

This response is submitted on behalf of the Safer Stockton Partnership, the Community Safety Partnership for the Borough of Stockton-on-Tees, and draws extensively on the responses prepared by Stockton Youth Offending Service and Durham Tees Valley Probation Trust. Only selected consultation questions are addressed.

RESPONSE TO 'BREAKING THE CYCLE: EFFECTIVE PUNISHMENT, REHABILITATION AND SENTENCING OF OFFENDERS

1 INTRODUCTION

The Safer Stockton Partnership (SSP) fully recognises the positive intentions set out in the Green Paper. We support the aspirations of more effective punishment, rehabilitation and sentencing of offenders and the initiatives aimed at protecting the public.

While we have tried to focus our comments on those issues of direct professional relevance to the Probation Service, SSP recognises that the politics of crime are not just concerned with the management of offenders. Supporting victims, public perception and society's expectations make this one of the most sensitive and complex areas of social policy and service delivery. SSP is fully supportive of an objective re-examination of the policies, processes and systems which challenge the rise in the prison population and with it challenge the politics of promoting punishment as the main means of addressing these very complex issues.

SSP fully supports the Government recognition of the importance of rehabilitation and its redefined place in our Criminal Justice system alongside punishment and reparation.

As well as contributing to certain of the consultation questions set out in the Green Paper, SSP feels it important to provide additional brief narrative comment on three areas/themes forming part of the Green Paper.

They are:

- Effectiveness
- Commissioning
- Payment by Results

2 EFFECTIVENESS

Our partners in Durham Tees Valley Probation Trust (DTVPT), have designed, deployed, delivered and evaluated the Citizenship Offender Management System. Combining the management of the sentence (assessment, sentence plan, reviews et al) with supervision (and post release licences), Citizenship works to the principles of:

- A single integrated sentence managed by one Offender Manager
- Intensity of intervention matching the level of resource required to effectively deliver the sentence
- Citizenship as the means/vehicle to deliver it
- A two stage model that drives the Offender Manager to address and stabilise offending behaviour (using methods proven to be effective) at the front end and reduces intensity as the offender and order progresses
- The use, where possible and practical, of Community based (non Probation) resources which supports offender progress and which aids offender reconnection with communities offended against.

3 Citizenship brings the principles of effective (proven to reduce reoffending) practice to significant numbers of offenders, not just those subject to accredited programmes. In 2011-12, not less than 6,000 offenders will be managed using principles of effective practice. The

mechanism by which offenders are assisted by Citizenship to change their behaviour includes links with Community based organisations.

- 4 Results showed a statistically significant difference in reconvictions between offenders supervised when Citizenship was in operation compared to offenders sentenced during prior practice.
- 5 Citizenship evaluation results showed:
 - At '*year one*' the percentage reconvicted, had reduced by 24%.
 - Citizenship was also associated with a longer time to reoffending and significantly lower rates of breach than under prior practice (8% compared with 21%).
 - For '*any point in time*' during Citizenship supervision, the proportion reconvicted was evaluated to be 31% less. This result was maintained when differences in risk were taken into account.
 - The presence of agency contact was associated with a 15-35% reduction in reoffending compared with no agency contact.
- 6 A further randomised controlled trial evaluation of the Citizenship system has been undertaken. Publication of its findings post peer review is pending. The results of this evaluation are similarly promising.
- 7 SSP believes that future policy decisions should take full account of the principles underpinning initiatives such as DTVPT's Citizenship Offender Management system. Further, if the effectiveness aspirations set out in the Green Paper are to be realised, we believe that future policy decisions should take full account of practice proven not to be effective in reducing reoffending.

These include (¹ Sherman, 1998), Boot camps, outward bound type courses and 'scare straight' programmes. Perhaps of most contemporary relevance is that of intensive regimes. These are proven to be no more effective than conventional supervision methods which comply with effectiveness principles. SSP recognises that intensive regimes do have a value in that they are cheaper than custody.

- 8 In summary, there exists an established and growing body of evidence about what is comparatively effective in managing offenders in a way which reduces reoffending and with it promotes rehabilitation. We believe an opportunity has been lost by producing a Green Paper in which some of these ways are recognised only implicitly and are not identified as the 'starting point' for any future initiatives. The Evidence Report does summarise that the evidence of the effectiveness of accredited programmes is well established. However, it is disappointing that other evidence is hardly referred to and given little prominence in the Green Paper.
- 9 The Green Paper makes no reference to evidence based supervision, either internationally for example (² Bonta et al 2010), or nationally (³ McDougall et al). Rather, the Green Paper appears to take into account a narrow, selective and often anecdotal range of evidence linked to the proposals contained.

We believe if the aim of more effective rehabilitation of offenders is to be achieved, any future policy should emphasise the importance of and enable the delivery of methods found to reduce reoffending. These methods are:

- Cognitive Behavioural
- Structural
- (Delivered with) Integrity

- 10 If 44% of offenders have alcohol issues, the Government needs to consider the absence of any funding regime to address this need (by contrast with the Drugs Intervention programme for controlled drugs).

11 COMMISSIONING

The nearest any direct consultation question comes to addressing this issue is question 22. That is linked to payment by results. SSP agrees with the position set out in the Green Paper that the Secretary of State should contract for the delivery of the (majority of) objectives of sentence with a single provider.

- 12 We believe strongly that these objectives will be best achieved through contracts between the Secretary of State and Probation Trusts. Further, we believe strongly that current contracts should be amended to include a requirement on Trusts to ensure they, acting as local commissioners, demonstrably commission services for the delivery of the objectives of sentence from the best provider.

- 13 There are compelling reasons which support this position. They fall under the categories of:

- Risk/threat of system fragmentation and with that, increased costs
- Continuity and development of existing partnership arrangements
- Enable existing arrangements for information sharing around public protection to be maintained
- Maintenance and development of HMG's localism agenda
- Probation experience and capability. This includes established high standards of governance, a tested regulatory framework and strong service delivery.
- A sensible potential 'fit' with any commissioning duties placed on local Police and Crime Commissioners arising from the Police Reform and Social Responsibility Bill.

- 14 SSP therefore supports the positions set out by the Probation Association (PA) and Probation Chiefs Association (PCA) that Probation Trusts should act as local commissioners under Contract to the Secretary of State.

15 PAYMENT BY RESULTS

SSP recognises the complexity of this issue. We support the PA in their view that payment by results should operate through a 'core plus' model. The Secretary of State would pay a guaranteed block sum which ensures trusts can meet central costs and agreed baseline performance against targets, plus 'top up' payments for additional or harder to achieve outcomes and volumes.

In the context of this consultation we are unclear about what 'payment by results' actually means as this is not made clear in the Green Paper. For the purposes of this submission, we are assuming payment by results relates to reduced rates of reoffending. These should be measured on a 'by offender' basis, rather than a 'by offence' basis (and take account of reductions in frequency and gravity) in order to avoid the problems associated with the YJBs current measures, under which 'an offending spree' in another part of the country by a young person formerly under the supervision of our YOS has damaged our apparent performance. However, we also recognise payment by results could include results such as

- Compliance (reduced levels of offender failure to complete the sentence of the Court successfully)
- Sentence completion
- Time to reconviction
- Commission of fewer or less serious offences

If payment by results does mean reduced rates of reoffending, we support that in the context of a 'core plus' regime. However, we have concerns that the Green Paper gives little attention to how results will be evaluated. The importance of proper evaluation in an outcome based performance environment appears not to be recognised. There is also a potentially problematic relationship with payment by results for drug treatment.

- 16 SSP would encourage learning from an earlier Government Crime Reduction Programme (CRP) launched in 1999. Current potential for a range of providers to deliver services would require significant investment in a governance, regulatory and performance framework to enable coordination. The ability to compare like with like and ensuring any changes achieved are attributable to the intervention delivered will be critical. The arrangements for evaluation need to be set out in advance of implementation

In view of the experience of the CRP, weight is added to the argument that the Secretary of State should contract with Probation Trusts as a single provider for the delivery of sentence objectives. Trusts would act as local commissioners of services and could guarantee robust decisions on those providers best able to deliver services.

- 17 If as we anticipate, payment by results is focused on reduced rates of reoffending, we believe the current method of measuring actual against predicted reoffending, which takes account of differences between different kinds of offenders and different Probation areas, is fair and is therefore central to any future arrangements.

Deploying the 'effectiveness' principles supported elsewhere in this submission, we believe it essential that the most resource intensive supervision with higher predictions of reoffending should attract greater/higher payments or rewards. Although an actual versus predicted model takes into account actual reoffending, SSP feels any payment by results should incorporate progress in reducing reoffending or other gradual improvement. Options could include time to reoffence (survival analysis) rather than a yes/no reoffence rate. This could apply to prolific offenders.

We believe sensible measures to 'moderate' payment by results would enable Probation performance to be judged in a way which takes account of the social and economic circumstances of offenders. This would mitigate the risk of Probation being made a scapegoat for elements of failure elsewhere in society and/or other public services.

- 18 SSP believes that any payment by results arrangements must be accompanied by the necessary freedoms and flexibility to deliver services in a way which provides the best chance of achieving outcome results. We therefore believe payment by results must be linked to a reformed, simplified performance framework and the local freedom to configure resources, form partnerships and develop interventions which meet the needs and risks posed by offenders locally.

We strongly urge the most careful testing of any payment by results approach, and the closest involvement of the associations representing Trusts and Chief Officers, as well as Trades Unions.

REFERENCES

¹ Sherman L., Farrington, D.P., Welsh, B., & MacKenzie D. (2002). *Evidence-based crime prevention*. London: Routledge.

² Bonta, J., Bourgon, G., Rugge, T., Scott, T., Yessine, A.K., Gutierrez, L., & Jobina, L. (2010). The Strategic Training Initiative in Community Supervision: Risk-Need-Responsivity in the Real World. Corrections Research User Report 2010-01. Ottawa, ON: Public Safety Canada. Available from <http://www.publicsafety.gc.ca/res/cor/rep/2010-01-rnr-eng.aspx>

³ Pearson., D.A.S., McDougall, C., Kanaan, M., Bowles, R.A., & Torgerson., D.J. (2011). Reducing criminal recidivism: evaluation of Citizenship, an evidence-based probation supervision process. *Journal of Experimental Criminology*, 7 (1), 73-102. DOI: 10.1007/s11292-010-9115-3

SAFER STOCKTON PARTNERSHIP'S RESPONSE TO OTHER KEY QUESTIONS RAISED IN THE GREEN PAPER

Q1. How should we achieve our aims for making prisons places of hard work and discipline?

Substance misuse treatment regimes in prisons are unpaid, and can therefore lose out in competition with paid work programmes. This issue needs to be addressed.

Q2. How should we best use the expertise and innovation of the private and voluntary sectors to help develop the working prison?

We need to find a way to allow the products of prison work to be usefully exploited, for the benefit of prisons and/or associated charities.

Q4. How do we target tough curfew orders to maximise their effectiveness?

Any policy or legislative decisions around extension of maximum curfew hours per day and months per year should be taken with the full understanding of all the potential outcomes. SSP believes changes to curfew arrangements could result in more effective management of offenders on bail and supervision.

However, increasing toughness alone in pursuit of compliance and effectiveness (people abiding by the requirements and reducing the risk of offending) must be accompanied by safeguards around targeting and proportionality. Without this, and a risk based performance framework enabling provider discretion in securing offender compliance and decisions leading to enforcement action, the risk of greater non compliance is not controlled. With that comes the risk of increased pressure on the prison population.

SSP would urge that lessons be sought from Probation Trusts whose non judicial enforcement of post release licences has not resulted in significant increases in recall rates as one feature of any future policy development.

Q5. What are the best ways of making Community Payback rigorous and demanding?

SSP rejects the premise of the question that Community Payback (CP) is not rigorous and demanding. SSP recognises that in the context of punishment and restriction of liberty, CP (nor any other community based sentence) cannot compete with custody. Comparisons are sterile and we believe could have contributed in the context of the wider public confidence agenda, to a misplaced perception that not only is CP not rigorous and demanding, but a misplaced perception that custody is not rigorous and demanding. SSP would support changes to language used when describing all sentences not involving custody. Emphasising the 'conditional liberty' of community sentences might support perceptions which are closer to reality. The more serious the offence and greater the risk, the more conditional and restrictive that liberty would be.

We believe there is scope for changes to current CP delivery arrangements which would emphasise the potential for:

- swifter commencement of CP Order
- a working regime more commensurate with a conventional working week, in particular for unemployed offenders

The cost implications of such changes would need very careful consideration if current levels of CP delivery are to be maintained.

SSP would not support moves to reduce or diminish the 'quality' of CP projects. We would urge great caution in any steps to diminish the link, now well established by Probation Trusts, between CP projects and skills acquisition.

SSP recognises decisions already taken in respect of CP competition. This submission supports our position that there exists, within existing contractual arrangements, the potential for plurality of delivery of CP. Probation Trusts must, in our view, continue to play the key role in managing multiple orders imposed on criminally and socially complex individuals.

Q8. What can central government do to help remove local barriers to implementing an integrated approach to managing offenders?

SSP believes there are few barriers to an integrated (with police, local authorities, third and private sector) approach to managing offenders, as evidenced by the existence of our IOM Team in Stockton, which includes secondees from Cleveland Police, HMP Holme House and Stockton Council. Issues impacting adversely on this tend to coalesce around individual organisation's capability and capacity. However, placing Integrated Offender Management schemes on a statutory footing (similar to YOTs), could remove/reduce barriers which do exist.

Q9. How can we incentivise and support the growth of Integrated Offender Management approaches?

The key to supporting and maintaining an IOM approach is the provision of the most contemporary data possible in respect of:

- offenders whose actual reoffending is proportionately greater than the majority of offenders
- the offences they commit
- the localities in which they commit them
- the difference in the crime related needs of those offenders whose offending is proportionately higher than the majority (what makes reoffenders different)

Probation Trusts, having analysed Cohort 1 – 10 NOMS reoffending data, should have developed this capability. Those who have not should be supported and encouraged to do so.

Analysis of NOMS reoffending data has enabled DTVPT to identify the profile of offenders who pose the risk of reoffending at a greater rate than the overwhelming majority. Such offenders can be nominated for a partnership/IOM approach prior to their reoffending. If aligned with sensible processes to identify actual prolific and other priority offenders, this would enable partners to target greatest resources at those who either commit or who are at risk of committing, the most crime.

Interventions/methods of working with these offenders in Integrated Offender Management (IOM) units should reflect the specific crime related needs driving their behaviour and be commensurate with their level of risk. These interventions should conform with the principles of effective practice set out in this submission.

Q10. How can we ensure that providers from the voluntary and community sector can be equal partners in the delivery of this integrated approach?

DTVPT has evidence of a link between community (and other) sector involvement in offender management and reduced rates of reoffending. Probation Trusts, acting as local commissioners, are the organisations best able to:

- engage in the right level of either directly commissioned interventions or work collaboratively with organisations from these sectors in a way which is mutually beneficial.

Q11. How can we use the pilot drug recovery wings to develop a better continuity of care between custody and the community?

The Government needs to review the relationships between local, regional and national commissioning systems. Under current conditions local activity can be hindered by regional and national decisions.

Q13. How best can we support those in the community with a drug treatment need, using a graduated approach to the level of residential support, including a specific approach for women?

What evidence base will be used to decide the issues around residential support? At present there is no evidence to show that residential rehabilitation is more effective than community treatment options. If custodial sentences are replaced by additional 'resi. rehab', how will the increase in the latter be funded?

Q14. In what ways do female offenders differ from male offenders and how can we ensure that our services reflect these gender differences?

Being responsive to the circumstances of different individuals or groups of offenders is predicated on an understanding of what makes individuals or groups different. Probation Trusts have the capability to analyse OASys data in respect of women offenders and with it the capability to deliver differentiated services.

SSP believes that ensuring services reflect differences in gender is more concerned with local organisational freedoms to design, deliver and evaluate interventions than with further national initiatives to supplement Corston. These should include interventions to increase levels of self-esteem.

DTVPT runs 'women only' reporting at one operational site on a specific day on a weekly basis. Women are enabled to report in an environment which takes account of issues such as child care. Externally supportive agencies and partners from the statutory and voluntary sector attend each week. This enables women offender contact with essential agencies which support the work undertaken by the Trust. While not fully formally evaluated, compliance rates of women offenders have improved. This initiative may also have contributed to the high levels (the highest nationally) of offender satisfaction reported in PTRS Q3.

Q16. What can we do to secure greater commitment from employers in working with us to achieve the outcomes we seek?

British Society faces the unpalatable reality that significant numbers of our fellow citizens are, or are at risk of being, unemployable. The risks to our society of this and the reasons for it are complex. They largely fall outside the remit of the Criminal Justice system.

Some offenders and ex-offenders fall within this category. Significant numbers do not. Specific steps to involve employers in the effective management of offenders might include:

- local guaranteed interview arrangements between willing local employers and offenders who have re-engaged fully in their Community Order or post release licence. Incentives for employers prepared to engage in schemes designed to improve the employment prospects for vulnerable people might be worthy of consideration
- employer subsidies, along the lines of the successful Future Jobs Fund model.

Q22. Do you agree that the best way of commissioning payment by results for community services is to integrate it within a wider contract which includes ensuring the delivery of the sentence?

SSP would refer to our comments in relation to future commissioning arrangements in respect of this question.

Q24. What is the best way of developing the market to ensure a diverse base of providers?

Please refer to the narrative in respect of Commissioning on pages 4-5.

Q25. Do you agree that high risk offenders and those who are less likely to reoffend should be excluded from the payment by results approach?

Please refer to the narrative in respect of Payment by Results on pages 5-8.

Q26. What measurement method provides the best fit with the principles we have set out for payments by results?

Please refer to the narrative in respect of Payment by Results on pages 5-8.

Q27. What is the best option for measuring reoffending and success to support a payment by results approach?

Please refer to the narrative in respect of Payment by Results on pages 5-8.

Q29. What are the key reforms to standards and performance management arrangements that will ensure that prisons and probation have more freedom and professional discretion and are able to focus on delivery of outcomes?

A core element of this submission is concerned with the urgent need for a 'lighter touch' performance and regulatory framework. SSP supports the joint PA and PCA position set out in the document, 'Hitting the Target, Missing the Point'. SSP supports reforms to standards and performance management arrangements (subject to any revised non-negotiable National Standards) which focus on outcomes. Such an approach would encourage innovation and implementation of professional practice aimed at achieving results at the lowest cost. More importantly, it would enable Courts to jettison processes which are repetitive and add no value to, or have no bearing on the results sought.

Q30. What are the key reforms to financial arrangements that will support prisons and probation in delivering outcomes at less cost?

SSP fully supports the position of the PA and PCA, previously set out over a long period of time of:

- The ability for Trusts to carry forward underspent money
- Retain income earned from other sources

In consideration of more efficient working of Trusts, SSP would urge that the efficiency savings identified and now realised as part of the Board to Trust arrangements in 2009 be taken fully into consideration. Providing the freedoms and flexibilities for Trusts to deliver services using methods

which maximise effectiveness should be added to the greater efficiencies achieved to date and sought in the future.

Q32. What are the best ways to simplify the sentencing framework?

Q33. What should be the requirements on the courts to explain the sentence?

Q34. How can we better explain sentencing to the public?

SSP would support any measures designed to place all offenders on a single sentencing framework. We would support any measures which reinstate the sensible and rational use of sentencer discretion. SSP supports the idea of a 'general duty' for courts to explain sentences imposed. We believe strength would be added to this explanation if emphasis or a duty was placed on courts to focus on the intended outcome of any sentence imposed (rather than emphasising its purpose).

Emphasising expected completion dates for interventions, utilising Probation intelligence and information (for example a CP Requirement of 40 hours, delivered at the present minimum of six hours per week, commenced within five days, would require completion within seven weeks) is something we believe is worthy of consideration within this general duty.

SSP is not sighted on any evidence which establishes the relationship between the quality of explanation of sentence to the public or the offender and their greater understanding of it and improved offenders' compliance.

Research into the potential effectiveness of keeping sentenced offenders within the jurisdiction of the court until a Community Order is prepared, served and the sentence explained, may have some merit. This would include consideration of the costs of doing so against any compliance and confidence benefits to arise.

Q42. How should we increase the use of fines and of compensation orders so as to pay back to victims for the harm done to them?

SSP would support any position which placed a duty to order compensation for victims of crime ahead of fines for any offence in which there was an individual, named victim. Any arrangements to enable compensation to be paid promptly, in full, to a victim would have our full support.

The creation of a 'Victims of Crime Compensation' fund could enable that. Offenders ordered to pay compensation would reimburse the fund. Careful analysis of, among other things, the current compensation administrative costs relative to rates of repayment, would be required. Methods proven to be effective in maximising compliance with Compensation Order payment should be deployed.

Q48. How can we simplify the out of court disposal framework for young people?

At the present time, there is little room for professional decision making. The current framework is too rigid and prescriptive. This can result in young people ending up in court for low seriousness offences which could have been dealt with in a different more cost effective way. Charging someone to court is a far more expensive option; particularly if the young person goes on to receive a community order.

Changes to the current system required a three– pronged approach:

1. More professional discretion and flexibility
2. Changes to Police National Recording requirements
3. Coherent cross government approach

Introduce more flexibility into the out of court disposal framework to give professionals more discretion in how to respond to a young person's offending behaviour, and the introduction of YOS into local charging decisions.

For example, increased use of conflict resolution / restorative justice approaches by neighbourhood policing teams, supported by the YOS and targeted children's services, can have far greater benefits to the young person, their victim and wider society. A young person is confronted with the immediate consequences of their behaviour and offered opportunities to repair harm; and victims are offered more opportunities to be engaged and have a voice. Evidence shows that these approaches are far more beneficial in the long term, and have a greater positive impact on the young person's behaviour and the victim. Stockton YOS routinely engages with victims. 81% of victims contacted in 2010 engaged in restorative justice approaches (actual number 108) and feedback is overwhelmingly positive.

This alone won't lead to real change and needs to be accompanied by Changes to the National Crime Recording Standards to allow police to record 'restorative justice' outcomes as detected crimes. This would remove a significant barrier which exists at the present time, would increase local transparency and ensure the real engagement of victims and local communities in the criminal justice system.

A coherent cross government approach is essential. The introduction of the Offences Brought To Justice (OBTJ) performance measurement for Police had a significant impact, a few years ago, upon the criminal justice system by increasing the numbers of young first time entrants. This was at the same time as reducing the numbers of young people becoming first time entrants (FTEs) was also a strategic priority for government, albeit in different government departments. The two policies were simply mutually incompatible and agencies, such as the Police, found themselves 'pulled' in two very different directions. Whilst the subsequent introduction of APACS has mitigated this, it remains the case that a coherent approach across government is essential.

The YOS fully supports proposals that consideration is also being given to increased flexibility in how young people appear in court for the first time. For many, a Referral Order is disproportionate to the seriousness of their offence and does not represent a value for money outcome.

Q49. How can we best use restorative justice approaches to prevent offending by young people and ensure they make amends?

Stockton YOS already utilises restorative justice approaches to prevent further offending and ensures young people make amends, either to the victims or the wider community (where there is no identifiable victim). The YOS abides by the Victim Code of Practice and has a commissioned arrangement with a third sector organisation to support the more specialised victim-offender mediation process.

The YOS is strengthening the restorative nature of the Youth Offender Panel, with more victims being offered opportunities and support to engage with the Panel process. This is increasing levels of victim engagement but more work needs to be done to support this, for those victims who are willing to participate.

It must be recognised that not all victims wish to engage fully / at all with restorative justice processes, for a variety of reasons. Notwithstanding this, all young people at Panel are asked to consider the impact of their behaviour upon their victims / broader community and restorative justice is always considered by volunteers for inclusion in young people's community sentence.

The YOS is keen to strengthen the way in which restorative justice approaches are utilised. The YOS has been delivering The Cycle Project, on an evening and at weekends, as part of the YCAP initiative. The Project is a partnership between the YOS, the Local Authority's targeted youth services, Police and a local cycling shop. Unclaimed bicycles are donated by the Police, young people repair and service the bikes, which are then donated in a number of ways: to victims of bike thefts; to neighbourhood police staff; and the Cycle Africa Project, amongst others.

All other restorative justice activities, including indirect reparation to the broader community, are delivered by the YOS on a one to one basis with the young person by a YOS member of staff. This provides an opportunity to talk to the young people about what they are doing and why, to ensure they understand the restorative nature of what they are doing and why. This approach is more expensive than group delivery but secures better outcomes for the young people themselves and therefore, for the broader community.

The YOS has also been able to support, albeit on a limited basis, the introduction of restorative justice approaches in schools and residential children's homes, thus reducing the need for formal criminal justice interventions when incidents occur whilst also ensuring some conflict resolution / restorative justice takes place. We would fully support a greater roll out of restorative justice approaches across a range of services, including police, and further consideration of its application with adult offenders.

Q50. How can we increase the effective enforcement of youth sentencing?

The YOS works hard to secure compliance with community and custodial sentences. Local consultation with young people has highlighted a number of small practical improvements that could be made in this regard: regular appointments in the same location; paper calendars with appointment times, appointment letters copied to parents and times that don't clash with education / work commitments.

The proposed introduction of 'Compliance Panels' would allow for greater flexibility in how services engage young people. Some young people live chaotic lifestyles and their non-compliance is a reflection of that. Other young people are persistently and wilfully non-compliant and need a different approach entirely. At the present time, the Youth Justice National Standards requires that the same approach be adopted for all young people, regardless of their circumstances. This can result in young people ending up in court in respect of formal breach proceedings on several occasions, when other approaches may have better outcomes. This can also have the impact of diminishing the impact of being in court for some young people.

The Compliance Panel, led by managers, would monitor the decisions by individual practitioners to ensure consistency across the service. They would have to be robust and meaningful. We would propose that Magistrates / District Judges are engaged in Compliance Panels, through linkages with the local Court User Group, in order to maintain credibility and the court's confidence.

The YOS supports proposals to allow breaches for non-compliance with Detention and Training Order Licence conditions, to be dealt with, even when the Order has expired.

Q51. How can we succeed in reducing the need for custodial remand for young people?

Custodial remand rates for Stockton on Tees are low (less than 5%) and in principle, we support proposals to remove the option of custodial remands for young people who are unlikely to receive a custodial sentence. However, we also recognise that some custodial remands are inevitable given offence seriousness and/or where there is a high risk of serious harm to others.

Greater use could be made by Courts and the YOS, where appropriate and consistent with the Bail Act, of imposing bail conditions.

Some young people receive a custodial remand where it has not proved possible to identify a credible and robust alternative which safely manages risk of harm and likelihood of further offending. An integral element of this is stable and / or credible accommodation. Some young people in this situation have problems with their accommodation and have 'exhausted' all the accommodation options in their localities. The development of sub-regional accommodation to support this cohort of young people, acting as a 'half way house' between community and custody, could contribute to reducing custodial remands.

Q52. How do you think we can best incentivise partners to prevent youth offending?

Partners already have incentives to prevent youth offending and there is a risk that national agendas can undermine and de-stabilise progress to date. We will await the outcome of the national pilots into the 'payment by results' models.

Q53. How can we deliver a performance management and inspection regime that achieves our aim to reduce burdens and increase local accountability?

There is the inherent risk that strong progress can be undermined during the transition period from a heavy touch performance management regime to a light touch one, therefore this Service believes that there needs to be a sensible planned approach to any changes. However, there are opportunities to be gained for local partnerships and communities by having more of a focus upon the key outcomes for young people.

The service strongly supports proposals to focus upon fewer outcomes, although would query the benefits of retaining 'first time entrants to the youth justice system' as a performance measurement for the YOS, per se. There needs to be greater clarity around the rationale for this particular performance measurement and what the measurement purports to tell us and local communities. Do they reflect the range and effectiveness of robust early preventative services to divert young people from crime and disorder? Or do they reflect local policing decisions? It is the experience of this service that they reflect the latter.

This is a service that has benefitted from the YOS inspection process, which has been a driver for securing service wide improvements AND improvements in outcomes. There is a risk that if a deficit-model of inspection is adopted, focus and attention will only be paid by national and local stakeholders to those services who are identified as being 'at risk' or 'failing'.

The ability to compare and benchmark performance with other services is essential. This enables services to identify those services from whom learning can be taken and so represents value for money.

Q54. What are some of the ways we might be able to further involve local communities in youth justice?

The Service already engages with local communities through a number of routes:

- Use of community volunteers to deliver the Youth Offender Panel for young people subject to referral Order
- Consultation events with local community partnerships to identify restorative justice activity (where there is no identifiable victim or where victims don't want direct engagement with the young person) and to give feedback following activity
- Participation in the Safer Stockton Partnership's 'Face the People' consultation events with local residents

Increased use of restorative justice approaches, at all stages of the youth justice process, would increase community engagement levels.

Q55. How can the functions of the Youth Justice Board best be delivered by the Ministry of Justice?

An integral strength of the Youth Justice Board is the ability to have a cross government perspective on issues relating to youth justice. It is crucial that the new Unit within the Ministry of Justice retains some ability to adopt a cross government approach to youth justice, rather than a departmental perspective. There is also a risk of loss of expertise and understanding over time. This could be reduced by a policy of staffing the new unit in part by a programme of rolling secondments of practitioners.