

## **Children and Young People Overview & Scrutiny Committee**

**12 October 2011**

### **First-Time Entrants to the Youth Criminal Justice System**

#### **Recommendation**

- (1)** That the Committee considers the strategies being undertaken to reduce the number of first-time entrants to the Youth Justice System

#### **1.0 Introduction**

- 1.1 First-time entrants (FTE) to the youth justice system are defined as those young people resident in a local authority area receiving their first substantive outcome. A substantive outcome relates to a reprimand, a final warning with or without intervention, or a court disposal.
- 1.2 Data for performance reporting of this national indicator has traditionally been taken from youth offending team (YOT) case management systems, but from October 2011 this data will be produced from the police national computer (PNC). FTE reduction will remain a national performance indicator for YOTs and will form part of the 'Payments By Results' funding regime in 2013/14, affecting 25% of funding received from the Ministry of Justice.
- 1.3 Research over many decades demonstrates that delaying young people's entry into the criminal justice system reduces the chances of the young person becoming a persistent offender. Indeed, the Warwickshire Youth Justice Service (WYJS) annual analysis of young people sentenced to custody demonstrates the same thing. In 2010, 3.44% of young people known to WYJS received a custodial sentence, which demonstrated a year-on-year reduction since 2006/7. Each audit shows that all of these young people entered the criminal justice system early and have multiple social, economic and health needs.
- 1.4 In 2006, the WYJS reported to the Local Criminal Justice Board the trend of an increasing number of young people entering the criminal justice system for minor offences. The Courts Service supported these concerns. This trend, observed nationally, was linked to changes in policing practice

to meet the 'offences brought to justice' (OBTJ) target and related to the increased use of out-of-court disposals, leading to an increased court population.

- 1.5 In 2008, the OBTJ target was removed from police performance and the rate of FTEs started to reduce. In order to further reduce the FTE population and to allow the police to re-focus on serious offending, Warwickshire Police and Warwickshire Crown Prosecution Service agreed in 2009, following national pilots, to introduce the use of the youth restorative disposal (YRD) for those young people who would otherwise receive a reprimand for their first offence; allowing victims to engage in decision making with regard to young people offending against them.
- 1.6 As an informal disposal, only possible where both victim and offender agree to engage in the process; the YRD is not included in the FTE indicator. As the use of YRDs increased, the rate of FTEs continued to reduce, reaching an all-time low in 2010/11. Recidivism rates for YRDs is similar to those of pre-court outcomes (approximately 25%), which means young people are being maintained outside the formal youth criminal justice system for longer, reducing the likelihood of them becoming more persistent offenders in the future.
- 1.7 WYJS and Warwickshire Police undertook joint training of staff to fully embed restorative processes into all areas of frontline policing, including the delivery of 'street RJ' (restorative justice). While police carry out street RJ, where there is a level of complexity to the YRD, WYJS practitioners are involved in the delivery of the intervention. However, the ability of WYJS to resource these interventions has been limited during 2011/12 as funding for prevention previously provided to WYJS has been transferred to the Early Intervention Grant, resulting in a funding reduction to WYJS.
- 1.8 Restorative justice processes provide offenders and victims with the opportunity to communicate and agree on how to deal with an offence. The interventions include direct (face-to-face) and indirect processes, including victim-offender mediation and restorative and family group conferencing and reparation. Reparation, whether direct to the victim or indirect to the community, will normally be included in all YRD interventions.
- 1.9 Reduction of FTEs can only be achieved through effective partnership working; by definition, those young people entering the youth criminal justice system for the first time are unknown to WYJS. In previous years, the National Indicator 111 (reduction of FTE) was included in the Warwickshire Local Area Agreement and monitored through the Children and Young People's Plan. However, FTE reduction has not been included in the Warwickshire Community Safety Agreement for 2011/12.
- 1.10 Through the Anti-Social Behaviour Groups and the Common Assessment Framework (CAF), WYJS practitioners act as lead practitioner where young people are deemed at risk through anti-social behaviour, in order to divert the young people from committing offences. WYJS actively work with partners targeting those young people at risk of committing crime.

However, this is becoming increasingly difficult as partner resources diminish or disappear through reductions in funding.

- 1.11 The 'Breaking the Cycle' Green Paper proposes substantial changes to pre-court disposals with conditional/cautioning replacing reprimands and final warnings. All disposals will be expected to include restorative justice.
- 1.12 The new pre-court (or 'out of court') disposals are expected to provide a menu of conditional/cautions that can be issued on more than one occasion if deemed appropriate by the officer in the case, removing the current system of automatic escalation into the court system. The Paper also proposes greater use of restorative justice. However, as formal disposals, these will be included in the calculation of FTEs. Nevertheless, the Paper does appear to acknowledge the need to retain young people on low-level disposals for as long as possible where offending is of a less serious nature.
- 1.13 However, a speech by the Rt. Hon Nick Herbert MP - Minister for Policing & Criminal Justice to the Police Superintendents Association of England & Wales on 14th September 2011 appears to invalidate this proposal, stating after the recent civil unrest:

*"We are also reviewing the effectiveness of out of court disposals, such as cautions and penalty notices for disorder, which have seen a huge expansion, accounting for a third of cases brought to justice. These can be useful tools to deal with low-level offending. But there have been real concerns about how they are being used. If penalties and fines are wrongly used or go unpaid, a mockery is made of justice.*

*For too long, the aim has been to divert offenders from the criminal justice system. Of course we want to divert people away from crime. But once offences are committed, they must be dealt with properly. So we are exploring a role for robust restorative approaches, where offenders make amends to victims, in a new form of 'neighbourhood justice'."*

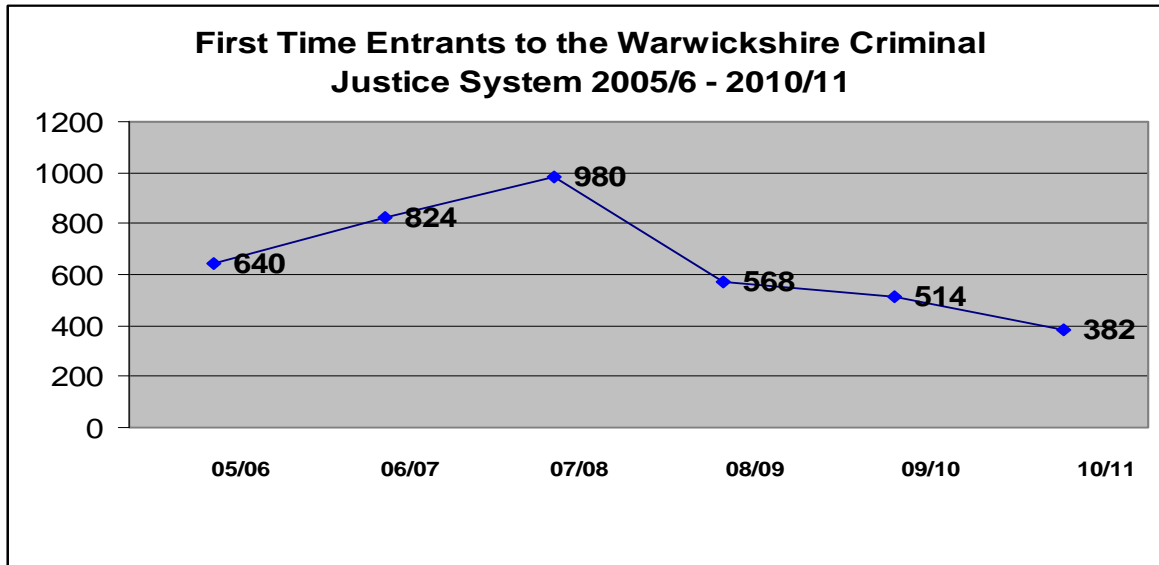
- 1.14 If this new approach is implemented, we will continue to deliver restorative justice interventions but will no doubt see an increase in the number of young people entering the criminal justice system, and therefore an increase in FTEs, together with an escalation through the criminal justice system that may result in an increase in persistent offending.

## **2.0 Warwickshire Performance**

- 2.1 In 2010/11, performance against this indicator was well above the national average with Warwickshire achieving significant progress with a 25.7% reduction in the number of first-time entrants during this period compared to 2009/10. This compares with a 25% reduction for the West Midlands Region, a 21.2% reduction for the WYJS YOT family grouping and a 25.3% reduction nationally.

2.2 Chart 1 below shows the trend data for first-time entrants to the youth criminal justice system in Warwickshire. The downward trend over the last three years is something that is mirrored nationally.

**Chart 1**



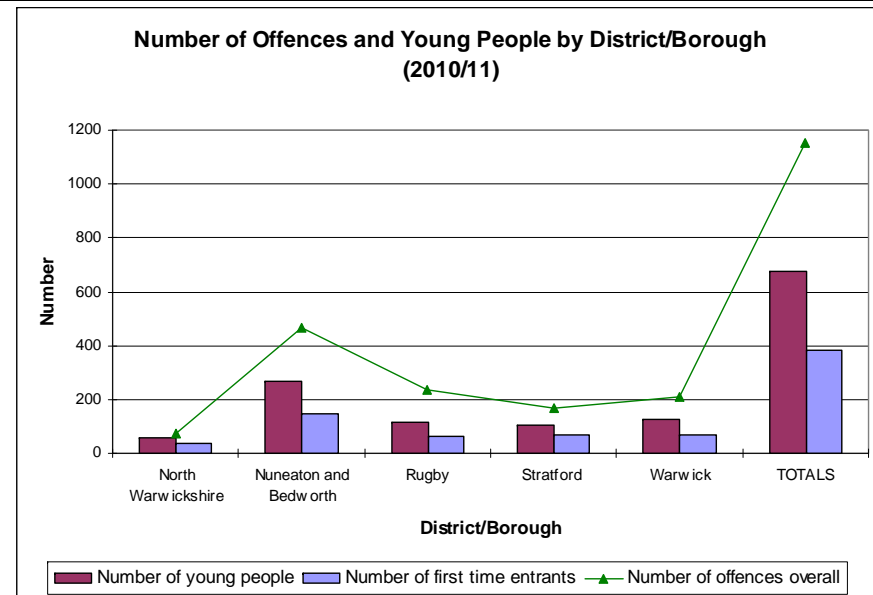
- 2.3 During the first quarter of 2011/12, there were 71 FTEs – a reduction of 32.1% on the same period in 2010/11 and a reduction of 15.5% on the previous quarter.
- 2.4 The use of YRDs continues to increase in Warwickshire as the police and the community gain confidence in its effectiveness. During 2010/11, 232 YRDs were issued, representing 37.8% of all pre-court outcomes. Rugby made the greatest use of YRDs within the county, issuing 70 YRDs in total – 45% of all pre-court disposals and 30% of all YRDs.

**Table 1 & Chart 2 Offences and Young People by District/Borough**

	NORTH WARWICKSHIRE		NUNEATON & BEDWORTH		RUGBY		STRATFORD		WARWICK		TOTALS	
	2010/11	Q1 2011/12	2010/11	Q1 2011/12	2010/11	Q1 2011/12	2010/11	Q1 2011/12	2010/11	Q1 2011/12	2010/11	Q1 2011/12
Number of offences overall	74	19	466	100	236	39	169	18	207	26	1152	202
Number of young people	59	17	268	75	117	22	105	13	125	19	674	146
Number of first time entrants	38	9	146	37	65	11	68	10	68	5	385	72
Percentage of first time entrants	64%	53%	54%	49%	56%	50%	65%	78%	54%	26%	57%	49%

2.5 Table 1 and Chart 2 identify the geographical distribution of young people within the FTE cohort and show that Nuneaton & Bedworth has the highest number of FTEs, representing 51% of the total number.

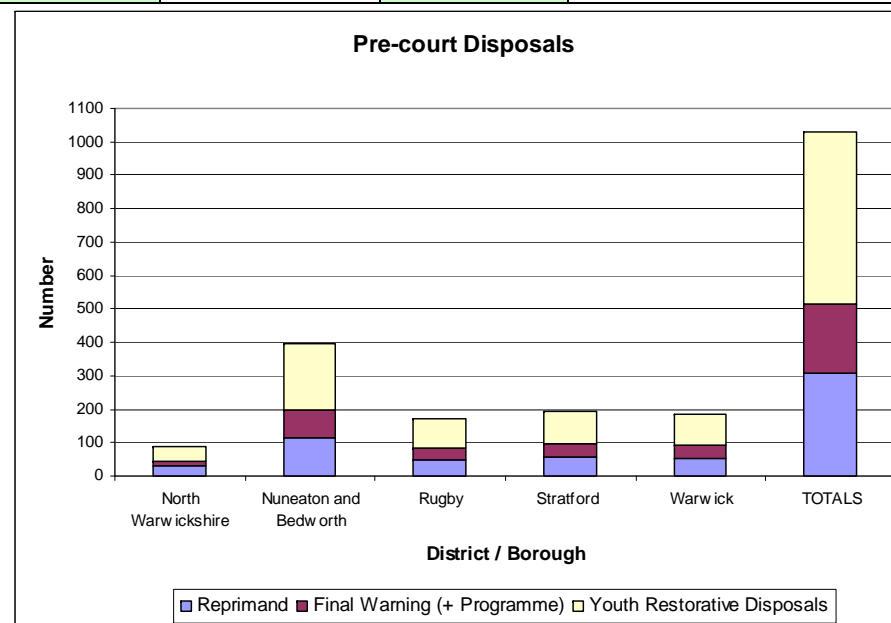
2.6 However, Stratford has the largest percentage of FTE as a proportion of all young people offending in the district (76.9%). In Q1 2011/12, 10 of the 13 young people committing offences in Stratford were FTEs (76.9%).



**Table 2 & Chart 3 Pre-Court Disposals by District/Borough Apr 2010 – Mar 2011**

DISPOSAL	NORTH WARWICKSHIRE	NUNEATON & BEDWORTH	RUGBY	STRATFORD	WARWICK	TOTALS
Reprimand	32	113	48	59	54	306
Final Warning (+ Programme)	11	84	37	38	38	208
<b>TOTALS</b>	<b>43</b>	<b>197</b>	<b>85</b>	<b>97</b>	<b>92</b>	<b>514</b>
Youth Restorative Disposals	17	69	70	41	35	232
Proportion of YRDs as a comparison to other pre court disposals	28%	26%	45%	30%	28%	31%

- 2.7 Nuneaton & Bedworth has the largest number of young people receiving all pre-court disposals within the county (35.7%).
- 2.8 North Warwickshire issues fewer final warning programmes than other areas, representing 25.6% of formal pre-court disposals compared to between 39.2% and 43.5% in other areas.
- 2.9 Rugby has the largest number of YRDs as a proportion of all pre-court disposals (45%).



## Gender and Ethnicity Apr 2010 – Mar 2011

Table 3

Ethnicity	No of FTE	%	No in the general population	%	Proportional difference
White	350	90.44%	48990	92.7%	- 2.3%-
Mixed	17	4.39%	1296	2.5%	1.9%
Asian or Asian British	8	2.07%	1998	3.8%	- 1.7%
Black or Black British	4	1.03%	297	0.6%	0.4
Chinese or Other Ethnic Group	1	0.26%	291	0.6%	- 0.3
Unknown	7	1.81%			
<b>Total</b>	<b>387</b>		<b>52872</b>		

Table 4

Age	Male	Female	Total	%
10 Yrs	2	0	2	0.5%
11 Yrs	9	1	10	2.6%
12 Yrs	12	13	25	6.5%
13 Yrs	22	23	45	11.6%
14 Yrs	41	27	68	17.6%
15 Yrs	45	22	67	17.3%
16 Yrs	60	18	78	20.2%
17 Yrs	77	14	91	23.5%
18 Yrs	1	0	1	0.3%
<b>Total</b>	<b>269</b>	<b>118</b>	<b>387</b>	

2.10 Males represent 69.5% of FTEs, with 83% of these aged 14 years or over. In comparison, 68.6% of females aged 14 years or over were FTE.

2.11 9.6% of FTEs were aged 12 years or under (14 females: 23 males), and 11.6% FTEs were aged 13 years (22 males: 23 females).

2.12 The ethnic composition of the FTE cohort differs slightly from the ethnic mix within the general population of Warwickshire's 10-17 year olds, with those of mixed heritage differing most with a proportional difference of 1.9%. However, it must be noted that the numbers in each of the BME groups is very small and, as such, caution needs to be used in the significance of this difference. Those identified as unknown are those where no contact with WYJS has been made and police notifications to WYJS have not identified the ethnicity of the young person.

2.13 In 2010/11, young offenders accounted for 5.3% of the population of looked after children in Warwickshire, with only 1.97% represented within the FTE cohort.

**Table 5**  
**Offence Types Resulting in First Criminal Disposal Apr 2010 – Mar 2011**

Offence	Number of Offences	% of All Offences
Violence against the person	164	34.38%
Theft and handling	112	23.48%
Criminal damage	52	10.90%
Public order offences	39	8.18%
Motoring offences	30	6.29%
Drug offences	21	4.40%
Domestic burglary	19	3.98%
Vehicle theft	12	2.52%
Sexual offences	9	1.89%
Non domestic burglary	8	1.68%
Robbery	7	1.47%
Racially aggravated offences	2	0.42%
Other	2	0.42%
<b>Total</b>	<b>477</b>	

2.14 387 young people committed 477 offences between April 2010 and March 2011, which resulted in a reprimand, final warning or court disposal.

2.15 Offences committed by FTEs reflect the offences committed across the youth criminal justice system as a whole.

### 3.0 Interventions Offered

3.1 In addition to the core work to address offence-related behaviour and restorative justice processes, a range of interventions are offered to support pre-court disposals, dependent on the assessed needs of the young person. These include:

- Substance misuse programmes
- Parenting programmes and work with the whole family
- Mental health support and treatment
- Work on helping young people engage with education, training and employment
- Interventions to improve lifestyle and reduce the negative effects of peer group pressures



- 3.2 Of those young people who received a YRD, three (20%) offended within the first three months following the YRD being issued and one committed an offence after one year, giving a total recidivism rate of 26.7% after 12 months. This mirrors the recidivism rates after one year for reprimands (19.8%) and final warnings (20%).

## 4.0 Conclusion

- 4.1 While performance against this national indicator continues to be excellent in Warwickshire, a number of factors may influence the ability of WYJS to continue to perform at this level:

- Funding to WYJS from the Ministry of Justice and/or partners will mean that WYJS will need to prioritise supervision of young people on community and custodial orders. Where the reduction of funding is significant, or where WYJS continue to receive little or no Early Intervention Grant, this may reduce the ability of WYJS to work on prevention
- The economic climate may result in further deprivation amongst the population, which research demonstrates will result in increased offending
- The recent civil unrest will mean proposals to provide police officers with more power to issue youth restorative disposals will be removed, resulting in a rapid escalation of young people into the formal criminal justice system and potentially into more persistent offending
- Changes in local policing decisions may reduce the number of youth restorative disposals issued, which will immediately increase the number of FTEs

- 4.2 As stated in the introduction, reduction of FTEs is a target that can only be met by effective partnership working. WYJS will continue to work with the police and other partners to ensure that targeted interventions are delivered to reduce youth offending. Restorative justice will be used to ensure that, where offending does occur, victims are engaged in the intervention planning in order to prevent further offending by the young people.

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