetoric of youth justice describes custody as a last resort, the evidence shows that all too often this is not the case. Approximately one fifth of children in custody are currently there on remand¹². In March 2007 a further 12% of those in custody were only there for breach of their bail conditions, conditional discharge or statutory order¹³. Liberal Democrats will reserve the use of secure accommodation for those young offenders who are deemed to be a danger to themselves or others or, as a last resort, for serial offenders for whom other sentences have not been effective.

5.1 Bail and Remand

5.1.1 It is appalling that children on remand currently make up over 20% of those children in custody, although three quarters go on to be acquitted or receive a community sentence¹⁴. Custody is clearly not being used as a last resort when children are locked up on remand but deemed safe upon sentence. Liberal Democrats believe that there should be new guidance on bail conditions for young people to recognise the different circumstances they are in compared to adult offenders and to ensure that custody for those on remand is reserved for those who pose a risk to the public and would, if convicted, be expected to receive a custodial sentence. There should also be appropriate remand fostering available for those young offenders who might not otherwise have appropriate accommodation.

5.1.2 Liberal Democrats also believe that custody should not be used for technical breach of licence arrangements which can more appropriately be dealt with by more sophisticated sanctions and with further engagement from the Youth Offending Team.

5.1.3 There are concerning reports that children are not only being transported to and from court with adult prisoners, but they are being transported in vehicles without suitable seat-belts. Liberal Democrats believe that children should not be transported with older prisoners and should always have an appropriate seat restraint.

5.2 Community Sentences and Restorative Justice

5.2.1 Liberal Democrats believe in encouraging the use of effective community sentences and restorative justice practices as an alternative to custody. In particular, the Youth Conference system in Northern Ireland has apparently been successful in diverting young offenders away from custody. The youth conference system works in two ways:

1. Those young offenders who plead guilty to minor offences can by-pass the court and go straight to a youth conference where they will meet the victim (or their representative) and agree on an action plan for the offender.
2. Young offenders who are found guilty in the courts can be referred to a youth conference to make restoration in place of a custodial sentence.

In both cases, the young offender has to be a willing participant and if the conference or the action plan fails the young offender is referred back to court. Liberal Democrats would like to further explore how this system might be adapted for use in England and Wales.

¹² Penelope Gibbs & Simon Hickson, *Children: Innocent Until Proven Guilty*, (Prison Reform Trust, 2009) p2.

¹³ Prison Reform Trust, *Criminal Damage*, p3.

¹⁴ Gibbs & Hickson, *Children: Innocent Until Proven Guilty*, p2.

5.3 Youth Justice Panels

5.3.1 For some young people, a restorative justice panel will not be enough and they will need to go through a more formal judicial process, but Liberal Democrats believe that this should still be quite distinct from the normal criminal process to recognise their status as potentially vulnerable defendants. We believe that young offenders up to the age of majority should be tried by specially trained panels, rather than a traditional magistrate or crown court, and be eligible for the same special measures in court as those in place for vulnerable witnesses.

5.4 Intensive fostering

5.4.1 A recent addition to the custodial options for young people is Intensive Fostering, which is available for children and young people whose home life is felt to have contributed significantly to their offending behaviour. Intensive Fostering aims to hold the young offender to account for their actions while providing the support they need to address their behaviour. Intensive care is provided for up to 12 months alongside a comprehensive programme of support for their family, based on the Multi-dimensional Treatment Foster Care (MTFC) model which has been used successfully with offenders in Oregon, USA since the 1980s. Liberal Democrats support Intensive Fostering as an alternative to longer custodial sentences and would like to see it available in all areas.

5.5 Specialist Treatment

5.5.1 Young people in the criminal justice system are likely to be more vulnerable than their peers. Research suggests that they are nearly three times as likely to have mental health problems, over 60% will have communication difficulties as well as other learning disabilities. 33% female offenders report an experience of sexual abuse¹⁵ compared to 21% of all girls under 16¹⁶. If such young people are to be rehabilitated and discouraged from committing further crimes, specialist treatment is crucial. Liberal Democrats believe that those young people who need it should receive appropriate specialist mental health and drug and alcohol care planning and treatment, as a more effective alternative to custody alongside appropriate educational and social care support. Such treatment can obviously be linked to restorative justice measures as appropriate.

¹⁵ Jessica Jacobson & Jenny Talbot, *Vulnerable Defendants in the Criminal Courts: a Review of Provision for Adults and Children*, (Prison Reform Trust, 2009), p37-8.

¹⁶ http://www.nspcc.org.uk/inform/research/statistics/child_sexual_abuse_statistics_wda48742.html

Education and Rehabilitation in Secure Custody

6.0.1 There will still be times when secure custody is required, but from the preceding sections it should be clear that this should only be as a last resort when offenders are a danger to themselves or others or have failed to respond to any alternatives. Liberal Democrats believe that secure accommodation for young people should be as small and local as is safely feasible to ensure young people are not institutionalised and are able to maintain links with their families and communities in anticipation of their release. Education and support for those in custody should help young people to take responsibility for their past actions and future plans, including setting goals for their life when leaving custody.

6.1 'Distraction' Techniques

6.1.1 Strip searching, restraint and solitary confinement are still widespread in the youth justice system. Last year the four Secure Training Centres increased their use of painful restraint against children and the Chief Inspector for Prisons said of the prisons:

"All segregation units in the male estate have been rebadged as 'care and separation', 'reorientation' or 'intensive supervision' units. However, they continue to operate as traditional segregation units, with the emphasis on separation rather than care."

6.1.2 Liberal Democrats believe that the use of so-termed 'distraction' techniques - painful methods of striking and restraining teenagers – should be banned except in exceptional circumstances where they are the only option available to prevent serious harm to themselves or others. Physical restraint should only be used to prevent harm or escape. Solitary confinement for young people is not appropriate and should be stopped. Strip searching is invasive and should be reduced to the absolute minimum compatible with security, as set out in Baroness Corston's recommendations for women's prisons.

6.2 Education

6.2.1 Although a lack of educational qualifications is a risk for offending behaviour¹⁷, those young people sentenced to custody are likely to fall further behind as education in custody is likely to be patchy and interrupted and many young people do not return to education on release, often having been taken off the rolls of their old school while they were away. While 72% of those in custody have been excluded from education at some point, a quarter leave full time education entirely by the age of 14¹⁸. The proportion of young offenders disengaged from education and training is 36% higher after they are released from custody¹⁹.

6.2.2 Liberal Democrats believe that education is crucial to combating offending behaviour and must be a priority in any custodial setting. In order to safeguard the education of those children in custody, Liberal Democrats believe that their home Local Authorities should remain responsible for their education while they are in custody and that they should also remain on their old school roll. Their education should continue to be based on the national curriculum. This will also help to ensure that they are able to benefit from our pupil premium policy to invest in education.

¹⁷ 4Children, *Unlocking Potential*, p14.

¹⁸ 4Children, *Unlocking Potential*, p17.

¹⁹ Aleksi Knuutila, *Punishing Costs: How Locking up Children is Making Britain less Safe*, (New Economics Foundation, 2010) p7.

6.3 Specialist Treatment

6.3.1 As was noted in 4.5 above, young people in the criminal justice system are likely to be more vulnerable than their peers. Liberal Democrats believe that it is crucial that those young people who have to be remanded to custody receive the specialist treatment they need. Young people who need it must receive the appropriate specialist mental health and drug and alcohol care planning and treatment and social care support while they are in custody and, if appropriate, be able to continue this after they leave.

6.4 Guns and Knives

6.4.1 Police arrests for carrying a weapon with a blade or point in and near schools went up 500% from 1999-2005²⁰ and gang violence is on the increase in cities across the UK. While a detailed treatment of this important issue is beyond the scope of this paper, we do recommend that there should be a targeted intervention programme for offenders involved in gun, knife and gang crime for those young people in custody for such offences, as has been a key part of Boston's strategy for reducing violent crime²¹.

6.5 Young Parents

6.5.1 Some young female offenders may be pregnant or have young children, and some young male offenders also have parenting responsibilities. Liberal Democrats believe that limiting the use of custody to those offenders who pose a danger should generally prevent the need for young girls to give birth or raise children in custody. For any for whom this cannot be avoided, secure local custody facilities with appropriate facilities for the baby are essential. Adaptable local secure accommodation should be ideal for this as childcare support can be bought in as required. Young men with parenting responsibilities should be encouraged to remain in contact with their child(ren) wherever possible.

6.6 Leaving Custody

6.6.1 It has been suggested that around 75% of children leaving custody want to stop offending, but unfortunately around 80% go on to reoffend²². Managing the transition to life on the outside is therefore crucial to stopping reoffending.

Accommodation. 15% of young offenders have no suitable accommodation on their release. Liberal Democrats believe that all young offenders should know where they will spend their first night after custody and will change the housing benefit rules to ensure that those who need this are able to arrange it before they are released. Young offenders leaving prison should have the same entitlements as care-leavers.

Training and employment. Providing training and support for former offenders to get jobs, recognising the important role work has to reduce reoffending behaviour - employment is estimated to reduce the risk of reoffending by between a third and a half²³. As those young people who have been in custody may find it harder to find a job because of their criminal record, Liberal Democrats believe that they should receive specialist support to help them find and apply for work.

²⁰ Bob Golding & Jonathan McClory, *Getting to the point - Reducing Gun and Knife Crime in Britain: Lessons from Abroad*, (Policy Exchange, 2008), p5.

²¹ Golding & McClory, *Getting to the point*, p58.

²² 4Children, *Unlocking Potential*, p18.

²³ Knuutila, *Punishing Costs*, p53.

Mentoring. Liberal Democrats welcome the various voluntary mentoring schemes which have sought to address the accommodation and employment needs of young offenders alongside broader mentoring to help support them as they seek to move away from offending. Such mentoring often begins while the young person is still in custody and may involve an older past offender who has turned their life around. Various local schemes have enjoyed much success with the West Sussex Supported Accommodation Service, for example, enjoying an 80% rehabilitation rate²⁴.

6.6.2 Liberal Democrats support the new 'GateMate' campaign which is being run by a number of partner organisations which are providing such mentoring services with the aim of ensuring that each young adult leaving prison who wants it can be met at the gate and taken to their new accommodation by a supporter who will continue to mentor them as they rebuild their life outside of custody.

²⁴'Supported accommodation: Safe houses', *Young People Now*, 11 April 2007, <http://www.cypnow.co.uk/Archive/761660/Supported-accommodation-Safe-houses/>

A New Approach for 18-24 Year Olds

7.0.1 There is growing evidence that young adulthood, from approximately 18-24 years old, is a distinct life stage during which time brain development continues. Many young adults also continue to live at home, receiving some support (practical or financial) from their parents into their mid or late 20s.²⁵ This group is also more likely to get into problems with the law. Despite making up only 9.5% of the population, this age group commit a third of all crime and represent a third of all those sentenced to custody each year²⁶.

7.0.2 Liberal Democrats recognise that some of the issues which apply to under 18s, and have already been discussed in this paper, can also apply to 18-24 year olds and that there is a need to pilot a new approach for offenders in this group. We welcome the Transition to Adulthood Alliance's work in this area and specifically support the following recommendations:

- Train police officers to operate a triage approach and, where appropriate, divert young adults away from the criminal justice system into treatment or restorative justice programmes.
- Replace short custody sentences with more effective community sentences.
- Recognise that young adults have different needs and aim to hold them in custody separately from older prisoners.
- Focus on rehabilitation through work, education and training programmes, and special treatment for mental health, drug and alcohol problems.
- Provide post-release support to find accommodation and employment with mentoring available for those who need it, as outlined for young people in section 6.6 above.

²⁵ Vicki Helyar-Cardwell, *A New Start: Young Adults in the Criminal Justice System*, (Transition to Adulthood Alliance, pp11-12.

²⁶ Helyar-Caldwell, *A New Start*, p13.

Appendix – Case Studies

The Watford Approach to Young People and Anti Social Behaviour

The Safer Watford Partnership has a twin approach of intervention and prevention to achieve a consistently low number of ASBOs. The Borough currently has no ASBOs for young people and agencies in the town work together deploying a range of measures to address anti social behaviour. When necessary partners agree appropriate enforcement action, including warning letters, Acceptable Behaviour Agreement (ABA) mediation, ASB Notices and diversionary courses of action.

Current schemes include:

- Operation Calibre - Monthly anti social behaviour patrols by Safer Neighbourhood Teams and others.
- Operation Champagne - Targeting Off license premises responsible for underage sales.
- Truancy Sweeps
- Police Cadets - Run by YCRO, Licensing officer, Schools PCSO, Youth Offending Team (YOT) and SNT. Meets fortnightly and carries out a variety of community projects and occasional educational field trips.
- Youth and Schools PCSO's working alongside School staff on diversionary and engagement projects with pupils identified as having severe behavioural problems. This is a six week intervention course that incorporates classroom studies and practical excursions.
- Positive Futures - Run by Watford Football Club teaching sports and life skills.
- Hertfordshire Practical Parenting Programme.

Nurse Family Partnerships

Nurse Family Partnerships started in the USA as preventative programmes which paired up nurses with first time mothers who were in low income, high risk groups. The nurses provide the mothers with support on a wide range of topics from feeding and nutrition to literacy and safety. The scheme aims to develop strong relationships and encourages peer support. The outcomes achieved have included improved prenatal health, lower instances of child abuse, better self sufficiency and increased economic activity, higher literacy rates, lower obesity rates, less contact with the criminal justice system.

In the US programme, each \$1 invested has been shown to provide savings of between \$2.50 and \$5.70 in preventative costs in education, criminal justice, welfare and health budgets. The preventative savings include 20% less time on benefits for the parents and an 83% increase in the employment of the mother by her child's fourth birthday and a decrease in child arrests by 59%, a 48% reduction in child abuse and neglect and a 67% reduction of behavioural difficulties at age six. After the covering the costs of the programme, the benefits per child are estimated at \$17,180.

Regenerate Projects - *Whiteway, Bath and North East Somerset*

Stephen* was one of the top offenders in Bath and North East Somerset, with a long criminal record. RE:generate's Community Animator met him 10 months ago and heard his concern at the lack of opportunities that had contributed to his leading a life of crime. He was desperate to change, but his peer group were exacting a significant amount of pressure on him to stay.

Taking Responsibility

The Animator built trust with Stephen and those around him and helped him to identify his needs to develop skills and qualifications. Stephen volunteered on local projects and started to develop his own project with others as a diversionary activity from crime. He has achieved Literacy and Numeracy at a level 2 standard and has explored college courses and the application process for Art and Graphic Design. By engaging Stephen and his peers there is clear evidence that show that there has been a 21% reduction in total recorded crimes in the ward in which Stephen and his peers live meaning 233 less victims of crime.

* name changed to protect anonymity

Policy Equality Impact Assessment

		Yes/No	Comments
1.	Will the outcomes from the policy paper affect one group less or more favourably than another on the basis of:		
	<ul style="list-style-type: none"> Race, Ethnic origins (including gypsies and travellers) and Nationality 	No	
	<ul style="list-style-type: none"> Gender 	No	
	<ul style="list-style-type: none"> Age 	No	
	<ul style="list-style-type: none"> Religion, Belief or Culture 	No	
	<ul style="list-style-type: none"> Disability – mental and physical disabilities 	No	
	<ul style="list-style-type: none"> Sexual orientation including lesbian, gay and bisexual people 	No	
2.	Is there any evidence that some groups are affected differently?	No	
3.	Is there a need for external or user consultation?	No	
4.	If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable?	N/a	
5.	Is the impact of the policy/guidance likely to be negative?	No	
6.	If so can the impact be avoided?	N/a	
7.	Are there alternatives to achieving the policy/guidance without the impact?	N/a	
8.	Can we reduce the impact by taking different action?	N/a	

Taking Responsibility

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This paper has been approved for debate by the Federal Conference by the Federal Policy Committee under the terms of Article 5.4 of the Federal Constitution. Within the policy-making procedure of the Liberal Democrats, the Federal Party determines the policy of the Party in those areas which might reasonably be expected to fall within the remit of the federal institutions in the context of a federal United Kingdom. The Party in England, the Scottish Liberal Democrats, the Welsh Liberal Democrats and the Northern Ireland Local Party determine the policy of the Party on all other issues, except that any or all of them may confer this power upon the Federal Party in any specified area or areas. The Party in England has chosen to pass up policy-making to the Federal level. If approved by Conference, this paper will therefore form the policy of the Federal Party on federal issues and the Party in England on English issues. In appropriate policy areas, Scottish, Welsh and Northern Ireland party policy would take precedence.

Many of the policy papers published by the Liberal Democrats imply modifications to existing government public expenditure priorities. We recognise that it may not be possible to achieve all these proposals in the lifetime of one Parliament. We intend to publish a costings programme, setting out our priorities across all policy areas, closer to the next general election.

Working Group on Youth Justice

Note: Membership of the Working Group should not be taken to indicate that every member necessarily agrees with every statement or every proposal in this Paper.

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