New strategies to address youth offending
The national evaluation of the pilot youth offending teams

Simon Holdaway, Norman Davidson, Jim Dignan, Richard Hammersley, Jean Hine and Peter Marsh

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Simon Holdaway,
Norman Davidson,
Jim Dignan,
Richard Hammersley,
Jean Hine
Peter Marsh
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Introduction

Following the publication of its 1997 White Paper, ‘No More Excuses – A New Approach to Tackling Youth Crime’, and in anticipation of The Crime and Disorder Act 1998, the Home Office established nine pilot, youth offending teams (YOTs). Four of the pilots, Sheffield, Wessex (the Hampshire constabulary area covering the old Hampshire County and the Isle of Wight), West London (the boroughs of Westminster, Kensington and Chelsea and Hammersmith) and Wolverhampton were granted the full powers of youth offending teams and five (Devon, Luton and Bedfordshire, Lewisham, Sunderland and St Helens) were granted a lesser range of powers.

The Crime and Disorder Act 1998, which was the fundamental underpinning of the pilot YOTs, defines new powers and statutory arrangements to deal with young offenders. It placed on statute four new orders of the court, the reparation order, the parenting order, the action plan order, and the child safety order; and a further, new pre-court provision, the final warning, with its related change programme. All these new provisions are delivered by new statutory, multi-agency Youth Offending Teams.

The Act is based on a number of key assumptions about offending by children and young people, and new ways of dealing with it. It has a central objective to prevent offending by children and young people and is concerned with addressing offending behaviour; with early interventions on the basis of risk assessments related to known criminogenic factors; with the systematic use of evidence-based practice; with reparation and, therefore, the needs of victims; and with the promotion of crime prevention measures.

YOTs are required by statute to include seconded staff from the social services, the probation service, the police, the health authority and the education service. They can also supplement their core staff by seconding workers from a wide range of agencies, housing and the youth service for example. Young offenders are referred to YOTs by the courts and, in the case of the final warning, the police. The teams are also given a remit to undertake wider, crime prevention work.

Once selected by the Home Office, YOT steering groups in the areas granted full or partial pilot status had to work very quickly indeed to establish their teams and understand this legal framework. When they started work on the 30 September 1998, three months were available to establish administrative procedures, appoint staff, offer basic training, develop initial practice guidelines, and so on. The variety of policies and practices introduced by the pilots was considerable and, within Home Office guidance, intended to be instructive. Lessons from the pilots could be used to develop new guidance and identify best practice before YOTs were introduced nationwide.

This identification of emergent trends, best practice and other information was not left to chance. Along with the new Act and related policies to deal with youth crime, the first contract of a continuing, large evaluation programme of Home Office policies was awarded. The evaluation, which was carried out by a multi-disciplinary team from three universities, included numerous methods of data collection and analysis for the completion of process and outcome evaluations.1

1 The team was lead by Simon Holdaway, Professor of Sociology at Sheffield University, and included Peter Marsh, Professor of Family and Children Studies, Jim Dignan, Reader in Criminal Justice (both Sheffield University), Richard Hammersley, Professor of Health Studies at Essex University and Norman Davidson, Senior Lecturer in Criminology at Hull University. Jean Hine, who was integral to the whole project, was the research manager and the cost benefit aspects of the evaluation were contracted to KPMG.
This Occasional Paper combines the three reports written by the evaluation team for the Home Office. Very little editing of each report has been undertaken, and for good reason.\footnote{It should be remembered that the reports were written for the Home Office, for YOT managers and their staff. They are therefore oriented towards policy and practice developments rather than the many more empirical and theoretical questions that are implicit within them.} First, the reports reflect the development of the pilot YOTs. Secondly, our work was the first of the considerable programme of evaluation and research the Home Office embarked upon under the policies of the Labour government elected in 1997. One key intention of the evaluation was to feedback findings to policy-makers and others as analysed data became available. This obviously had the benefit of allowing officials to respond very quickly to our findings but it also meant that we were at times evaluating a ‘moving target’. We had to adapt our evaluation design as change became evident and use new methods of data collection to suit new research contexts.

Some insight into the evaluation process will be found in what follows and we hope that it will be of interest to colleagues undertaking similar studies or who are curious about the twists and turns of Home Office policy evaluation. We developed as an integrated research team, which was very rewarding; we worked closely with many people in YOTs, courts, the Home Office and other organisations; and spent many hours discussing our emergent findings and responses to them. The three reports that follow as a single document were written after six, 12 and 24 months work.

Broadly, the first report was concerned with very basic but crucial subjects related to establishing a YOT. The second report deals with the continuing problems of development but places more emphasis on the culture of work that is consonant with the requirements of the Crime and Disorder Act. The final report looks in some detail at the new legal and other provisions used by YOT workers through interviews with a wide range of personnel, offenders and their parents and through case study data, as well as drawing together many more conclusions. There is much more in each report, conveying information about many aspects of YOT work, including relationships with courts, the setting of budgets, strategic planning, and so on.
Establishing a youth offending team

In this first, interim report we document the experience of the pilot YOTs, especially their establishment by steering groups and by YOT managers. It is deliberately succinct. Few details of our empirical work are presented. Some evidence from a survey of staff is presented in Appendix 1, however. The report will be of central interest to those responsible for planning and establishing new YOTs and to YOT managers, their deputies and other team managers with a responsibility for the implementation of the new approach to youth justice.

Evidence-based practice

At many points of this report we comment on the importance of evidence-based practice to the routine work of YOT staff. By ‘evidence-based practice’ we mean work with offenders to reduce offending, the success of which has been demonstrated through rigorous evaluation. Risk assessment instruments are very important here. There is a need to use an assessment instrument appropriate to all disposals, which reaches across a person’s criminal career as well as assessing each stage of it. Systematic risk assessments may be somewhat crude but they are nevertheless based on a more firm foundation of knowledge than other means of assessment. Their use in the evaluation of the work of YOTs will enhance the development of an evidence-based approach to working with young offenders.

The implications of evidence-based practice for the work of YOTs are as follows:

- YOT managers need to be very knowledgeable about practice-based research and ensure that their staff understand and use it
- YOT staff should base their work with offenders on systematic evidence of ‘what works’
- where research evidence to support practice is not available, YOT managers need to be involved in ‘evidence generating’ practice. This means that they need to evaluate systematically the work of their team. Where possible, trained researchers should be employed to provide an objective framework for any evaluation
- whatever the outcome of an evaluation, results should be disseminated within and beyond a YOT. The dissemination of systematic evidence about what does not work is as relevant as that which does work
- evaluation should be a standard feature of professional work. It is better to undertake systematic evaluation of practice than to continue working in ways that seem to meet objectives but with no evidence to support such a contention.

The importance of evidence-based practice needs to be reinforced time and again. It is easy to understand how such a view can appear somewhat threatening to YOT staff, who are used to working in other ways. The requirement is the development of a climate of openness to what does and does not work rather than an emphasis on success and failure. Again, the notion that one’s work is based on good evidence and on best practice is a key feature of a professional approach to youth justice.
Initial planning

Building on pre-existing arrangements

A number of the pilot areas have a history of inter-agency co-operation. Many established joint social services and probation service youth justice teams when youth courts were introduced by the Criminal Justice Act 1991. Some operated caution-plus schemes; some developed reparation work; and some used cautioning panels. Others had been involved in a variety of community safety initiatives. Historical arrangements for inter-agency co-operation can be a solid foundation for the development of YOTs. The benefit is clearly one of building upon existing, good practice.

A reliance on historical arrangements, however, can also stifle creativity and may inhibit the formation of relationships that address precisely the new challenges of the Crime and Disorder Act. It should not be assumed, for example, that previous work to deliver combination orders, which can include elements that address offending behaviour, are based adequately or at all on evidence-based practice. It should not be assumed that caution plus schemes are necessarily adequate to deal with criminogenic factors of relevance to offending. Awareness of the opportunities and limitations offered by the historical, local context is important for the new start that is required of effective YOTs working within the assumptions of the Crime and Disorder Act. The key point is that steering group members need a clear understanding of the aims of the Crime and Disorder Act 1998, its underlying assumptions and the practice-based knowledge relevant to its implementation. A Youth Offending Team should not be a re-labelled Youth Justice Team.

Government guidance

Home Office guidance about the new Act and its provisions has been helpful and detailed but mostly in written format, somewhat lengthy, and unsuited to communication with different audiences. The Youth Justice Board is now also circulating guidance about YOT work. A great deal of relevant information is available and it is time to consider the production of shorter, pithier and more attractive means of communication, which extend the range of communication with steering groups, YOT managers and their staff.

It is appropriate to consider new forms of communication. Audio tapes about policy and other developments, which can be listened to whilst travelling, are used commonly in the private sector. High quality videos are also very valuable. The Home Office and the Youth Justice Board have both invested considerable effort into the use of the World Wide Web but it must be remembered that few YOTs have ready access to the Internet.

There is considerable scope to consider new forms of communication, as well as written guidance. The new news-sheet for YOTs may be a starting point. For this to be successful there will need to be good co-ordination between the Home Office and the Youth Justice Board to avoid a proliferation of similar information from different sources.

The precise audience targeted needs to be the first consideration when communications are produced. This will suggest an appropriate content and format. Documents produced by the Home Office Communications Directorate, such as the pamphlets produced about the Crime and Disorder Act, are of a high quality and have considerable impact. We advise that communications professionals are routinely involved in producing all major communications to YOTs.

Our experience has highlighted that, whilst YOT managers and steering groups have a clear understanding of the philosophy and detail of the new legislation, their communication strategies have not been wholly
effective in conveying key ideas about youth justice to all YOT workers. Engagement in the day to day pressures of work with offenders can make some of the messages seem remote and irrelevant. It is important to remember that communications need to be repeated and reinforced by a variety of mechanisms.

Co-operation across local authority boundaries

The pilot YOTs include examples of a range of organisation in which neighbouring local authorities are working together as a federation. One is a federal structure within a county area, where all constituent local authorities have established a joint steering group. A YOT manager has been employed to manage a single Youth Offending Team that delivers its services from a number of sites across the county. In effect, each sub-unit is a “mini-YOT” working within a close federation. The YOT manager has responsibility for all the sub-units.

Another pilot is based on three individual local authorities that have established a joint steering group. Each of the three authorities, however, has employed its own YOT manager and staff. These separate units have agreed to work together in a virtual, federal structure, with their joint steering group planning the co-ordination of services, sharing good practice, and so on.

There are benefits to working as a unitary YOT. In some areas of the country the volume of work will require such an organisation. However, in many areas it is appropriate to consider organising YOTs on a ‘federal’ basis, particularly in rural areas.

There are advantages in co-operating as a federal unit to develop joint protocols, especially where a federated YOT is served by one court. A federal structure may also allow economies of scale for the delivery of specific services. The purchasing of services and the use of information systems, for example, can be more efficiently organised within a federal structure.

It is important, however, that early steps are taken to ensure that planning is synchronised within a federal structure. It is crucial, for example, for a manager to be appointed in each YOT from the outset. Each participating YOT must establish a steering group with a membership that has the authority to commit real funding. Joint meetings of steering groups within the federation are needed to co-ordinate developments. Some form of a joint committee structure for these arrangements is advantageous.

The steering group

Steering groups in the pilot areas established YOTs in a very short period of time. The positive, initial lesson is that it is possible for representatives from a range of agencies to work together to establish an innovative structure for YOTs. There are some cautionary lessons to be learned from the early experience of the pilot areas, however.

Members of steering groups must be senior managers with the authority to make decisions about the financial contribution of their agency to a YOT. Without the ability to take decisions about budgets, and to commit agency funding, the foundation for strategic planning of YOTs cannot be strengthened.

It is crucial for a steering group to work strategically, which is to say that it identifies clear priorities and targets areas of work for development in the short, medium and long terms. This means that questions about the detail of policy implementation are placed within the province of the YOT manager, retaining the strategic emphasis of the steering group’s work. In particular, initial work about budgets needs to be clearly strategic. Any other approach will be inadequate.
The offending and offender focus of a YOT's work should always be central to a steering group's agenda. Senior managers from social services departments have often taken the lead in initial steering groups and it has sometimes been assumed that social services departments are a YOT's natural home. This is not necessarily the case. There are some good examples of social services leading good work but a sufficiently sharp focus upon reducing offending and evidence-based practice has not been central to the work of many social services departments or their youth justice teams. We suggest that the Chief Executive of a local authority will generally make the most suitable Chair of a steering group, not least because a Chief Executive's work is precisely about strategic planning and management.

There is a need to develop mechanisms during the planning and later phases of a steering group's life, to draw together members of agencies who may not understand the ways in which offending has an impact on their work. Education and health agencies need to be particularly aware of the clear relevance of their work to offending and offenders' lives, and of the centrality of evidence-based practice to their own and to a YOT's work. Effort should be directed continually to strengthen multi-agency working, which is essentially the development of 'joined-up government' at the local level.

Thought also needs to be given to the ways in which the real commitment of all members of a steering group can be harnessed from the outset. Clear mechanisms for decision-making about finance and about strategic direction need to be in place, especially when there are disputes between inter-agency partners. Difficulties about the size of financial contributions, for example, can lead to tension between steering group members and a means of dealing with them should be established. Having a more central role than any other partner, the local authority chief executive is best placed to mediate between the interests of the agencies financing a YOT. In one area, however, the chief constable has acted as a broker for agencies who were thought to be less than committed to YOT development. The chief executive of the local authority has acted in a similar role in another area.

The steering group should ensure that a YOT manager is involved in the selection of staff. Skills in strategic planning and the management of cultural change, and a firm grasp of evidence-based practice in relation to the key assumptions of the Crime and Disorder Act, are fundamental to a YOT manager's work. Continuing training in these aspects of work should be provided for the YOT managers.

Commitment to joint working and to the strategic development of a YOT will be a continuing demand placed upon all steering groups. Members of the initial steering group need to retain the impetus of their work, and their high expectations of their YOT manager. YOTs will need continual support from their steering group. The Group's strategic view about their work must be based on a firm realisation that offending and offenders are a central, abiding area of responsibility, though the emphasis of their task is likely to change over time as the preventive aspects of the Act come more to the fore. The requirements to produce and evaluate annually their Youth Justice Plan, and the probable involvement of steering group members in their local Crime and Disorder audits and Community Safety Strategies can provide a structure and focus for the meetings of the steering group. There will also be a need for more routine meetings about strategic issues in the light, for example, of new national planning arrangements and expenditure reviews.

**Team size**

In general, the evaluation has provided evidence that some YOTs can be too small to justify a management and staff. We outline later the need for a YOT to have at least one sub-manager with responsibility for direct supervision of staff and the possible need for a deputy. This implies a management group of at least two, possibly more, which in turn implies a minimum team size related to the management structure.
The pilot YOTs have different team sizes and structures of governance. These factors have important implications for unit costs, and possibly also for identifying economies of scale.

Protocols

Protocols about key areas of work should be agreed as a priority. Protocols with the courts are especially important in reducing delays and unnecessary confusion. Another key protocol for early development should cover information keeping and sharing between agencies.

Protocols should not simply attempt to describe how existing decisions are made but also seek to establish new spheres of collaboration between agencies and the basis on which these collaborative relationships should be conducted.

YOT managers need to ensure that all protocols are related to their strategic aims and consistent with the aims and objectives of the Crime and Disorder Act. The involvement of team members in their development can enhance team building and cultural change within a YOT. One pilot area has established three practice groups to develop protocols relating to the new court orders. It must be emphasised, however, that protocols are not simply repetitions of previous ways of working. The Crime and Disorder Act is new, requiring a new working culture and new working protocols.

Youth justice plan and audits

The requirement for YOT managers to write and publish a Youth Justice Plan, and to be involved in many other related plans with different time-scales, makes the task of co-ordinating these plans extremely difficult. Future YOTs will be required to produce a Youth Justice Plan based on their local Crime and Disorder Audit and Strategy. Demands for statutory plans at the local level in many areas of relevance to a YOT’s work may cause unnecessary difficulties. The range of requests for ‘joined up government’ at the local level has highlighted an apparent lack of co-ordination at national government level.

More inter-ministerial collaboration is needed to co-ordinate the range of plans requested and their timetables. Reducing the number of plans required at the local level could, for example, enable the combination of aspects of plans for health and education and youth justice work, which are clearly related but have not been included adequately in many, present plans of YOT partner agencies. Changes in managerial culture would be enhanced by this more co-ordinated approach.

The local authority Chief Executive has a key role to play in the co-ordination of audits. The Chief Executive should be able to co-ordinate plans directly, ensure a tight linkage between plans, and keep elected members informed about their rationale and detail. The fact that the Chief Executive does not have managerial responsibility over some partners should not detract from these tasks. The key issue is the authority to co-ordinate what may be called ‘joined up service delivery’ at the local level.

YOT managers should view the production of plans as a priority. They should draw on data gathered routinely for strategic management purposes. Data from routine audits of work (including, for example, information about school exclusions or the health needs of young offenders) will provide the evidence necessary to justify and secure links between agencies and their plans, and lead to direct links with local education and health planners. The Crime and Disorder Audit is a key ingredient in informing multi-agency negotiations, and should provide more objective data on which decisions can be made. This should help to reduce disputes and contribute to the development of evidence-led policy.
Staffing and staff development

Staff recruitment

Existing Youth Justice Teams in the pilot areas ceased to exist when their pilot status was granted. This raised the question of the deployment of youth justice staff and whether or not they should transfer to a new YOT. In some areas, existing staff were asked if they wished to volunteer to work in the YOT, in others there was some kind of selection process, and in others there was effectively a wholesale transfer of workers without choice or selection. Police officers in teams have been selected and seconded, probation staff have generally volunteered for the new teams.

Health and Education staff secondments have been more problematic. In some pilot YOTs a question remains about whether or not the right staff members have been seconded, both in terms of skills and of their role within their parent agency. Many of these appointments have been part-time, some for as little as one day a week. It has been difficult for part-time staff to feel they are full team members and equally difficult for full-time YOT members to establish strong working relationships with them. Part-time appointments to YOTs are somewhat unsatisfactory (and probably unworkable if less than half-time in one location). They need a very great deal of co-ordination and commitment from both the individual staff member and the rest of the team if they are to be effective.

We advise strongly that all YOT members are selected for their specific contribution to identified YOT tasks. It cannot be assumed that the wholesale transfer of youth justice teams, or any other staff, is sufficient to provide the correct mix of staff skills and knowledge. Selection should be based on demonstrated knowledge and skills, including knowledge about and commitment to the founding principles of the Crime and Disorder Act, and to evidence-based practice. People who are appointed to a YOT for fixed periods need to have job security in their host organisation. Recruited youth justice workers, for example, may harbour a view that, if they do not wish to continue working in a YOT, they risk losing all job security because their former post no longer exists.

We have found high levels of work satisfaction amongst all YOT staff, which suggests that the wholesale transfer of youth justice workers into YOTs is an option, but not one that we would recommend, however. Whilst our survey found that most people liked working in a YOT, and enjoyed working with a diverse mix of staff, we also found a worrying minority who were extremely unhappy, to the point that we wonder how and why they were appointed. There is some evidence from the staff survey that individuals who had some measure of choice in their membership of their YOT have more positive views about their work than those seconded without consultation.

Transferred youth justice staff are in the most difficult position when they transfer to a YOT, practically and philosophically. Some youth justice staff decry the Crime and Disorder Act as a challenge to their understanding of professional practice, unhappy about their new accountability for offending behaviour that it implies. Others take a view that the Act is a challenge to their view that ‘the welfare of the child’ is of primary concern and unrelated to a child’s offending behaviour.

A rather different point is that, as the only staff members with the training to write formal reports and to supervise action plans and other orders, it is possible for former youth justice workers to carry a heavier or more intensive case load than their colleagues, who are newer members of the team. The pressure of their workload means that they do not have adequate time to develop new skills or participate in new areas of work.
YOT managers therefore need to be sensitive to the particular difficulties former youth justice staff can face but our view is that they are solvable, both in the short and medium terms. They should consider the provision of additional support and appropriate training, and develop effective ways of stressing the principles of the Crime and Disorder Act within the work of the whole team.

**Terms and conditions of employment**

YOT teams are unusual because individual staff from different agencies have distinct terms and conditions of employment. They receive different levels of pay for similar work, and some have longer periods of leave than others. This situation could lead to feelings of injustice amongst team members. One problem that has so far proved intractable in several areas is the additional holiday entitlement enjoyed by education staff. This places an additional burden on other YOT members and appears to be a cause of some resentment. The existence of different terms and conditions is a potential management problem and YOT managers need to be aware of it.

**Mix of staff skills within teams**

The careful monitoring of a YOT’s work, and how local plans are inter-linked by evidence from such monitoring, is of direct relevance to determining the mix of staff skills needed within a YOT. An imaginative approach to staffing is needed, and it is likely that the appropriate mix of staff skills required cannot be established without some trial and error. Short-term secondments of staff from their agencies rather than permanent appointments can provide the flexibility to meet a range of needs and an ability to respond adequately to changing circumstances. For instance, staff are currently seconded to pilot YOTs from housing, community safety and youth services. There is also an opportunity to employ staff to work on drugs problems and on employment problems through the New Deal policy. The key point is that all staff should be focused upon the assumptions of the Crime and Disorder Act, be familiar with evidence-based practice, and committed to responding to locally identified needs.

We fully expected significant problems to be related to the new staff mix found in YOTs and that staff from different backgrounds would express different concerns and problems. It is pleasing to report the evidence from our staff survey suggested that concerns were equally present among all staff and that, in general, they liked working with one another.

The range of skills needed within a YOT is directly relevant to the type of work undertaken. In theory, a YOT could range on a continuum that is at the one extreme a case management agency, where services for offenders are commissioned and contracted from external sources. At the other extreme is an agency that directly delivers all the disposals and involves no other agency in its work. In reality no YOT is likely to develop at either extreme, and it is likely that most will want to involve other agencies in service delivery to some extent. Decisions made in relation to the contracting out of services will have implications for the skill mix of staff, which will best serve the needs of the YOT.

**Developing skills within the team**

Fieldwork staff in the pilots told us that they would appreciate the completion of an in-house skills audit. We agree. Where these have been undertaken in the pilot YOTs they have been valuable, demonstrating the range of available staff talent and experience. Such an audit can lead to a greater sharing of work and the personal development of colleagues. Skills developed, however, must be aligned with a YOT’s strategic plans, and they should be demonstrable. Crucially, the recognition and development of professional skills should be
related to a staff development plan for the whole YOT and to the positive appraisal of staff. Evidence-based practice must be central here. It cannot be assumed, however, that staff are indeed working within such a framework. In all YOTs there is a clear necessity for training in evidence-based practice, which will create and sustain a culture of work suited to the objectives of the Crime and Disorder Act.

A number of YOTs have employed practice managers who are working within a model of casework supervision transferred directly from social services. This gives higher priority to problems raised by staff and less priority to goal setting and review. The approach is one that puts an emphasis on personal growth, in part achievable through supervisory discussion.

This is a model of supervision that has been used widely but its merits and disadvantages should be considered carefully before it is employed. The limited evidence about its effectiveness within social services supervision suggests that is has some merit, notably the favour it gains with staff. Supervision, however, is usually not strongly connected with a control of work quality, or with achieving change in practice, which are a high priority for new YOTs. We will return to this question in our discussion about the management needs of YOTs.

**Training**

Fieldwork staff had generally received little training prior to beginning work in their YOT. Most said they had some basic training, more usually concerned with information about the new legislation and disposals than new work cultures and team building.

The evidence from the pilots was clear. Fieldwork staff want more specific, YOT related training. This more focussed training is a vital feature of cultural change, contributing relevant knowledge, skills and attitudes, perhaps able to generate greater staff commitment to the new Act and a new YOT. Training was the most commonly mentioned need that staff expressed in our survey. Staff who had received at least three days of training tended to feel satisfied with it but most had received much less. Specific training about aspects of work within the framework of the Crime and Disorder Act is required.

**Relationships between staff from different agencies**

The message from our questionnaire data is that working relationships within teams are generally satisfactory. Our experience of some focus group sessions, however, has been one of finding latent and, occasionally, open tension between particular team members. Where it existed, tension was found mainly between former youth justice workers and other staff. In particular, the older staff members were carrying an established, heavy caseload and, in these older workers' terms, innovative work was the province of new, less experienced team members.

Staff roles need to be clarified. In some of our focus group sessions, staff stated clearly that colleagues were not working closely together and did not know what each other were doing day by day. Development plans to secure a team understanding and pattern of work are required. The wider remit of a YOT manager, however, is to foster skills and knowledge amongst staff, enabling them to become, as one manager put it, 'boundary-crossers'.

It is important that one discipline within the staff group does not dominate the practice of the whole team. Team building is crucial and should be undertaken from the outset. Pilot YOT managers stress this is an ongoing need and future YOT managers need to give it careful attention.
Team building for its own sake, however, is inadequate. This work should be very specific, related to the underlying requirements of the Crime and Disorder Act, and particularly to the use of early interventions to reduce offending and to evidence-based practice. Throughout, the aim is to provide a setting of work that moves away from the culture of minimum intervention, reminiscent of juvenile justice teams, to early intervention based on best practice. Cultural change is difficult and needs sustained action through management, training and other interventions. YOTs have an opportunity to create a new culture of working with offenders and the underpinning of a strong basis of research evidence on which to develop it.

**Administrative staff**

Adequate planning for and the induction of administrative staff is essential. The management of administrative staff is also a priority to ensure the efficiency of YOT work. Staff transferred from social services, for example, may not be familiar with the time limits placed on the delivery of reports to the court and the wider processing of cases. When faced with this new speed of work, they may feel aggrieved and, in some areas, complain to their line-managers, who are not always located within the YOT.

In the light of the fact that there is a new style and content of administrative work needed in YOTs, it does not appear appropriate that there is wholesale transfer of existing social services administrative staff, but this is the model that was most commonly found in the pilots. Future YOTs would be well advised to consider the skills mix needed and to consider how far existing staff can provide it. The case for secondment from a number of partner agencies, alongside some buying in of administrative services, is strong.

It is crucial for all administrative staff to be managed by the YOT manager and not by the agency from which they are seconded. Further, it is important for administrative staff to be regarded as integral members of YOT teams. The experience of pilot YOTs is that, without this engagement, the quality of administrative service available to them can be reduced greatly. Clearly, the extent to which administrative staff feel integrated into a YOT is also related to the administrative and IT systems available to them. Thought needs to be given to administrative and support issues at an early stage in the planning of the team. It is also important that administrative staff are included in team training.

**Resources**

**Premises**

Pilot YOTs are housed in a variety of accommodation. Some work in different parts of a single building; others in cramped conditions within a single office; and others are working from a number of sites. During focus group sessions, staff mentioned the importance of good accommodation, and responses to the staff survey have highlighted questions about the kind of space needed for a YOT to work effectively. It has often been the case that the availability of accommodation has been given greater consideration than its suitability. The needs of the YOT should dictate the nature of the accommodation. Factors to take into consideration include location, size and layout.

**Location:** It is important that the YOT office is located in a place that is easily accessible to young offenders.

**Size:** It is beneficial for all members of YOTs to be housed in a single building and, ideally, within one large office. This facilitates communication between team members and a sense of team identity. Team building is enhanced and opportunities to create a new culture of work are multiplied.
Staff survey responses also highlighted a need for appropriate places to work directly with young offenders, both on a one-to-one basis and at the group level. This requires access to large, properly equipped rooms and also to small rooms appropriate for confidential conversations.

**Budget**

During interviews with pilot managers it became very clear that decisions about how their YOT budget had been agreed was a matter of difficulty and considerable concern. There is a range of choice for the organisation of a budget, from shared ‘notional’ contributions, mostly in terms of personnel or in kind, to the first tentative steps in the direction of a pooled budget and then a wholly pooled budget according to clear criteria. A process of moving to an agreed formula for budgetary contributions is possible, so long as it is over an agreed period of time and with a clear commitment to the determination of an agreed formula. It may be advantageous to consider YOT budgets over a two year rolling cycle.

A key difficulty to overcome is contributing agencies perceiving the YOT to be a drain on their resources, without return. It is obviously important that they view the YOT as providing services of relevance to their remit. For example, providing healthcare to young offenders who take drugs is a contribution to both the general health of the nation and to the reduction of offending. Dealing effectively with school exclusions is of relevance to the management of schools and to the reduction of offending.

Engagement in a budgetary process allows partners to justify their expenditure on the basis of the evidence of their contribution to the work of their YOT, and to prepare to make their contribution year on year. It is not possible for us to recommend a budgetary formula for YOT areas, except to say that all agencies should be contributing to a pooled budget and that more than staff costs and other contributions in kind are required for an effective service to be established.

Although steering groups have made agreements about initial budgets, subsequent, key decisions about the basis of funding have not been made in many pilot areas. In some areas, Health and Education authorities have not seen the immediate relevance of their generic work to that of YOTs and have limited their contribution accordingly. Where work is being undertaken to document the health needs of offenders, and their relationship to truancy, exclusions and offending it can be expected that the case for full health, education and probation YOT funding will be accepted increasingly.

There is a need for an impartial party to hold the ring when agencies are deciding the budgetary contribution they should make to a YOT. As previously described, our view is that the local authority Chief Executive is the best person to chair and finally arbitrate in such discussions. A Chief Executive’s job is precisely to facilitate inter-agency and departmental work, free from the interests which, say, a social services manager would bring to the committee table.

Further, we consider it is appropriate and desirable for a YOT manager to hold a budget that includes more than essential service purchasing and staff running costs. An adequate and directly accessible pool of funding should be provided to resource innovative work, equipment and other important aspects of a YOT’s work. A balance has to be struck between one-off Home Office and Youth Justice Board monies and a core budget.
IT resources

Our report to the Youth Justice Board\(^3\) about the information needs of youth offending teams presented a model of the inter-related factors that affect the availability of quality information. It must be remembered that the extent to which IT resources are available to YOTs is varied and, even where computers are readily available for staff, it cannot be assumed that YOTs are being developed within a culture of IT use. We recommended that the Board give advice to YOT managers about key issues in developing information systems.

Good strategic management requires the routine collection and analysis of data to monitor and evaluate the work of the YOT. This is a managerial task. The IT system used must be able to respond easily to changing information needs.

We have stressed the need for evidence-based practice as fundamental to work in a YOT. Without the systematic collection of information about the inputs, processes and outcomes of a YOT’s work, it will not be possible to determine ‘what works’ to prevent youth offending. Ready access to good information systems, which support the operational needs of staff, will enhance a new professionalism based on an evidence-based approach to service delivery.

The achievement of these objectives will require that all staff have access to IT equipment and training. Importantly, it is crucial for the IT system to be designed as the IT base for the whole operation of the YOT.

Accountabilities

Line management

Multi-agency YOTs can be a local example of ‘joined up government’. Joined-up government, however, can lead to confused lines of accountability for YOT managers and their teams.

In some cases, YOT managers feel accountable to their social service assistant director, to the Chief Executive and to their steering group more generally. Elected members also play a role of oversight in certain YOT areas. This rather cumbersome pattern of accountability has led some YOT managers to be less than clear about to whom they are accountable. A single, clear line of accountability is required, preferably to the Chair of the steering group.

YOT sub-managers, seconded from social services and probation, for example, are accountable to both the YOT manager and their home agency. Some have found themselves required to undertake work in their home agency, despite having a full-time appointment in the YOT. Part-time fieldworkers, notably from health and education, have also found themselves accountable to their home agency managers. As mentioned previously, in some YOTs, administrative staff have been managed directly by another section of the local authority, not by the YOT manager.

Such arrangements make YOT management difficult. All YOT staff should be under the direct management of the YOT manager. Links with home agencies are important to keep informed about and apace with agency policy and practice developments. It is important, however, for YOT staff to be free from the demands of their parent agency.

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A real test of accountability will arise when a YOT member who is not employed by social services makes an error and is brought to account. Our view is that the YOT manager, with a single line of accountability to the Chair of the steering group, is best placed to deal with such cases. We are aware that this may well require substantial shifts in current practice, where responsibility for disciplinary matters tends to be retained wholly by the home agency. If this situation is retained, the YOT manager must be involved if staff problems arise. To assist this difficult matter, YOT managers would benefit from the development of clear relationships with key, local personnel, the local Chief Superintendent, for example.

**Strategic management**

Co-ordination and communication are critical in times of change. Whatever management structure is developed it needs to be able to facilitate speedy and direct communication with all YOT members.

The post of YOT manager is fundamentally concerned with strategic planning, which means the use of data to plan policy development and service delivery, and maintaining good relationships between the YOT and other local services. The post should not be concerned with the day to day management of staff, except in exceptional circumstances. A key aspect of this strategic role is the advocacy of policy. Health Service managers, education department officials and others in agencies working in areas allied to a YOT need to be informed and convinced about the ways in which offending has an impact upon their own work. The courts also need to be involved with YOTs from an early point, to enable a mutual agreement about how they will relate to each other and to appreciate the impact of sentencing on YOT workloads. YOT managers must be ready for such work.

There is a need for someone to be able to deputise for the YOT manager when important meetings clash, or during absences of various sorts. A deputy manager could fulfil this role in the largest teams. Sub-managers with predominantly practice skills could undertake the task but might well need additional training to do so satisfactorily.

Many references to the culture of YOTs have been made in this report. The importance of establishing a working culture based on the premises of the Crime and Disorder Act is stressed again as a vital task for the YOT manager and other members of the management team. This requires determination, vision and a clear grasp of evidence-based practice, which we recommend as a priority for continuing YOT manager training.

**Operational management**

Experience has varied but some pilot YOT managers have found it difficult to free themselves from day to day operational management and focus their work on strategic planning. This has delayed cultural change and not allowed the manager to settle quickly into a strategic role that is recognised by YOT staff from the outset. It is therefore necessary for at least one post of practice manager to be established within every YOT.

It is useful to identify the different aspects of operational management:

- line management of staff work on a day to day basis
- development of staff skills
- appraisal of staff performance and training needs
- professional and personal support
- team building
- the development of practice.
YOT managers need to think carefully about how these functions can best be delivered within the framework of their YOT. Throughout this report we have stressed the new context of work with young offenders which the Crime and Disorder Act has created. There is a need for YOTs to ensure that the management they are offering is focused on cultural change, on the principles of the Act and on evidence-based practice.

The traditional social services model of team management and individual staff supervision was developed to deliver professional and personal support, together with other elements of operational management at an individual level. New YOTs should explore critically the social service model of supervision and therefore consider whether or not this is the appropriate model to use. In a single occupational culture with a shared professional base, a lot can be done in individual supervision. Team meetings can play a supplementary role of information giving, work allocation and dealing with perceived unfairness. It is unlikely that this model will be as effective in a mixed occupational structure, however, where individuals have different professional bases for their work. A shared approach cannot be developed if the focus on supervision is wholly on individuals.

Service delivery

Working with courts

Much of the work of YOTs is determined by the ways in which magistrates request reports and sentence convicted offenders. Court clerks often influence magistrates’ decisions significantly. The demands the courts have placed upon pilot YOTs are in some cases considerable and occasionally questionable. The demand to deal with young offenders quickly has prompted some courts to request routinely full reports, including information about all sentencing options. This view is at odds with the requirement of the Crime and Disorder Act for specific and limited reports to be provided when the court is contemplating a sentence.

The experience of the pilot YOT managers suggests improvements can be obtained by discussion of the new reports with court clerks and magistrates, and by agreeing protocols. In some areas, clerks have not been involved in YOT planning and it is noticeable that some YOT managers have highlighted apparently ambiguous reasoning and practices that have entered into the administration of the new legal provisions. This indicates that some clerks may not be sufficiently familiar with the principles and practice of the Act, nor sufficiently linked into their local YOTs.

Relationships with the courts are especially important for YOT staff and a matter to which attention must be given. Full pre-sentence reports, including proposals for a number of existing and new legal provisions, have been requested routinely by some courts, although the Act recommends requesting one of the new types of report. In other court areas it has been assumed that a report is required if a reparation order is not to be made. The burden of this report writing is too great and may be unnecessary. It has led to a significant increase of work in some YOTs and does not reflect the intention of the Crime and Disorder Act. Figures are not available but there is general agreement among the pilot YOT managers that the number of PSRs written has increased significantly in both the full and the partial YOTs.

YOT managers need to spend a considerable time explaining their work to magistrates and negotiating with court clerks. In the pilot YOTs, close co-operation between managers and court clerks has enabled the smooth introduction of the new requirements. Where court clerks are a member of the steering group this has encouraged the co-ordination of developments and proved beneficial for planning. Fieldwork staff also need to have contact with the magistracy, to gain credibility for their work and to influence sentencing. They stressed this point as a priority during focus group sessions.
Organisation of work within YOTs

There are two key, related questions about the organisation of work which have emerged from the experience of the pilot YOTs: Who does what within the team? How much of the work should be undertaken by members of the team and how much should be contracted to outside agencies?

The initial organisation of pilot YOTs has been constrained by previous functional responsibilities, skills and abilities. Broadly, social services staff (ex-youth justice workers) are dealing with action plan orders, continuing community supervision orders, the supervision of offenders during and after custody and writing pre-sentence reports. Reparation orders are being dealt with by specialist staff in some pilot YOTs and by the police in others. One pilot YOT is commissioning outside voluntary agencies to deliver reparative activities. Final warnings (but not assessments for them) are administered by the police, with change programmes sometimes being delivered by voluntary agencies. This arrangement cannot change until staff develop new, appropriate skills.

At the same time, the pilot YOTs are also weighing the advantages of equipping all staff to undertake all aspects of work and developing a ‘generic’ team, or retaining some specialist work within the generic team. The spirit of the Crime and Disorder Act is indicative of a multi-agency approach to the delivery of services, which suggests retaining the ethos of home agencies and some specialisation. It is important to review the provision of continuing work in the light of the new legislative framework. Further, with regard to possible damage to staff morale, it is appropriate to review working arrangements within a YOT during its first year of operation.

There are several examples within the pilot YOTs of specific areas of work being contracted out to a specialist agency. For example, the delivery of parenting programmes and mediation work with victims. This approach offers some advantages to YOT managers, particularly in the provision of low volume services and financial savings. There are costs associated with this model, however. If a YOT decides to commission a large amount of work from outside its organisation, the extent to which its staff are able to gain skills and experience in such work is limited. An emphasis on contracting work requires good staff skills in case and contract management. However, the benefits of such commissioning may be greater and, for example, time is made available in-house for imaginative crime prevention approaches.

New work

It is critical for managers and deputy managers of YOTs to develop a team culture specifically related to the Crime and Disorder Act approach to dealing with young offenders, as opposed to the mechanics of delivering the new orders.

Much of the work which YOTs are required to perform under the Crime and Disorder Act is new, as is the way they are intended to perform it. For example, the victim focus is completely new, introducing elements of a restorative justice philosophy that requires a radically different way of responding to offending behaviour. There is a danger, however, that a formulaic approach to reparation, which rather like offering a token, could become commonplace. Imaginative and creative forms of reparation will not be developed from such a stance. It is important for all YOT members to be aware of, and adapt to, the significant change of philosophy contained in the Crime and Disorder Act.
Likewise, the action plan order is significantly different from the old community supervision order and the way it is delivered requires a very different approach. One temptation that needs to be firmly and constantly resisted is to view the new orders as functional equivalents of their predecessors.

The final warning scheme presents a somewhat different problem since this is seen as very much the province of the police, having a negligible impact on the ways in which many staff undertake their work. This is a mistaken view because the principles of early intervention and offender accountability on which it is based are central to the Act and to the YOTs. In sum, there is a need for YOTs and their managers to be innovative, and actively concerned with changing the culture of youth justice work.

**Crime prevention**

Diverting children and young people away from crime is central to the Crime and Disorder Act, and it is anticipated that YOTs will work in a variety of ways to achieve this aim. This will include a range of work, from delivering orders on individual offenders to prevent further offending, to working with groups of young people who demonstrate factors known to be associated with a high risk of offending.

Full pilot areas have so far expended most effort in establishing the statutory orders and the final warning scheme. A consequence of the demands of being a full pilot is that they have had a very limited time to develop preventive work. In some partial YOT areas, however, innovative crime prevention work has been undertaken. Work involving the fire service, housing departments, the employment service, youth workers and local police has been developed. It is important for all YOT managers to remember their key role in crime prevention.

**Conclusion**

There are many opportunities for YOTs to develop innovative work; to create a new culture embracing inter-agency work; and develop on the basis of systematically gathered evidence. Pilot YOTs are already working within this framework and we will be evaluating and reporting about their continuing work in subsequent reports.
Youth offending teams one year on

Introduction

This second report describes the continuing development of the pilot youth offending teams (YOTs). Our first report was concerned with the process of establishing a YOT and we will revisit some aspects of that subject. We will also comment on further aspects of the work of the pilot YOTs, in particular the role of operational managers; the relationship of pilot YOTs to the courts; the views of justices’ clerks; and the ways in which the new court orders and the final warning are being developed.

The framework of ideas for a YOT’s work is found primarily in the Crime and Disorder Act 1998. This same framework, together with Home Office guidance, has been the benchmark for our evaluation. A central objective of the Act and guidance is to prevent offending by young people. It is concerned with addressing offending behaviour; with early interventions on the basis of risk assessments related to known criminogenic factors; with the systematic use of evidence-based practice; with reparation and, therefore, the needs of victims; and with the promotion of crime prevention measures. Our first report emphasised the centrality of these ideas, which are based on a number of key assumptions about the nature of offending by young people and new ways of dealing with young offenders.

To monitor the development of YOTs we have conducted a series of interviews with pilot YOT managers and with practice managers; with justices’ clerks and the chairs of Youth Panels; and with YOT staff who have been particularly concerned with the delivery of each of the new orders and the final warning. Statistical data about the new orders, the results of an activity analysis and other subjects have also been analysed. (See Appendix 2).

Strategic development

Steering groups

From the outset, it has been stressed that a YOT manager’s work is primarily strategic. Consequentially, the work of a steering group, which oversees a YOT, is to ensure that youth offending policy and practice engages with the strategic plans of all partner agencies – health, education, social services, and so on.

A YOT steering group is a committee chaired by a local authority chief executive, perhaps in turns with the chief constable. It will have a membership of the YOT manager and the chief officers of all partner agencies. Here, account should be taken of the ways in which youth offending has an impact on each agency’s work and how policies must, in the current terminology, be ‘joined up’ with those of partner agencies. For example, youth offending cannot be addressed without considering policies about school exclusions, the province of the education authority, which may then raise questions about drug use by truants, moving to the realm of health policy. Only strategic, ‘joined up policy and practice’ is adequate to deal with such problems.

Without this committee structure, the crucial, strategic role of a YOT steering group risks being seen as the partial interest of one agency and the continuing perception that youth offending policy and practice is the
responsibility of social services, which it is not. The local authority is seen to be playing a less than full, corporate role in the prevention and reduction of youth offending.

The ideal situation is for the chief executive, possibly in turn with the chief constable, to be the chair of a steering group with a membership of heads of services. Where that is not considered feasible, a deputy or assistant chief executive might be the chair. An ability to bring the corporate, strategic stance of the chief executive's role is the crucial factor, together with the ability to commit budgetary resources.

In one of the pilot areas, for example, the YOT manager is a full member of the Community Safety Partnership and the strategic development of the YOT is a standard agenda item. There is also a YOT management committee, which deals with the routine running of the YOT and identifies strategic issues that need to be brought to the Community Safety Partnership.

Where the YOT manager sits at the same committee table as chief officers, chaired by the local authority chief executive (or senior deputy) or chief constable, there is greater opportunity for joined up policy to be developed, to discuss the adequate resourcing of the YOT, and to foster the full commitment of partner agencies to crime reduction policies.

Education and health

YOTs bring together personnel from a range of agencies. From the outset, the ways in which staff from education and health might contribute to pilot YOTs was uncertain and we described a very patchy pattern of secondments in our first report. We raised questions about the senior managers of those agencies and their understanding of the relevance of youth offending to their work.

The patchy pattern of commitment and understanding prevails, and it is more than 12 months after the pilot YOTs were established. In some areas, staff seconded from education have been required by their education service manager to carry out work in their parent agency, with the YOT manager having to negotiate the extent to which the team can use their seconded staff member. This is very unsatisfactory and demonstrates less than full commitment from some education departments.

It seems commonplace to point out that school absenteeism and exclusions have an impact on youth offending and that many young offenders have unmet education needs. It has been put to us strongly, however, that some managers from education departments do not begin their view of a YOT and youth offending from this perspective, despite the obvious connections that should be made.

A similar point needs to be made about health authority understanding of youth offending. The relationship between forms of drug taking and offending, and the mental health needs of some offenders, for example, are clear examples that require a health response. It has nevertheless been difficult for some pilot areas to persuade the health authority that anything approximating a full-time health staff member is required. Some health authority managers with the power to commit funding have held back, arguing that they are meeting the needs of offenders through GP and other generic services.

There are real benefits to be gained from the effective deployment of education and health workers in YOTs. In one pilot area, for example, the education worker has worked half time in the YOT, mostly with offenders with particular educational needs, and half time in the pupil referral unit, often working with the same children. In other YOTs the education worker is used as an effective conduit to educational services of great
value to YOT colleagues. Another pilot YOT had a full time senior manager from education, which is regarded as a very effective way of gaining access to local education services.

Similar points could be made about the involvement of health authorities. In some YOTs there are examples of effective work, reaching out to link YOT team members with available area health services. For example, a project to document the health needs of young offenders referred to a YOT is underway in one pilot area. There will be other examples of success. They all need to be built upon a foundation of commitment to partnership and real resourcing from the parent agency.

With this point in mind, an example of note has come to our attention that may well be a key to changing the situation fundamentally. In one pilot area the YOT manager has begun to work more clearly at the strategic level. This manager has realised the importance of building the work of his YOT into the health authority’s long term planning cycle, which extends over five and more years. He has therefore identified and become a member of key Health Authority planning meetings. Once integrated into this planning arrangement, he has been able to present a menu of services the YOT can deliver and from which the health authority can select. All of the items on the menu are related to offending and to health service objectives. The targeted reduction of drug taking, a reduction in the need for accident and emergency services amongst young victims by preventative work in relation to physical assaults, the meeting of mental health needs amongst young offenders, and so on, might be items on a menu of services a YOT can deliver and a health authority can select.

The full resourcing of chosen services cannot happen in the short term, however. The length of the health authority’s planning cycle does not permit it. In the meantime relationships with the health authority are said to be substantially more secure.

The same tactic has been used by this YOT manager in relation to the provision of drugs services and to the place of the YOT in the Education Development Plan. It requires a very strategic approach and the clear presentation of the YOT as a valuable outlet for health, educational and other services. Rather than assume that the statutory requirement for agencies to engage with YOTs is sufficient, it has become necessary for the manager to promote the YOT as an outlet for the delivery of effective health and other services, all related to the strategic plans of the health authority, the education service and other agencies. In other words, with the objective of securing resources, and having analysed data about the needs of offenders and other relevant subjects, a YOT manager offers to senior managers of relevant agencies a menu of health and educational needs that their service can prioritise and resource.

This approach is different from one in which, for example, a YOT manager tries to decide what role a health worker might play and then asks the health authority to resource it, or to make the best of the skills of whomever is seconded. It is a promotional approach, which offers health and other services choice about their relationship to and work with a YOT. Critically, it links a YOT directly with the strategic planning cycles of partner agencies, which means some compromises about when resources might be committed but secures resources on a firm understanding of their relevance to the work of a partner agency.

**Budgets**

Effective YOTs require effective funding from all partner agencies. That is not a contentious statement. What ‘effective’ funding means, however, can be contentious and a difficult question to answer within the local setting. In the pilot YOTs some agencies have offered resources in kind – premises, office equipment, staff, for
example, while other agencies have offered both resources in kind and real money. The view stated in our first report was that YOTs should work towards fully pooled budgets, through a formula agreed at the local level. This was in response to the difficult and uncertain situation some YOT managers were facing.

Progress towards pooled budgets has been made in some areas. One pilot YOT has decided to review the contribution of each agency and planned its budget on the basis of shared, real cash contributions in addition to the secondment of staff, office premises, and so on. The distribution of costs will be made in a meeting between chief officers. This is seen as the first step in moving towards a formula-based budget.

Another area has also developed a hybrid between the two models of a pooled or combined budget. Here, the total operational cost of the YOT has been calculated - staffing, buildings, management and commissioning costs, and so on - and agreement that all should contribute to staffing and non-operational costs reached by all partners. The formula for the distribution of costs is based on the number of practitioners working in the YOT, which is recognised as less than ideal but, again, an initial step towards the objective of a more finely tuned formula to distribute contributions to a pooled budget.

Elsewhere, there has been agreement to the principle of a pooled budget, based on staff contributions and a sharing of all remaining running costs. Here, there has been a tentative agreement about a formula to apportion costs to the respective agencies. Basically, the local authorities involved (social services plus education) will contribute the lion's share, leaving smaller contributions from police, health and probation. Importantly, the agreed budget includes a growth element, based on anticipated demand for the new orders, plus secure accommodation needs and so on.

In other YOT areas, and it is those where the chief executive plays a less than full part in the development of a YOT, little or no progress has been made towards a formula based, pooled budget. This is a very important matter for all YOT steering groups to tackle.

It is possible for a YOT to move towards a pooled budget and the expectation is that some pilot YOTs will have a fully pooled budget before long, despite all the difficulties encountered along the way. Given the commitment of all senior managers in the partner agencies, all YOTs could agree pooled budgets in the medium term.

Cultural change

We raised the need for cultural change in our first interim report, stressing that the Crime and Disorder Act is based upon a new philosophy for dealing with young offenders. Cultural change is about establishing a new practice culture relevant to the Crime and Disorder Act. It is about new and clear views of what managers and practitioners take for granted as routine work.

The new culture:

- addresses offending behaviour in all aspects of work
- understands and works towards including the impact of offending on victims
- requires a clear sense of priority and focus within the time-limited nature of work
- develops a shared, multi-agency approach to cases
- keeps records that allow colleagues to continue work when they are not present
- includes an effective closure and monitoring system for cases
- uses IT for recording purposes and employs it as a means of evaluating effective practice.
This culture is not about dealing with crises or exceptional cases; about non-intervention; about keeping cases open for long periods of time; nor about placing victims in a secondary role.

In the following sections we discuss some ideas to promote cultural change and present examples of effective practice from the experience of the pilot YOTs.

**Operational management**

We have interviewed operational managers in the main YOTs, with a particular interest in the extent to which they are promoting the cultural change that is necessary. Effective front line managers are critical to the promotion of change. There must be a resonance between the strategic work of the YOT manager and its implementation by operational managers.

It is of course difficult to assess the extent to which these two levels of management cohere in the pilot YOTs. Only a period of time observing their day-to-day work would allow us to make a final judgement. However, we have good evidence that some operational managers are not yet understanding fully and working within the new cultural framework of the Crime and Disorder Act.

Some operational managers want to establish a model of supervision based on the new culture of youth justice but sometimes find they are working against the grain of their YOT managerial colleagues’ assumptions about effective work. In some interviews with operational managers we learned about the slow pace of change by default. When asked about the extent to which evidence-based practice was being used by staff, or whether or not team building was a high priority on the training agenda, for example, we were told very little or nothing, or a general statement was made, without any examples to support it.

A first step towards effective change might be for the YOT manager, with the operational managers, to establish clearly the ideas and objectives that will inform their work to promote and achieve cultural change. This means standing back from everyday pressures, which can force their way onto the agenda. Objectives for effective staff supervision and, importantly, systems of monitoring progress towards them can be defined.

Operational managers should produce a written plan for their own practice arena and agree this with the YOT manager. These plans, which will harmonise with general supervisory objectives, should have room for creative implementation by individuals but be built upon a core of shared ideas and related principles. Clearly defined means of measuring successful implementation can be a feature of this approach.

Operational managers then need to supervise their staff in terms of their ability to plan their activity, address offending behaviour in all aspects of their duties, keep records that allow colleagues to continue work when they are not present, to close cases effectively, use IT, understand and work to include the impact of offending on victims, ensure that they use evidence-based practice, and so on. In one area, these requirements are being built into a programme of staff appraisal. It is the duty of the YOT manager to monitor and support their operational managers’ work to this end. Without such support necessary cultural change will not materialise.

Results from our first staff survey indicated that there was a lot of goodwill amongst the majority of YOT staff. Some who were not sympathetic to the intentions of the new legislation have moved to other employment. A few resisters might still be in post. The important point is that there is much goodwill to foster and channel into new ways of working—and the challenge is nothing less than the development of new ways of working and, crucially, staff supervision.
Team building

Some operational managers have provided information about how they think real change can be achieved. Training for team building, for example, is one very important aspect of a staff development programme that should have been implemented by now, with regular reviews to strengthen gains made. This has occurred in some areas. Team building is, amongst other subjects, concerned with the development of a shared purpose of work within a YOT; with shared ways of working; with the development of interdependency; and a recognition of the specialist contribution each member makes to the shared enterprise.

Team building in YOTs seems to be advanced by the widest possible sharing of work and the retention of some specialisation where it is helpful. For example, cultural change will be enhanced if final warnings and work with victims are within the workload of all YOT members, not just the police. Where this happens a change towards the inclusion of victims within youth justice work and the addressing of offending behaviour should be enhanced. One YOT in which the police presently undertake all final warning work is planning to allocate final warnings to all staff. This will be welcomed because it offers new work to social services staff and gives them a greater stake in new developments related directly to the Crime and Disorder Act.

Another YOT has used a mentor system to train all staff in the writing of PSRs. A team member, with honed skills in report writing, has shadowed and supported colleagues as they have developed new skills. The upshot has been a building of interdependency, the wider sharing of generic skills, the recognition of staff with particular expertise and, in essence, team building.

Where new work requiring the acquisition of new skills has been phased, there has been a greater opportunity for this type of development and for team building. The partial YOTs have therefore been able to undertake a greater element of team building than the full YOTs.

None of this is to diminish the importance of particular knowledge and skills an individual member of staff might possess. It would be folly, for example, to sacrifice the particular skills of a staff member who can gain access to health services, simply in the interest of developing a generic, team worker. Team building is about finding an effective balance between shared and specialised work.

Training

It is also necessary for operational managers to have access to education and training resources that assist them to undertake their work, especially those aspects of work related to the development of the working culture we have described.

Lessons about effective staff supervision that could be incorporated into training might well be learned from the management practices of all the agencies contributing to a YOT. There is no principled reason why police officers, health or education staff should not work as the operational managers of YOTs. There are examples of such deployments. Indeed, their work as operational managers might be an important step towards cultural change, not least because they do not share the same assumptions as managers from the old youth justice service.

Apart from the training needs of operational managers, YOT staff also need training in specific aspects of work, sometimes basic work. We have been told, for example, that some former youth justice staff lack skills in recording and in time management. They find it difficult to work within the statutory time limits for youth justice and to close cases effectively. They do not record information satisfactorily and there is a 'cultural
hangover’ which sees social crises in young offenders’ lives that are not related to offending as a central feature of work. Remands in custody, for example, have taken up far too much time in some cases and seem to have realised an importance out of all proportion to the need to tackle problems faced by many other referred offenders.

There is a need for nationally validated training modules that can be purchased by YOTs on an off-the-shelf basis. Modules, maybe distance learning based, in time management for YOT work, in recording, in work with victims, for example, should be developed to enable operational managers to identify and meet the needs of their staff and to speed the pace of cultural change within their YOT. This will require national funding and training as a staple aspect of YOT development. The important point is that such modules need to be free standing, allowing flexibility for the needs of individual YOT members, which is rather different from a whole training course covering all aspects of the work of a YOT.

Information technology

Recording information, the monitoring and analysis of crimes committed by offenders, and the evaluation of evidence about practice cannot be completed satisfactorily without information technology. The IT skills of YOT workers are often lacking, however. The use of information technology in routine work was rarely implemented in previous youth justice services. Data have rarely been used as a resource to inform effective work.

In this context, and with an eye to the cultural change required, budgetary provision for IT for YOTs, which may need to be national and considerable, together with concerted training and monitoring of use is required. The collection of data should in the first instance be based on an answer to the question, ‘What information does an effective practitioner need?’. The Youth Justice Board has provided a very comprehensive specification of the information needs of YOTs. However, this is primarily a top-down specification of all the data the Board might conceivably need. On the ground, large amounts of data do not constitute useful information unless the YOT routinely analyses data. For this to happen it must be seen as a useful activity and one or more staff members must have the time and ability to provide information of use to the YOT.

The scale of reform

Finally, there is an important question about whether or not the aspects of the Crime and Disorder Act that deal with youth offending are what one YOT manager called ‘reforming, not repealing’. This might seem a surprising point to make but there is evidence to support it. Our analysis of how members of the full pilot YOTs spent their time during a one week period found that just 12 per cent of the total time of all the staff of the teams was spent on work related directly to the new disposals of the Crime and Disorder Act. YOT staff were undertaking many other types of work. Even if we include some work that might be related to that end, training and some PSR writing for example, the proportion of time YOT members spent working within the provisions of this major piece of legislation was not very significant.

The management of cultural change is not easy in this situation. In some ways it jars with the working experience of YOT staff. There is a need to review the many (and increasing) measures which require work from YOT staff and to consider revision, taking a view from the basis of the need to foster new ways of working in line with the Crime and Disorder Act. At the moment there may well be a lack of ‘joined up thinking’ between the intentions of the Crime and Disorder Act and the many other statutory provisions that have an impact on YOTs.
The courts

The youth courts have an important part to play in delivering the aims of the Crime and Disorder Act 1998. The aims include the need to address offending behaviour, to attend to the needs of victims, and to avoid unnecessary delays, all of which are intended to serve the principal aim of reducing reoffending. In discharging their responsibilities under the Act, the courts, like YOTs, are required to develop new ways of working that are in keeping with the changed ethos which underpins the legislation. Indeed, many of the comments we have made in respect of the YOTs could just as aptly be directed at the courts themselves. They include:

- the need for cultural change that is based on the framework of principles set out in the Act
- the need for a strategic overview and to develop a constructive partnership with YOT managers - the Justices' Chief Executives have a key role here
- the need for a more corporate and consistent response on the part of magistrates, including stipendiary magistrates
- the continuing need for appropriate training.

Achieving significant cultural change within an organisation like the magistrates' courts, with its long tradition of voluntarism, independence and a 'craft guild' approach to sentencing presents a substantial challenge. Yet it is vitally important for the successful implementation of the legislation that such a change is accomplished, and there is evidence from the pilots areas that there is still a long way to go.

The key players in promoting cultural change within the magistrates' courts are:

- the Justices' Chief Executives, who often have an important role in organising and delivering training
- Justices' Clerks, who play an important role in advising lay magistrates
- the chairs of the youth panels
- the stipendiary magistrates, whose influence as 'opinion shapers' can far outweigh their numbers.

The Justices' Chief Executives in the pilot areas appear to be broadly sympathetic to the aims and philosophy underpinning the legislation, but practice in some areas suggests that this is not always true of other influential players, some of whom are actively involved in the training of lay magistrates.

More emphasis therefore needs to be given to the training and awareness-raising of key opinion shapers within the youth courts, to ensure that the training and influence to which lay magistrates are exposed is consistent with the aims and ethos of the legislation. In one of the YOTs, planning for the new legislation included training sessions which were organised on an interagency basis in order to promote a better understanding of the mutual responsibilities of the courts, members of the YOT and others in successfully implementing the legislation. The experience in this area was felt to have been extremely positive and opened up useful lines of communication that subsequently proved helpful in resolving some of the uncertainties that are often involved in implementing any major new piece of legislation. Examples such as this provide an imaginative but all-too-rare demonstration of 'joined-up' thinking and planning in operation within the criminal justice system.

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4 This section of the report is mainly based on interviews with Justices' Chief Executives and Chairs of the Youth Court Benches from some of the pilot areas. Magistrates in the pilot areas will be interviewed later in the evaluation.
There is also a clear need for continuing dialogue between the YOTs and the courts at both a strategic level (through the Chief Officers’ Group) and at an operational level. Not all areas have active youth court user groups, and those that do frequently operate with a restricted agenda: for example, one that is confined to the single issue of delay. One or two areas have established ‘Youth Court Action Groups’ with representation from Justices’ Chief Executives, YOT managers, CPS and the police. These appear to have much broader remits and are felt to provide an effective arena for addressing a wide range of issues. They also provide a forum for contributing to the area’s youth justice planning process. It is surprising that these have not been adopted much more widely elsewhere, particularly given the numerical and strategic significance of youth court work within the overall responsibilities of magistrates’ courts.

In sharp contrast, some of the agencies that have been commissioned to deliver reparative interventions have been refused access to court user groups in other pilot areas. This seems unhelpful and self-defeating since there are important issues relating to the implementation of the reforms that need to be resolved collectively by all the parties involved in the process.

**Setting the pace**

Speed is undoubtedly an issue within the youth courts, and there is a clear need to reduce unnecessary delays. However, there is evidence from all of the pilots that the perceived need to speed up the system of youth justice is being treated as an end in itself. This is having the unintended consequence of jeopardising the attainment of other important objectives. Those at risk are promoting the accountability of offenders, attending to the needs of victims and maximising the impact of reparative measures that are appropriate (taking into account the circumstances of the offence and the offender); and also the need to ensure just outcomes (after due time is allowed for diligent case preparation and informed deliberation as to the most appropriate disposal).

The most acute conflict relates to the issue of victim consultation and is illustrated most starkly by the experience in one of the pilot YOTs. This area had initially adopted the practice of consulting with victims immediately on being notified that the offender had been charged, thereby ensuring the maximum time for victim consultation before the case came to court. However, a new ‘quick-file’ procedure has been introduced as part of the response to the Narey initiative for speeding up the course of justice in both adult magistrates’ and youth courts. This has reduced the time taken for cases involving offenders on police bail to four days and, as a result, virtually all victim consultation work in such cases now has to take place after conviction and this cannot be considered in the sentencing decision.

Experience across the pilot areas confirms that there is a serious risk that an indiscriminate emphasis on the issue of delay and fast-tracking will impede the operation of the victim-consultation provisions of the Crime and Disorder Act. This risk may well intensify after the implementation of the Narey measures in the rest of England and Wales from 1 November 1999. Decisive action will be needed, based on a constructive partnership between the courts and the YOTs, if this risk is to be averted, and the other important objectives of the Crime and Disorder Act are to be achieved. We will return to this issue with some concrete proposals for resolving the tension between speed and addressing the needs of victims, after discussing the related issue of reporting arrangements.
Reporting arrangements

The Crime and Disorder Act broke new ground by greatly extending the range of cases for which a written report has to be provided before passing sentence. This now includes cases for which the new reparation orders and action plan orders are felt suitable. However, the Act deliberately did not impose a requirement to ask for pre-sentence reports (PSRs) in such cases. Indeed, the position with regard to PSRs is the same as it was before the Act was passed. They are still only required in respect of cases that might warrant a custodial or community sentence but not, for example, in respect of less serious cases that might previously have been dealt with by means of a fine or a conditional discharge.

A new form of ‘sentence specific’ report is introduced by the Crime and Disorder Act, and its use encouraged for offences in respect of which the new reparation orders and action plan orders are likely to be appropriate. These should be much more focused than conventional PSRs, and are intended to perform a distinctly different role. However, the courts in many of the pilot areas do not yet appear to have grasped this significant change. Unlike the PSR, which serves as a general sentencing aid to the courts by providing information that will enable sentencers to determine the appropriate sentence from a range of possible options, the aim of the sentence specific report is to furnish more targeted information – for example with regard to the possible reparative options – in relation to the particular disposal that the court has already decided is likely to be appropriate.

The reparation order is intended to serve as a low-level disposal for offenders whose offences would not warrant a community sentence. In most cases, just as with conditional discharges in the past, there should be no question of a full PSR being required. The kind of information that is required in a reparation report is restricted exclusively to the type of reparation that is felt appropriate, taking into account the nature of the offence, the needs and capabilities of an offender and the attitudes of a victim (assuming these are known).

The action plan order is pitched at a somewhat higher level and, being a community sentence, is intended as a first option for more serious offending. The report that is required in such cases includes information about reparation but should also identify other requirements that might be imposed on an offender, and indicate what these are intended to achieve and how they might prevent further offending. Information is also required in respect of an offender’s family circumstances. The report is still more focused than a conventional PSR would be, but the difference in terms of content is not so great as with a reparation order report.

We mentioned in our first interim report that courts were frequently insisting on ‘all-options’ PSRs, even in cases for which the likeliest outcome would be a reparation order or action plan order. This continues to be the case and it is having a significant and detrimental impact on the workload of several of the pilot YOTs. In our activity analysis we found that preparation of PSRs and time spent in court amounted to 7.1 per cent and 6.0 per cent of the total time of the YOTs (which compares with only 12.1 per cent of the time being devoted to the ‘new work’ introduced by the Crime and Disorder Act). Even if new-style reports completely displaced PSRs for offenders in receipt of the new orders, the scale on which these are now being used in the pilot areas would have significant time and financial resource implications for both courts and YOTs.

There will always be some cases for which a full PSR is the most appropriate format, even though the ultimate disposal may take the form of one of the new orders. However, the scale on which this is happening suggests that it may also reflect a more deep-seated cultural resistance on the part of magistrates to embrace the new approach that is set out in the Act. For example, it appears that many magistrates are still reluctant to ‘bind the hands’ of their colleagues by appearing to pre-empt their decision about a sentence through their choice...
of a sentence-specific report. This reflects a traditional ‘craft guild’ approach which views the process of sentencing as a uniquely personal skill in which each case has to be judged on its own individual merits by the particular bench sentencing on the day.

Without passing judgement on the philosophy that underlies this approach, it appears to be at odds with the assumptions of the Act. If they are to embrace the new sentencing culture, courts need to accept that cases are not unique and that, while some may be sufficiently problematic to call for a more detailed and open-ended assessment in the form of a PSR, many more will be relatively straightforward and perfectly suitable for a sentence specific report. This is particularly true of the less serious offences that would not have called for a PSR before the Crime and Disorder Act came into effect. What is needed is for courts to develop a more corporate approach to the task of sentencing in which they are prepared to make collective instead of highly individualised decisions about the most appropriate way of dealing with a case. Although this might seem like a radical departure from present practice, it would simply require the courts to meet the same expectations with regard to consistency and professionalism that they expect of the YOTs and the other criminal justice agencies with which they have to deal.

**Fast-tracking, victim consultation and reparation**

The primary aim of the youth justice system is the prevention of offending by children and young people, and the elimination of unnecessary delays can be expected to play a key role in achieving this aim by helping to emphasise the link between an offence and its consequences. The Crime and Disorder Act also introduced other provisions which should assist in meeting this same key objective: notably the requirement to consult with victims and, where they so wish, to arrange for them to receive direct reparation from the offender. This consultation process takes time if it is to be conducted sensitively and in accordance with the victim’s own needs rather than a time-scale that is dictated by external considerations. Resolving the potential tension between the need to avoid unnecessary delay while ensuring that victim consultation processes are effective and meaningful will inevitably present a major challenge for both the courts and the YOTs.

A second dilemma, closely related to the victim consultation problem, concerns the nature of the reparation that an offender is ordered to make, and the extent to which it is possible or desirable for this to be prescribed in advance by the court that imposes the order. There is a statutory requirement that anyone who receives direct reparation must be identified by the court, consulted and give consent to the reparation made. Moreover, the court also has to ensure that whatever reparation is imposed is commensurate with the seriousness of the offence(s) in question and, where possible, is linked to the type of offence for which it is imposed. And yet, as we have seen, the new fast-tracking arrangements (which will apply in all areas after November 1999) may make it extremely difficult in all but the most straightforward cases to ensure that the processes of consulting the victim and assessing the offender can be completed by the time the court is ready to pass sentence.

The solution we propose is based on the forging of a constructive partnership between courts and YOTs in pursuit of the primary aims set out in the legislation. It also calls for a balanced approach in determining the content of a reparative intervention.

YOTs need to ensure that they are able to offer a sufficient range of meaningful and effective reparative interventions, whether these are intended to meet the needs of individual victims or to ensure that reparation is made to the community at large. Such interventions should be sufficiently flexible to cater for different types of offenders and offences (including those for which a longer order may be felt appropriate, within the 24 hour
maximum that is prescribed in the Act. YOTs need to take particular care to avoid the use of ‘tokenistic’ or ‘formulaic’ interventions (for example dictating letters of apology or simply requiring an offender to watch a video regardless of the nature of the offence). Such interventions do a major disservice to victims, offenders, the courts and, ultimately, the cause of restorative justice itself. At the same time, it needs to be recognised that many of the offences for which a reparation order might be imposed will be relatively minor ones for which, in the past, a conditional discharge might well have been considered appropriate. In determining what form and degree of reparation might be appropriate in such cases it is important not to lose sight of the seriousness (or triviality) of the offence and its impact on the victim. YOTs recognise that the responsibility for determining the length of a reparation order (or other reparative intervention) should always lie with the court.

For their part, however, courts might pay closer regard to the assessments provided by the YOT when determining the kind of reparative activities that are likely to be most appropriate and practicable in meeting the needs of the victim and ensuring that offenders are held accountable for their actions. They should also be mindful that victim consultation is likely to be an ongoing process that will not have been concluded finally by the time of the hearing. While the legislation requires the nature of the reparation to be indicated in the order (whether it is to be undertaken for the benefit of a named person, or to the community at large) the precise nature of the reparation is usually best left to the YOTs to determine, particularly where consultations with the victim may still be ongoing. Where appropriate, therefore, courts may wish to direct YOTs to explore the possibility of the offender making direct reparation (which could include mediation) for the benefit of the victim who is named in the order but, if this should prove impossible, to arrange for the offender to undertake reparation for the benefit of the community. This should provide sufficient flexibility for victims to be consulted properly and the most appropriate forms of reparation to be devised without delaying court proceedings.

Such an approach calls for a certain amount of restraint on the part of the court, in exercising ‘a light hand on the tiller’ rather than a vice-like grip on the steering wheel, when it comes to specifying the details of the reparation order. It also calls for a responsible and accountable response from the YOTs and any agencies commissioned by them to deliver the reparative interventions that are required by the courts. We reiterate the desirability and value of a continuing dialogue between appropriate representatives from the courts and the YOTs, with a view to reaching a common understanding about the new orders, procedures and reporting arrangements, based on the published guidance.

Within the pilot areas there is a fair degree of support for the balanced approach outlined from Justices’ Chief Executives, youth panel chairs and YOT staff. Indeed, several areas are working with a similar model. We are satisfied that this approach is consistent with the wording and the spirit of the legislation but, if this were not to be the case, we would recommend a change in the wording of the Act.

‘The tariff’

The introduction of new sanctions often raises questions about the position they occupy within the overall sentencing tariff. One of the issues raised relates to the final warning even though this is not a disposal of the court. Nevertheless, the fact that the old system of cautioning of young offenders has now been replaced by a new structure of reprimands and final warnings - one that has been placed on a statutory footing for the first time - appears to have caused some confusion on the part of sentencers in at least one of the pilot areas. Here, the final warning interventions appear to be viewed as equivalent to a sentence imposed by a court and we are told that magistrates in this area are now much more reluctant to impose a fine on offenders who have received a final warning. There is nothing in the legislation to justify such an approach, which appears
to be based on an excessively rigid application of an ‘offender-based’ as opposed to an ‘offence-based’ tariff. The danger with such an approach is that it can result in repeat offenders being ‘up-tariffed’ and, where this is done in response to an intervention at the pre-court stage, it can have the effect of removing one or more rungs of the tariff. This example confirms the point we made earlier about the need for continuing training in order to reduce such confusion.

There is also evidence that some sentencers are confused about the position of the reparation order within the overall sentencing framework. This could in part account for their reluctance to ask for sentence specific reports since they appear to be under the misapprehension that the reparation order is a community penalty, even though the guidance states clearly that it is not.

The need to consider how victims’ needs might be addressed also counsels against the rigid adoption of an ‘offender-based tariff’ when considering the suitability of a reparative intervention, even in the case of repeat offenders. Just because an offender has previously undertaken some form of reparative activity – whether as part of a final warning change programme or under a reparation order – should not automatically rule out further reparative intervention in the event of a subsequent offence. For one thing, there is a duty to consult the victim, who might wish to receive some form of reparation. It is also conceivable that a subsequent reparative intervention might well ‘get through’ to an offender even though an earlier experience may not have had this effect.

The introduction of the new referral order (under the Youth Justice and Criminal Evidence Act 1999) might be expected to alleviate some of the ‘tariff-related’ concerns we have raised, particularly with regard to young offenders who plead guilty and who have not been convicted previously. However, many of the concerns will still apply to any such reoffenders when they appear in court.

Elsewhere, there are also concerns over the disparity in the length of reparation orders that are made by the courts. In part this variation can probably be explained by differences in the kind and nature of the reparative activities that could be provided by individual YOTs, particularly in the early days of the pilots. It will also reflect in part the court tailoring the order to the circumstances of the offender and the offence. However, it does also reflect some uncertainty on the part of magistrates, both as to the kinds of offences for which reparation orders might be suitable and to the range of hours that might be appropriate for different levels of seriousness. This is another issue on which further clarification might be helpful in the future, though it may be premature to do this before a full range of reparative interventions can be developed in each area.

**Breach procedures**

The enforcement provisions relating to the new orders is another issue that has caused problems in some of the pilot areas. There is uncertainty over the timing of the breach process and, in particular, about whether or not it is sufficient for the information supporting the application to be put before the court before the reparation order expires, or whether the breach procedure has to have been completed before the end of the order. The former interpretation seems preferable and is in line with the breach provisions relating to other penalties. Further clarification would be helpful, however, before the orders are extended beyond the existing pilot areas.
Preparations for national roll-out

We have commented on the scale of the changes for the courts and the confusion that persists in spite of the training that has been provided. Further guidance is needed before the reforms are rolled out nationally, dealing specifically with the issues we have raised. There is a particular need to ensure that those responsible for developing and delivering training programmes are fully imbued with the philosophy and approach which underpins the legislation. This is true also of influential ‘opinion-shapers’ such as stipendiary magistrates, chairs of youth panels and others. Finally, the need for a constructive partnership based on a high level of respect and trust between the courts and their YOTs emphasises the value of continuing training programmes and the establishment of appropriate inter-agency forums in which to raise and resolve the practice issues that are likely to arise.

The new disposals

The final warning

Within the provisions of the Crime and Disorder Act, the final warning is the initial, structured programme of intervention for an offender. From the strategic view of a policy maker and of a Youth Offending Team (YOT), it could be argued strongly that the final warning is the most important intervention to prevent a young person from offending further. The effectiveness of a final warning is therefore very significant.

A final warning intervention consists of a verbal warning by a police officer and a change programme delivered by or on behalf of a YOT. Final warnings should be delivered soon after an offence has been committed; be based on a formal, structured assessment of an offence and an offender; include a clearly designed behaviour change programme; and, irrespective of the diversity of programmes, address offending behaviour.

To monitor the delivery of final warnings within the main pilot YOTs, interviews have been conducted with team members whose primary work has been in this area. The information gathered has been analysed to document and assess current practice, mainly against the aims of the Crime and Disorder Act and Home Office guidance.

Priorities

The final warning is clearly a very important preventative measure. It has been put to us that, under the old cautioning arrangements, about 70 per cent of young people did not reoffend and, therefore, the final warning is unlikely to have a particularly significant impact. The implication is that it is not at the forefront of new provisions to deal with youth offending.

Many young people do not reoffend. That is true. When such an argument is put in relation to the relative priority of the final warning, however, two crucial points are missed. First, the final warning change programme can address a range of needs - educational, medical, vocational and other needs - and any impact on these areas of a young person’s life can reap significant benefits. Secondly, considerable advantages are realised if further inroads can be made into young peoples’ reoffending. This is an obvious point and it is precisely the intention of the Act that the final warning will lead to reductions in offending by young people.
It is not yet possible to know how far YOT managers and their steering groups have afforded a priority to the final warning. This is understandable given the speed at which the development of a range of YOT services has been undertaken. It is now time to think more carefully about the place of the final warning within the range of interventions that YOTs are delivering. Our view is that it should have a clear priority, with appropriate resources allocated to its implementation.

Police use of the gravity assessment instrument

When a young person is arrested, a formal gravity assessment of an offence should be undertaken by a police officer. The Home Office has published a gravity assessment instrument for this purpose. Within the scope of our evaluation it is not possible to quantity accurately whether or not police officers are using the gravity assessment form appropriately.

In two YOT areas, however, there was considerable uncertainty about the police gravity assessment policy. In one area, about 40 per cent of forms received from the police have not had the gravity assessment figure included and in about 10 per cent of cases there has been some doubt about the accuracy of the gravity assessment. In another police area there seemed to be different policies used at different police stations, which is undesirable and potentially unjust. In some pilot areas the gravity assessment figure is not passed to the YOT.

Relationships between YOTs and their local police have been established and developed in some places. However, there is a need for YOTs to ensure that they receive information about the gravity assessment and to monitor carefully the extent to which police officers are using it accurately. Police staff with a managerial responsibility for the final warning scheme need to monitor how their staff are administering it.

Understanding by young offenders and parents

Operational police officers administering final warnings are required to explain carefully to youths the consequences of their offending and the subsequent action a YOT will take. Parents and responsible adults also need to understand fully what a final warning means and the way in which a YOT will work to implement it.

There is general agreement that youths who have been warned have understood the final warning. The same was said of parents and responsible adults. Less satisfaction was expressed about the ways in which officers administering final warnings have explained the work of YOTs. When a YOT officer visits an offender, valuable time can be taken up explaining the role of a YOT and the intentions of a behaviour change programme.

Home Office guidance suggests that officers giving final warnings should distribute a leaflet covering all of these matters. It should not be a substitute for verbal information but additional to it. This information is not provided in all places and the danger is that locally produced literature will not be consistent with guidance from the Home Office. There is a need for standardised, easy to read and attractively presented information for distribution to offenders, parents and responsible adults. This should be provided nationally and its use monitored.
Communications between police and YOTs

The intention is that the police will send papers about final warnings to a YOT within 24 hours. This is consistent with the importance of speedy interventions, emphasised in the guidance about the Crime and Disorder Act. In some places papers are sent quickly but in others there can be a time lag of up to five days.

Arrangements should be in place, and they should increasingly be networked computer links, to forward details of young offenders who have been finally warned well within 24 hours. This allows early contact with an offender and with parents and others. Where more than 24 hours has become a routine time for the receipt of papers, the officer in charge of a station or, more generally, for the administration of final warnings within a constabulary, should review the situation and ensure that a faster administration of cases is established.

Home or office visit

After an offender has been warned, papers will be sent to a YOT and further contact made with the offender and with parents. In most places a home visit will be made and, during our interviews, the importance of a home visit was stressed for obvious reasons. However, the need for a home visit may not be as important as it is sometimes thought to be. It may allow the gathering of very useful information about the personal circumstances of an offender and the family context. The time and other costs of such visits, however, are considerable and in places where offenders are requested to come for interview at a YOT office or, in one case, to a police station, there is no evidence to suggest that information of lesser value is gathered. Incidentally, when it was found that a good number of offenders were not attending appointments at one YOT office it was decided to issue appointments for interview with YOT staff at a police station, which reversed the trend.

Our point is that further thought should be given to this issue. The real benefits of home visits should be assessed carefully, perhaps by a trial period of having some at the YOT office, some at a police station and some at homes.

Assessment

Before a change programme can be designed, it is necessary to assess offending behaviour and the wider needs that may be related to it. Staff who work in YOTs are presently using a very wide range of assessment instruments, which they have designed themselves. Some have used the list of offending risk and other factors that are recorded for our wider evaluation. Some have chosen their own items of relevance from their ‘common-sense knowledge’ of offenders and not linked to any systematic evidence. Many of these assessment forms include very subjective items, potentially allowing personal prejudice to cloud professional judgement.

The diversity and wide use of assessment forms demonstrates a clear need for them. They can be a good guide to document need and the design of a change programme. However, they must be robust and, crucially, brief.

With these caveats in mind, we recommend the development of an assessment instrument, designed specifically for the final warning. Apart from information about the social profile of an offender, it requires the inclusion of items about offending risks, attitudes to offending, and so on. However, we repeat, it should not be a lengthy document. A shortened version of the ASSET assessment form might be suitable. Once validated, it should become the national standard for use by YOT staff. YOT managers should monitor its use and relationship to the design of change programmes, securing a local standard of good practice.
Change programmes

The key feature of a change programme is the addressing of offending behaviour. The Crime and Disorder Act and Home Office guidance place the addressing of offending behaviour as a core objective. Above all, it should be possible to monitor change programmes and be sure that offending behaviour is a central focus of them.

It is presently not possible to be sure that offending behaviour is being addressed in some change programmes, or appropriately in others. Some pilot YOTs have standard packages for offenders, which allow variation to cater for their individual needs. Where standard programmes with appropriate stock items are in place it is possible to say that offending behaviour is being addressed. Staff who administer these programmes are sure about their objectives and able to adapt core elements to the individual needs of offenders. Throughout, addressing offending behaviour is a central objective.

The activities in some individually tailored programmes are questionable. It is not adequate, for example, to request offenders to write a letter about their impression of the impact of their offence on a victim as the only staple feature of a change programme, which happens in one YOT. It is not satisfactory for a YOT staff member who assesses offenders, but does not deliver change programmes to answer the question, ‘Is offending behaviour addressed by this YOT when a person is finally warned?’ with the answer, ‘Yes, because I make sure they are left in no doubt about it when I do my visit’. Neither is it adequate for a change programme to comprise many elements without the clear knowledge of the YOT staff designing it that those elements will address offending behaviour. A structured programme of intervention is required, with the addressing of offending behaviour as a central part of it, irrespective of the other needs of an offender.

It would be helpful for clear standards of what should be included in a change programme to be published and adopted by all YOTs. Some form of central monitoring and inspection of such standards might be desirable. Our activity analysis revealed that the average YOT input to a final warning was approximately six hours, but with significant variation around that figure. Standard programmes of five to six hours’ duration are used routinely in two pilot YOTs and they include sessions on the consequences of offending, the effects of offending on victims and cognitive skills. These would probably be core elements of any programme.

In some places as many as 80 per cent of offenders have not been considered suitable for change programmes. The initial visit and assessment has suggested that no further action is required. Home Office guidance allows for this situation but it seems difficult to justify it as a fairly regular occurrence. The practice varies but in some places the number of decisions for no further intervention seems very difficult to justify as good practice and raises questions about the adequacy of the judgement made.

The intention of the Crime and Disorder Act is that virtually all offenders will complete a change programme simply because, no matter what their social background or the seriousness of the offence they have committed, they should be confronted with the effects of their action, and so on. We cannot be precise about this point but, from our interviews, it seems important for a careful review to take place before any decision is made not to take further action after an initial assessment visit. Without careful monitoring, unfairness and injustice could enter decision-making. Clear records of decisions to not proceed with change programmes should be kept, justifying action taken.
Informing parents and victims about change programmes

Home Office guidance suggests that the offender and his or her parents or a responsible adult should receive a letter, explaining fully the content of a change programme. This letter should also form part of an offender’s file. The intention of this guidance is understandable but it is asking a great deal of staff time and limited resources, especially in areas undertaking a lot of final warnings. We think it is appropriate for the Home Office to develop a standard letter, substituting the type of document presently expected as a routine part of the final warning process.

Two further aspects of change programmes should be mentioned, reparation and programmes to deal with specific types of offending. Home Office guidance states that victims should ordinarily be consulted about mediation or reparation as an aspect of a final warning programme. This may be unrealistic if a young offender is to be assessed and a change programme designed within a reasonable period of time.

First, the time is not available to contact victims routinely, and the further time required for them to decide whether or not they would like to be involved in some reparative activity lengthens the process considerably. Our view is that it is not always necessary to consult a victim when a change programme is designed. Aspects of victimisation can be dealt with in a programme but the direct involvement of a victim in implementing the programme is not always necessary. The needs of victims are rightly emphasised in the Crime and Disorder Act, but at the final warning stage it may be more appropriate for scarce resources to be directed at keeping victims informed about the work that has been undertaken with offenders as part of a change programme, rather than seeking to involve them in the design and implementation of the programme itself. This may be particularly important if, as seems to be the case in some pilot areas, courts are showing misplaced reluctance to make a reparation order when dealing with offenders who have previously undertaken some victim-focused reparative activity as part of a final warning.

The second point is that it is possible to identify specific crimes that might be addressed on a final warning programme by the analysis of local offence statistics. Shoplifting is one such offence and in one YOT there are moves to develop aspects of a standard change programme to address that specific offence. This is a benefit of the analysis of data, which should be a routine within a YOT’s work. We know that this type of monitoring is not developed in YOTs but urge it be adopted, with its implications for the identification and development of change programmes.

Attendance at programmes

Our interviews with staff administering change programmes do not suggest that there is a major problem of young offenders refusing to comply with the conditions of change programmes. In a number of places, police officers and other YOT staff deliver change programmes in offenders’ homes. These conditions make it somewhat unlikely for an offender to be absent from a session.

The impression is that a small number of youths who find it difficult to engage with any intervention have failed to attend any sessions of their change programme. These youths are thought to have many problems that affect their behaviour. A further, small number, sometimes in the upper age range, have failed to attend a small number of sessions. Staff have written letters emphasising the importance of attendance but there are no legal sanctions that can be applied when a young offender is absent from a programme.
This level of absenteeism has not led staff to express the opinion that legal sanctions need to be introduced to deal with it. The primary question is whether or not the small number of youths who are difficult to engage would be drawn to compliance by a legal sanction. It is already possible to cite a failure to comply with a change programme if a youth appears before a court for a subsequent offence. YOT staff have said that this is a useful sanction to assist compliance. The extent to which the threat of being charged for failing to comply with the conditions of a change programme would aid further compliance is not known.

Monitoring of programmes

In our first interim report we emphasised the importance of YOTs monitoring their work. This has been lacking in many crucial areas. The point can still be made and includes the monitoring of final warnings.

In some YOTs few data about offenders and offences are gathered and analysed systematically. A problem oriented approach to offending, that leads to an understanding of who and for which offences and, therefore, what kind of changes in preventative or in change programmes might be developed, is not yet a routine feature of planning.

The reparation order

The Crime and Disorder Act 1998 represents the first attempt to introduce elements of a ‘Restorative Justice’ approach into English criminal justice procedure. There are three important aims of this approach:

- to engage with offenders to try to bring home the consequences of their actions and an appreciation of the impact they have had on the victim(s) of their offences
- to encourage and facilitate the provision of appropriate forms of reparation by offenders towards either their direct victim(s) (provided they are agreeable) or the wider community
- to seek reconciliation between victim and offender where this can be achieved and, even in cases where this is not possible, to strive to reintegrate both victims and offenders within the community as a whole following the commission of an offence.

The reparation order is one of a number of restorative interventions introduced by the Act, since reparative activity may also feature as part of a final warning programme, an action plan order or a supervision order. The significance of the reparation order rests in part on its acknowledgement of the requirement to take into account the needs and wishes of the victim in deciding how an offender should be dealt with; but also on the recognition that such an approach may be a more effective way of bringing home to young offenders the consequences of their behaviour.

The Act makes it clear that the reparation order is intended to operate as one of the main ‘entry level’ disposals for offenders whose offences are not considered serious enough to warrant a community sentence, and this is reinforced by the requirement to give reasons for not making a reparation order. In keeping with the emphasis on early and meaningful intervention, the reparation order is intended largely to displace the conditional discharge and early indications are that it has succeeded in this role, though in some areas it also appears to have supplanted the attendance centre order, despite that being a community sentence aimed at more serious offences.
Range of restorative interventions and mode of delivery

A wide variety of restorative interventions is being developed in support of the reparation order. They include victim consultation procedures, support and assistance for victims and their families, facilitation of direct reparation for victims including letters of apology, mediation (direct or indirect), victim awareness exercises (including the use of surrogate victims) and facilitation of ‘indirect’ reparation that is made to the community at large.

Responsibility for developing these interventions rests with the YOTs, either on their own, or in conjunction with other statutory and voluntary agencies. Within the pilot areas there are examples of both models – those which have integrated the delivery of reparative interventions within the YOT itself, and those which have commissioned outside agencies to undertake such interventions. It is too early to pass judgement on the respective merits of each of these models, though to some extent the choice of model may depend on the (generally limited) availability of individuals and agencies with experience of reparation and mediation within a given area.

One short-term difficulty with the outsourced model concerns the time it has taken some pilot YOTs to negotiate and let the contracts. This has resulted in serious delays both in establishing effective victim consultation procedures and also in developing credible and effective reparative interventions to offer the courts. There is some evidence that this delay, and also the restriction on the range of reparative activities on offer, has adversely affected the way reparation is perceived in at least one of the pilot areas.

The unequivocal adoption of a victim-focused approach represents one of the most important and far-reaching cultural changes required by the Crime and Disorder Act. For this reason we strongly believe that reparative work needs to involve all members of a YOT, not just those who are directly involved in victim consultation work or in supervising or delivering reparative activities. Likewise, it is vitally important that all staff who will be involved in assessments for and the delivery of restorative interventions should be actively involved from the outset in the planning and implementation process. This will pose a particular challenge for YOTs that decide to outsource such work, though here the need to strive for an integrated approach is even greater because of the communication and other difficulties that can otherwise arise. The other essential prerequisite which also calls for early and repeated emphasis is the need to ensure that all who are involved in the imposition and delivery of reparative interventions under the Act (and those who train them) are fully conversant with the restorative justice ethos that underlies the Act.

Victim consultation procedures

Under the Crime and Disorder Act and the accompanying guidance, YOTs have a good deal of flexibility in deciding how to engage in consultation with victims. This discretion is reflected in the variety of arrangements that have been established by the different pilot teams. The main differences relate to the procedures for contacting and consulting with victims, the persons entrusted to undertake this responsibility and the way the victim consultation process relates to the assessment procedure for determining the kind of reparation that might be most suitable in a given case.

Mode of contact with victims

In most YOTs, the initial contact is by letter (less frequently by telephone) and requires an active response on the part of the victim to initiate the consultation. We would expect a relatively low response rate where this mode of contact is used. An alternative, and in our view preferable approach is to use the initial letter not
only to provide information about the reparative options that are available but also to propose a date for a home visit unless the victim indicates that they do not wish to be contacted. In just one area are home visits used routinely for the initial contact. It seems probable that some form of personal contact with victims (either by telephone or by a follow-up visit) is more likely to elicit a positive response than a simple letter, requiring the victim to ‘opt-in’ to the process, and this is something we will be monitoring as the evaluation progresses.

Allocation of responsibility for victim consultation

The most frequent arrangement is for the police members of a YOT to make the initial contact with victims. This has the advantage of minimising any delay since the police will already have the relevant contact information for victims. They are clearly experienced in dealing with victims of crime, and their involvement may help to allay concerns that might otherwise be raised relating to data protection issues. On the other hand, police officers are rarely trained to assess victims or offenders in terms of their suitability for mediation. So, should a victim be willing to consider the possibility of accepting direct reparation or mediation, it will almost certainly be necessary for someone else to undertake this assessment.

This ‘split’ responsibility is cumbersome and is likely to be more time consuming. It not only increases the number of people with whom the victim will have to negotiate but also depends on good and timely communications between all who are involved in the process. The most extreme example of this arrangement is a team in which the initial consultation is conducted by a police member of the YOT, who then passes relevant information concerning the victim’s attitude to the reparation report writer. The latter liaises with the agency that has been contracted to provide reparative services to the YOT with regard to the possibility of some form of victim input or direct reparation. However, this agency has no part to play in the assessment process itself, whether in respect of victim or offender, because this falls outside the terms of the service contract which has been negotiated with the YOT. The agency itself is unhappy with this arrangement, which is difficult to reconcile with good practice.

In our view, the ‘best practice’ approach, at least in cases likely to involve direct victim reparation, would require a trained mediator to be involved (possibly jointly with a member of the regular YOT team) in all aspects of the victim consultation process and also in interviewing offenders in order to assess the scope for a mediated settlement or one involving direct mediation. One of the YOTs visited has adopted such a model. An alternative approach where police members of the YOT are used to undertake the initial consultation with victims would be to provide them with additional training in victim-focused and reparative approaches.

Reparative interventions

Community reparation

The most common type of reparation is indirect reparation, for the benefit of the community. This is the easiest (and probably the least resource-intensive) reparative activity for YOTs and commissioning agencies to set up and deliver, and does not depend on the consent of the victim. Consequently, it is not affected by the problems encountered in establishing effective victim consultation procedures nor those resulting from the emphasis on fast-tracking. On the other hand, it provides no direct benefit to the victim of the offence and is likely to be less powerful in bringing home to offenders the consequences of their behaviour.

YOTs have responded to the challenge of identifying and setting up appropriate community-based reparative activities in various ways, and with varying degrees of success, though it is still very early days for some of
them. It appears easier to set up general reparative tasks, such as the performance of basic conservation work, than ones that are particularly suited to particular types of offences or offenders, and in some areas they are restricted to offering, for example, a maximum of two sessions of three hours practical conservation work.

Some areas have devised very imaginative placements. For example, one YOT has gone to great lengths to set up placements that are sensitive to the racial or ethnic background of particular groups of offenders (for example with a day centre catering for black elders; and a community project aimed at assisting Asian women). This same area has also devised a special motoring project for aggravated TWOC offenders. Another area is planning to set up a scheme in which offenders will help to distribute, to needy community groups, boxes of tea bags that have been rejected by a local supplier because of defective packaging.

Several providers of reparative intervention services have criticised the emphasis that the courts and others have placed on the performance of practical reparative tasks to benefit communities. They are apt to speak of this dismissively as a form of junior community service with minimal reparative benefits (particularly for individual victims). While there is a risk that it could degenerate into a somewhat tokenistic response - particularly as a result of financial or time constraints - this is not an inevitable outcome. Other reparation workers attached to YOTs readily acknowledge that the performance of suitable practical reparative tasks could have a powerful and salutary impact on offenders; but they also stress the importance of appointing skilled and supportive supervisors and acknowledge the difficulty in establishing sufficient numbers of ‘quality’ placements. Moreover, there is also a risk that the adoption of an excessively ‘purist’ line on the part of service providers may prove counter-productive if it results in magistrates and others becoming antagonistic towards the concept of reparation in general. There is evidence from at least one of the pilot areas suggesting that such concerns are not merely hypothetical.

Letters of apology and other forms of direct reparation for victims

Virtually all teams claim to be able to facilitate at least some form of direct reparation for victims. However, in several areas this has amounted to little more than an exercise involving the writing of a letter of apology, pending the allocation of reparative intervention contracts to external agencies. In the absence of any effective victim consultation procedures, the reparative value of even this limited exercise has been minimal, at least as far as the victims themselves are concerned. And it may also have had an adverse effect on the way reparation has been perceived by the court. Following the appointment of external agencies in these areas, they are looking to be able to offer much more meaningful direct reparation for victims.

In YOTs which have adopted an ‘integrated’ model for the provision of reparative services, direct reparation for individual or corporate victims has been available from the outset. This can take various forms, but the biggest difficulty that has been experienced so far relates to the time available for effective consultation. There has been a failure in some of the pilot areas to develop constructive partnerships between the courts and the YOTs that will enable the reparative aims of the legislation to be achieved in spite of the tensions caused by the pressure to reduce delays. We address both these sets of issues in the previous section about the courts.

Victim/offender mediation

Victim/offender mediation is a powerful and effective way of encouraging offenders to acknowledge the consequences of their offending behaviour while at the same time addressing many of the concerns of victims. Mediation is also a voluntary process, and neither party can be forced to mediate against their wishes. Nor is
it suitable in all cases, even those in which both parties appear to be favourably disposed towards it. Moreover, all aspects of the mediation process – from initial consultation, through to assessment and handling of the mediation itself – require the availability of suitably trained and qualified personnel. They also require adequate time and sensitive support from other key participants within the criminal justice system.

Consequently, there are at least four essential prerequisites if mediation’s full potential is to be realised within the context of a YOT:

- access to a suitably experienced and qualified victim/offender mediation service, whether provided by the statutory or voluntary sector
- an appropriate and effective mechanism for assessing cases as to their suitability and for referring them to the mediation service where appropriate
- enough time to both carry out the assessment and also prepare the parties for what is likely to be viewed on both sides as a somewhat traumatic encounter
- all the agencies concerned – police, crown prosecution service, YOT and courts (both clerks and magistrates) – need to be aware of the distinctive ethos that underlies the mediation process, and need to be sensitive to the conditions under which it is most (and also least) likely to succeed.

The assessment process required to identify potentially suitable cases for mediation raises a number of important issues. They include the order in which the two parties are seen for assessment purposes, the mechanism for assessing offenders and the effectiveness of communications between all those involved in the process.5

Whatever mechanism is adopted for assessing whether mediation might be an appropriate way of dealing with a particular offence, the process is likely to be much more time-consuming than for other forms of reparation. In part this is because of the degree of consultation and advance preparation that is likely to be required, but also because of the need to avoid pressurising victims into making a decision that they may feel uneasy about, particularly to begin with. All the pilot YOTs are strongly committed to using mediation where appropriate, but all have expressed strong concern at the speed with which they are expected to conduct the assessment and consultation process. Moreover, many have expressed strong doubts about the extent to which magistrates and their clerks are fully in tune with the restorative justice ethos that underpins this aspect of the Crime and Disorder Act reforms.

Victim awareness exercises

A number of YOTs are responding to the shortage of victims who are willing to become actively involved by developing victim awareness or victim empathy sessions for offenders who are made subject to reparation orders. The content and format of these sessions varies but most are aimed at challenging the young person’s offending behaviour. The most structured of the programmes involves an initial assessment of each offender, which is conducted by a pair of mediators, followed by two or three sessions. The standard programme is based on a cognitive behavioural approach, but this can be adapted if necessary to encompass anger management or drugs therapy. In other areas the victim awareness programmes are mainly linked with victim empathy and apology exercises.

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5 These are dealt with in our separate report on the reparative work of the YOTs: Dignan, J (February 2000)Youth Justice Pilots Evaluation Interim Report on Reparative Work and Youth Offending Teams, Home Office.
Some YOTs organise victim awareness sessions on a one-to-one basis, while others arrange them for groups of offenders. Although the latter may appear to be more cost-effective, they may be more difficult to run where the group contains incompatible or disruptive offenders. However they are organised, victim awareness sessions are often combined with practical reparative tasks and are intended to make the latter more meaningful for the offenders.

Not all YOTs have developed such programmes. Some areas which do use them reserve them for offenders on supervision orders or action plan orders rather than those on reparation orders. Other areas would be keen to develop this kind of programme but are prevented from doing so because the courts in those areas appear reluctant to concede that this kind of activity is consistent with a reparation order. Those who favour this approach feel that it not only comes within the spirit of the Crime and Disorder Act but also makes better use of the mediators’ skills than the supervision of practical reparative tasks.

Role of volunteers in the delivery of reparative activities

In most pilot YOT areas the supervision of offenders undertaking reparative work is allocated to volunteers who are recruited and trained by external voluntary sector agencies. Some pilot YOTs have taken this approach a step further by advertising for volunteers to act as mentors for young offenders who wish to take advantage of this additional form of support. Several YOTs report that their attempts to recruit community volunteers to undertake these tasks have met with a surprisingly positive response, which is of interest since a number of restorative justice advocates believe that the community should also accept responsibility for dealing with offending behaviour and that, in doing so, communities themselves may be strengthened. One area has linked the training for volunteer supervisors with an eight session 24-hour accredited training programme. This is organised by the Open College network and covers child protection, youth justice, work with young offenders and mentoring.

Supervisory arrangements

Under the Crime and Disorder Act courts are obliged to appoint a Responsible Officer, whose duties include instructing the young offender, monitoring compliance with the terms of the order, liaising with those delivering reparative activities and, where necessary, taking enforcement proceedings in the event of a breach of the order. In most of the YOT areas, this is a purely nominal responsibility since day-to-day supervision is exercised by external agencies, or other members of the YOT. Only one or two YOTs appear to have set up procedures that would enable the responsible officer to monitor progress on a regular basis. In other areas, the responsible officer would not normally expect to be involved unless they are notified of non-compliance. One area appears to operate a rota of ‘acting’ responsible officers for the purpose of court hearings, though cases may then be assigned to a different member of the YOT who will technically be responsible for monitoring compliance. Another area would favour the appointment of reparation workers as responsible officers but feels unable to do so because of a local insistence that only probation officers are eligible for appointment. This seems an unnecessary and unhelpful restriction that does not appear to be required by the Crime and Disorder Act itself.

The action plan order

The action plan order is a central plank of the youth justice provisions of the 1998 Crime and Disorder Act. It embodies the philosophy of the Act in providing an opportunity to challenge offending behaviour and prevent

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6 Many of the issues that affect action plan orders have been addressed in previous sections, and will not be repeated here.
reoffending through a targeted programme of interventions. It is designed to be the first option for young people whose offending is serious enough to warrant a community sentence. It is also flexible enough to accommodate different types of offending and the different circumstances of the offender. The action plan order is an addition to the present range of community sentences. It does not replace any previous and continuing community sentence, though as we shall see it occupies the same niche as the attendance centre order that in some pilot areas has fallen into disuse as a result.

Generally speaking action plan orders have been well received by courts and youth justice workers alike. The courts like them because they provide a form of early intervention that is positive and proactive. Some magistrates like the clear positioning of the action plan order within the tariff and its ability to target the offence and the offender. Youth justice workers like the action plan order because of the range of opportunities that it provides to work constructively with offenders. YOT and court staff report that offenders and their parents like the action plan order because of the structure that it brings into their lives, even in the short-term.

The main general difficulty faced in action plan orders relates to the wider problem in implementing the new legislation that arises from the conflict between speed and justice. As we have already pointed out, shortening the delay before sentencing can seriously impinge on the ability to consult victims over reparation. In addition, the short-term nature of the action plan order constrains the time available at two crucial stages – for assessment/report writing and for initiating breach proceedings. We will deal with these issues below, but the general inference is that the action plan order process needs careful management if the perceived benefits are to be fully realised.

Home Office guidance

Few problems have been reported with the guidance notes issued by the Home Office. The advice is seen as helpful and constructive. The template provided for report writing is regarded as particularly useful by some teams. Home Office staff have dealt efficiently with requests for further information or help.

The tariff

As previously described, there is a tendency for the provisions of the Crime and Disorder Act, including the final warning, to be viewed as a ‘tariff’ for sentencing. One consequence of this view is that a young person who has been finally warned and then reoffended may be sentenced immediately to an action plan order. Such an interpretation is clearly not in accordance with legislative intentions to punish according to the merits of the current offence.

The courts' report writing

The pre-sentence and sentencing stage of the process is one that has been most difficult to manage by both courts and YOTs. The legislation states that a court should obtain a written report before making an action plan order, and that the order should specify the activities required. The legislation and guidance state that a full PSR will not usually be required before making an action plan order, and prescribes the preparation of a specific action plan report. In order to comply with these requirements, it is necessary for report writers to assess the offending behaviour, whether the offender has other needs (for example education), to consult the victim and, if appropriate, to obtain their permission for direct reparation, and to make a risk assessment. All this has to be done within the strict time targets imposed on the courts.
There is wide variation in practice across the pilot areas. In one YOT area, all cases are dealt with through pre-sentence reports in an attempt to ensure the requisite standard of report. However PSRs are necessarily more demanding than a simpler action plan report and therefore impose an additional burden on YOT staff. In another area, all cases where the victim is not known or is not an individual are dealt with by stand-down arrangements. This means that the reporter has very little time, sometimes just a few minutes, to interview the offender and put a package together, and imposes a different sort of burden on YOTs. Report writers need to be experienced, skilful and have available a range of ‘off-the-peg’ programmes. Another variation is seen in the arrangements for report writing. Some YOTs have specialist court teams, in others it is the responsible officer who undertakes the report writing. There is also a variable use of the review hearing available to the court and in some YOT areas this is hardly ever used.

Specified activities

The general pattern of specified activities under action plan orders is for a core programme plus other requirements according to the type and seriousness of the offence and the needs of the offender. Typically, the core programme will consist of about six sessions of two to three hours each and cover the consequences of offending, victim issues, peer pressure and family and relationships. The sessions are on a one-to-one or group work basis and take place regularly. Much more variety is exhibited in the additional requirements. Some YOTs have a menu of projects provided in-house or bought-in – these may include reparation, mentoring, mediation, and motor projects. Others attempt to individualise programmes usually from within their own resources. The results of the activity analysis suggest that the average team input to such an order is around 25 hours, but there is substantial variation around that figure. Most YOTs have action plan programmes that satisfy the reparative element of the order. Indeed, it is common for the same reparative activity to be built into final warning programmes, reparation orders, action plan orders and supervision orders.

In some cases, external agencies like Crime Concern, NACRO and SOVA have been contracted to deliver reparation services. This variety of organisations can be a strength, providing flexibility to adapt to the needs of the offender and victims. It can also be a weakness, however, if the reparation component is simply a repetition of what has taken place in a final warning programme or a reparation order. A further potential weakness when Action Plan orders are delivered by a number of different organisations is that they can become fragmented into separate activities rather than a coherent programme. Where several agencies are involved in an action plan order, good case management is essential.

The education and health elements of the Action Plan order are also extremely variable. In some YOTs education and health workers are only called in if specifically requested by the responsible officer. In others they themselves undertake some generic work while also providing specialist services. In yet others they are a firm component of the delivery of all Action Plan programmes. We have identified the ambivalent position of education and health workers in many of the pilots and the particular problems that result, and that the most effective practice seems to occur when education and health are integrated within the work of the team.

We have also noted the difficulties YOTs face when promoting cultural change. YOTs have commented that some staff from old youth justice teams have brought with them old ways of working, which effectively turn action plan orders into mini-supervision orders. This is far from the intention of the Act. There has been no cultural change.
Breach provisions

YOTs are only just beginning to grapple with the problems of enforcing the requirements of action plan orders. Partly this is because of lack of experience - most YOTs are reporting relatively low breach rates, although it is as yet early days to be definitive about this. The most common problem is the difficulty of breaching within the time limits of the order. If an offender misses sessions in the last four weeks or so of an order, it is extremely hard to complete the necessary paperwork and obtain a court hearing within that time. In some pilot areas, the courts have agreed to expedite breach proceedings. In others, notification of the proceedings is taken as sufficient even if the hearing itself is not within the time limit. One of the cultural hangovers from the older ways of working is to be relatively relaxed about failure to comply with requirements. Such flexibility may not jeopardise the successful outcome of a supervision order lasting a year or more. It is, however, vital to the much more tightly-defined action plan order that failure to comply is dealt with promptly and effectively. Indeed, both YOT staff and offenders benefit from knowing the clear boundaries around a programme of work. Each knows precisely what is to be expected and the sanctions that will be used if boundaries are crossed. Our view is that enforcement procedures are so important that they should form an essential component in YOT staff training.

Parental involvement

The legislation makes clear the importance of parents to the delivery of action plan orders. Parents must be consulted if the child or young person is under the age of 16, and are encouraged to support the offender by presence in court and at other times. Beyond this the formal inclusion of parents tails off, though the existence of parenting orders within the Act recognises the potential contribution of parents to offending and more specifically to the reduction of reoffending. YOT staff report the benefits of involving parents in the delivery of programmes for offenders but in an ad hoc, voluntary fashion. While it is clear that not all parents could or would wish to be involved in programmes, we think that best practice would be served by more widespread and consistent attention to what parents can contribute.

Parenting and child safety orders

In the early months of the YOTs the parenting and child safety orders were very slow to develop. In the light of this our evaluation has focused on the final warning schemes and the other new orders. However the evaluation team has continued to monitor the development of both parenting and child safety orders. Recently the number of parenting orders has started to rise substantially and there have now been over 100 orders made. In contrast to this late start but slow development, there has so far been negligible numbers of child safety orders (in early October there had only been one).

The reasons that might lie behind the delays and the variations, in the context of the intentions of the Act, have been used to formulate a new approach to evaluating this part of the work of the YOTs.

Parenting orders

A very wide variation can be seen in the development of parenting orders in different parts of the country. Sunderland, for example, has around 60 parenting orders, whereas there are only a handful in London. We will look in some detail at the reasons for this wide variation, which almost certainly comprise a complex mix of court and YOT staff attitudes and processes.
It has been argued that an order is not needed for those parents who are willing to attend classes, or receive help, voluntarily and that it is not likely to be effective with those parents who resist the need for parenting support. There is some limited evidence from our work so far that courts and possibly workers see a division of parents into the ‘willing’ and the ‘not bothered’, with the latter group being unlikely to respond to anything and the former best treated via voluntary means. We shall explore this potential division, in both court and YOT views. In so far as this division may be some assistance with deciding disposals, we shall also explore whether or not there may be a group in the middle who would be the ideal candidates for the order (a view of parents which would correspond with a triage model of parenting capacity).

There are some early anecdotal reports of success with parents via both voluntary and order routes, in terms of attendance, and of valuing the help. We shall explore this in the next stage of the study, along with the way that current parenting work is or is not focusing on offending behaviour. We will also assess the relative benefits of parenting orders related to Education Act provisions.

It may be that one of the reasons for the slow development of the orders, alongside the attitudinal and other issues outlined above, is the availability of specific services for parenting. There may also be difficulties, or opportunities, in providing a mix of services or a mix of clients, regarding the voluntary and statutory routes to help. We shall explore these issues, as well as any elements of the other work of the YOTs that may support parenting in order to reduce offending.

Finally we have found in our interviews with court personnel that there are some difficulties in the way that courts are able to handle order-specific enquiries, and we will explore this issue in relation to parenting orders.

In the next report we intend to describe the range of parenting programmes that are being run (covering both ‘voluntary’ and order programmes) and examine the procedures and process that lead to the orders. Subsequently we will be examining wider issues of the attitudes of parents, professionals and offenders to the parenting orders.

**Child safety orders**

There has been next to no use of child safety orders. In the course of our evaluation staff have highlighted a number of factors that may be leading to this situation. First, that there are very few situations where the order may be relevant. We have been told that, in some areas, despite repeated requests to other agencies to review referrals there are no children in need of this order. Secondly, there are evidently practical problems in providing referrals of the under 10s, when routinely this age group have not featured in police records. Thirdly, the interface with the child protection system is an important element of this area of work. Social services have complex procedures that may influence the desirability of orders, they may feel that any children potentially subject to such orders are best dealt with in other ways. There may be serious administrative barriers to considering cases that are probably at the borderline of child protection. Finally there is likely to be a range of similar issues to those raised in connection with parenting orders regarding attitudes of YOT staff, and of courts, and the ability to handle any necessary sentence specific enquiries.

For the next report we will investigate the children who could potentially be subject to a child safety order and examine the procedures and process that could lead to the orders. Subsequently we will be examining wider issues of the attitudes of parents, professionals and offenders to this order.
Conclusion

YO Ts have continued to develop their work with the new provisions of the Crime and Disorder Act. There was no template for them to apply; the territory was to be charted in different ways, with the risks that would inevitably arise. Many lessons have been learned from their experience. These lessons provide good guidance for establishing YO Ts throughout the country. In this report we have drawn attention, amongst other subjects, to operational management and the implementation of the new orders. In further reports we will address other aspects of new developments that we continue to monitor and evaluate.
Youth offending teams - a final assessment

Introduction

This is the final report from the joint-universities research group evaluating the pilot Youth Offending Teams (YOTs). It takes the evaluation to the end of March 2000, the end of the pilot period.

Our first report dealt mainly with the initial establishment of YOTs, especially their structures of governance through multi-agency steering groups and their budgetary arrangements. Both subjects remain important and further evaluation of them is included in this report. Our second report emphasised the importance of a new culture of work for YOTs. That culture is essential for their further development and underpins a great deal of the discussion that follows.

This report includes many new insights into the work of the pilot YOTs. Apart from further comment on the governance and management of YOTs, a report of a second staff survey and a costing study, there is a consideration of the new Orders and the final warning. This is the first evaluation of these provisions. An analysis of substantial quantitative data and of interviews with personnel who have implemented each of them has been completed.

The establishment of pilot YOTs was innovative. It was unusual for a government to plan to learn the lessons from the experience and evaluation of pilots before a national policy implementation. In the event, this sequence did not materialise. The first section of the report nevertheless reviews the innovation of piloting and lessons from it.

In conclusion, there is a broadly based discussion of the pilot YOTs’ achievements. They have demonstrated that it is possible to develop strong, multi-agency teams to tackle youth offending. This is a basic, very significant achievement of relevance to many other areas of policy.

Pilots and piloting

The pilot group

This evaluation has been concerned with the full pilot Youth Offending Teams (YOTs) in West London (Royal Borough of Kensington and Chelsea, Hammersmith and Fulham, and Westminster), Sheffield, Wessex (the Hampshire constabulary area covering the old Hampshire County and the Isle of Wight) and Wolverhampton. Five ‘partial pilot’ YOTs, Lewisham, Bedfordshire and Luton, Devon, St. Helens and Sunderland, where Parenting and Child Safety Orders were implemented have also been evaluated.

The YOTs were selected by the Home Office, representing a variety of different structures and locations, including a single and an overlapping court jurisdiction, a whole constabulary as well as selected police divisions, and combinations of different local authority areas. They have covered substantially different populations, ranging from about 200,000 to 1.5 million. The teams have ranged from 9.5 to 53 full-time equivalent members.
The pilots faced a tight timetable to establish themselves as functioning Youth Offending Teams offering a range of orders to the court. They were unable to build on a full youth justice plan, as later YOTs have done. Instead, they tended to use the Audit Commission's crime audits for baseline planning figures. Priority was given to establishing services, which has constrained the time available for team building and professional development.

The piloting period

Piloting suggests a path from the planning to the delivery of services, the establishment of other work, all of which is evaluated to provide systematic evidence of best practice. Youth justice pilots did not follow this path as a great deal more happened. Many local authorities that had made unsuccessful bids to be a pilot decided that they would use their work to establish 'shadow' YOTs. A number of other authorities decided that they would invest early in the development work for a YOT. This led to a situation where a substantial number of local authorities planned and developed YOTs as the piloting phase progressed. They often called on the pilots to provide advice during the piloting phase, rather than wait for more secure evidence to become available. Further, the time of YOT managers was often taken-up with speaking at a wide range of seminars and conferences.

Part way through the piloting process the Youth Justice Board established Pathway YOTs, whose work was unrelated to the pilots. This group of Pathway sites, designed to provide good practice lessons for others, diminished the profile of the pilots and substantially reduced their staffs' commitment to the piloting process. The staff view was that there was no obvious or clear integration of Pathways within the piloting process and that the Pathways initiative was wasteful of the substantial investment made in the pilot YOTs.

Four other factors also affected the pilots' delivery of their new work: (i) The Youth Justice Board took over the management of the Secure Estate, with a consequential call on YOT managers' time to meet new requirements and procedures. (ii) The development of national standards by the Board, after the pilot YOTs had settled their budgets, caused additional work. Managers had to revise plans to meet the financial demands of the standards set. (iii) Towards the end of the piloting period the issue of data protection started to impinge on their work. (iv) The final period of piloting saw the YOTs having to consider the new referral orders. With hindsight, it can be seen that these considerable demands deflected pilot YOT staff from directing their energies clearly on the piloting process.

The experience of piloting

Some of the problems experienced by the pilots were probably an inevitable consequence of the need for reasonable speed of policy development. However, advance planning could have mitigated some of the problems they encountered. A crucial lesson is that it is important to maintain a clear link between pilots' work and other new developments. It can now be seen that a much closer integration with the Pathway developments would undoubtedly have made better use of the substantial investment made in the pilots and assisted policy development greatly.
The evaluation

The data available

Table 1: Data collection outline

<table>
<thead>
<tr>
<th>Data Collection Method</th>
<th>Sample Size</th>
<th>Pilots Involved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Survey of new Orders and Final Warnings</td>
<td>3,058</td>
<td>All</td>
</tr>
<tr>
<td>Case studies of new Orders and Final Warnings</td>
<td>80</td>
<td>All</td>
</tr>
<tr>
<td>Non-YOT police interviews</td>
<td>25</td>
<td>Full</td>
</tr>
<tr>
<td>Health and Education Worker interviews</td>
<td>30</td>
<td>All</td>
</tr>
<tr>
<td>Activity and costings study</td>
<td>All staff</td>
<td>All</td>
</tr>
<tr>
<td>Sentencer interviews/ court clerk</td>
<td>30</td>
<td>Full</td>
</tr>
<tr>
<td>Victim interviews</td>
<td>20</td>
<td>Full</td>
</tr>
<tr>
<td>Staff focus groups</td>
<td>6</td>
<td>Full</td>
</tr>
<tr>
<td>Staff survey</td>
<td>200 x 2</td>
<td>All</td>
</tr>
<tr>
<td>Steering group member interviews:</td>
<td>20</td>
<td>Full</td>
</tr>
<tr>
<td>Chief Exec, Education, Health, Police, Probation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>YOT manager interviews</td>
<td>30</td>
<td>All</td>
</tr>
<tr>
<td>Team manager interviews</td>
<td>20</td>
<td>Full</td>
</tr>
<tr>
<td>Service delivery staff interviews: reparation and parenting</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The majority of data were collected from all of the pilots but occasionally just from the full pilots. Table 1 gives details of the range of data collected, the sample size involved and the pilots covered.

Data, management and development

Gathering the data for this evaluation has required us to examine closely the data used by YOTs, and their systems of data collation and analysis, where they existed. In general the pilots have found it difficult to generate data about practice to inform their case-based work, and to provide a range of general data to inform strategic policy development. These two different aspects of data use are central to evidence-based practice and much will have to be done before YOTs are able to evaluate their work.

One upshot of this situation was a patchy provision of quantitative data to the evaluation team. It was very unfortunate that a great deal of time had to be given to finding missing data. It is vital for YOT managers and practitioners to be properly involved in discussions about the ways that data collection and analysis could help their practice. It is also vital that the requirements of national data collection are helpful at the local level, assisting planning and evaluation in practical ways. Each datum required by national bodies should be scrutinised to identify precisely whether or not it is useful, and whether or not it helps local planning. Without a harmony between national and local needs, YOT workers will become increasingly cynical about the recording and use of any data.
Youth offending Teams

Governance and organisation

The areas selected as pilots had different structures of governance. One full pilot was a countywide, federal structure covering unitary, district and county council areas. A combined steering group governed the YOT. One was a citywide YOT, under the governance of the Crime Partnership. Another was based on a history of inter-agency work, citywide and governed by a steering group chaired initially by the chief executive and subsequently by an assistant chief executive. The other pilot was a grouping of three London boroughs that shared the same court.

The basic division is between the federal and the city or area-based YOT, each with a steering group and these two models will be evaluated. A common theme to note, however, is that whatever their structure of governance, YOT steering groups must foster and secure strong relationships with courts and, therefore, with sentencers. A clear understanding with a court can provide an awareness of services provided and a more secure setting for strategic planning. Benefits are therefore derived from a structure of organisation that takes into account court boundaries and includes senior court staff as members of steering groups. Courts should be included in joint training; strategic planning; a focus of advocacy on behalf of YOT staff and the marketing of their work.

A federal structure

At first sight, a countywide, federal structure might seem unwieldy and difficult to manage. An effective structure of governance for such an organisation has been realised in one of the pilot areas. This YOT has moved very close to a pooled budget, is developing an agreed workload, resource formula and has an agreed plan, with clear targets for the YOT manager. Real benefits have been realised, not least for the YOT manager.

The main benefits of this structure are:

- a structure that covers wholly the organisational and operational boundaries of partner agencies
- a structure that is recognisably large and a significant player within a county, which other agencies have to take into account
- a steering group with members who are chief officers for the constituent agencies, and personally at the forefront of decision-making
- the opportunity to develop ‘joined-up’ policy through the strategic decision making of chief officers
- a pool of senior, managerial advice and guidance, some of it specialised
- the incorporation of a large staff with a diverse range of skills into the workforce
- the realisation of economies of scale for service provision, training and other areas of work
- a large amount of work that can attract contracted service providers
- an opportunity to set standards of work across a wide geographical area.
The main disadvantages of this structure are:

- overcoming the territorial interests of different local authority representatives
- finding a broker who can negotiate on behalf of the YOT but without sectional interest
- providing an effective means of engaging elected members from different authorities
- varying workloads in different parts of the federation, creating problems of short-term resource management
- the possibility of fragmentation and rivalry between area offices

Difficulties of ensuring common standards of service provision and of monitoring throughout the federation.

**A city or area structure**

YOTs organised to serve a city or another clearly defined geographical area can have very different structures of governance and organisation. The aim is to assess general not specific, local benefits and costs.

The main benefits of this structure are:

- the likelihood of a history of co-operation between agencies that forms a basis for YOT development
- an opportunity to plan quickly, drawing together a limited range of potential conflicts of interest
- the development of a common identity related to a defined geographical area
- the inclusion of one local authority within a structure of governance and, therefore, the diminution of territorial interest
- the possibility of a close alignment between the governance of a YOT and local authority cabinet responsibilities held by elected members
- the possibility of drawing together proximate local authority and other services into a strategic planning framework
- the opportunity for a YOT manager to develop consistent, confident relationships with members of the steering group
- the management of a staff group located in and who identify with a recognised area for service provision
- a structure and organisation of work that ensures common standards of service provision
- in principle, an opportunity to introduce innovative service provisions within small localities.

The main disadvantages of this structure are:

- an over-reliance on historical relationships between agencies, losing an impetus to innovate
- through the pull of other commitments, the possibility that the chief executive does not retain a consistent and central role in strategic planning for a YOT
- strategic planning included within the routine business of a Crime Partnership and therefore not given the time and attention required from chief officers
- a lack of innovation due to an element of civic pride in existing achievements
- a lack of co-ordination with other local authorities and agencies within a wider, perhaps county area
- the duplication of work for chief officers whose responsibilities span more than one local authority area.
Steering groups

In our two previous reports we placed emphasis on the importance of a YOT having a steering group that works in a clear, strategic manner. The local authority chief executive, or a person holding a similar office, should chair the steering group, with a membership of senior staff from participating agencies. These members should be sufficiently senior to commit resources and make other important decisions. We return to this subject because it is of continuing significance.

Interviews were completed with most of the chairs of pilot steering groups and two members from each of their participating agencies: social services, probation, education, health and the police. Some additional interviews with the chairs of management groups were also completed. The interviews explored members’ views of their work, the development of the steering group’s work problems encountered, and so on.

We have documented a widespread, appreciative view amongst steering group members, who have valued the experience and achievement of establishing a YOT. In particular, the opportunity to work with other agencies has been welcomed as an effective way of working, with real benefits. One benefit has been an opportunity to work within a multi-agency setting, with lessons for other policy areas. It was recognised that ‘joined-up’ policy and planning were required increasingly and that the pilot YOTs had offered a valuable, transferable learning opportunity.

The extent to which steering groups have been working strategically has varied greatly. Just as we have argued that YOTs should develop a culture of work based on the principles of the Crime and Disorder Act, so a distinct culture of work benefits the multi-agency work of a steering group. Without this culture of decision-making a less than unified approach to the governance of YOTs will be perpetuated.

The starting point is the chief executive’s demonstrated commitment to ‘joined-up’ policy to deal with youth offending. The commitment of the chief constable is obviously similarly important. The evidence is that a sustained commitment is required if a steering group is to progress and become, as one interviewee put it, ‘an inter-agency forum’.

Next, it is essential for senior agency representatives, who understand and are committed to the development of a strategic approach, to be members of the steering group. A half-hearted approach by any member can frustrate a steering group’s work.

During interviews the importance of working within a new framework of ideas for the development and implementation of youth justice policy was stressed. If this new context is not evident, progress is slowed greatly. Preparatory training that helps to clarify purpose can be critical to this aspect of a steering group’s work.

Members recognised that the full development of a co-ordinated, inter-agency steering group requires a lengthy period of time. One partial pilot member pointed out that his steering group was ‘gradually becoming aware that its responsibilities are to direct and support, and undo any barriers that might exist. But there are insufficient changes in strategic direction. The group is not yet sufficiently coherent for such work’. An experienced pilot chair in one area that has made noticeable progress suggested that it can take three years to develop an adequate forum. His view applies to the other pilots.

Although Home Office and, more relevant to this point, Youth Justice Board advice about the direction of policy was accepted by steering groups, there was a view amongst their membership that the pilots had been
neglected. Creativity and, indeed, the status and value of being a pilot had been diminished. This led to a
degree of cynicism and a more general view – to now be seen as a general lesson for policy development -
that more scope for creativity and local adaptation should have been permitted.

Specific problems of strategic development

Steering group members mentioned a number of other factors which had slowed their progress, the following
being the most important:

- parochialism had sometimes clouded the broader view required to develop policy and
  practice
- particular agencies have tended to try to place their view of effective work in the
  ascendency, without an appreciation of the benefits of alternative views from other agencies
- some representatives from agencies have not fully understood the relevance of their service to
  youth offending
- some agencies found it difficult to make clear financial commitments to fund a YOT.
  Representatives promised finance but were unable to deliver their commitment
- the strategic work of a steering group can be diverted by too many agenda items about
  policy implementation. One chief executive said he had spent time ensuring that agenda
  items about implementation were kept off the steering group’s agenda
- steering group members argued that a management group, which oversees implementation,
  should supplement their strategic role.

There are limits to the extent to which a multi-agency steering group and a YOT can influence the routine work
of partner agencies. Clear directives can be implemented by fieldworkers, who interpret them differently and
change the direction of strategic decisions. When policy is determined, there must be a realistic view of how
it might be put into practice. One upshot of this point was that it is not only important to agree aims and
priorities from the outset but also to set realistic targets for YOTs.

The agencies represented by steering group members have very different decision-making processes and
different cultures. The problems of trying to ‘join-up’ policy from such a diverse range of agency perspectives
should be recognised and discussed.

Some decisions had been impeded by the cumbersome practices of partner agencies. Members can become
frustrated and find alternative ways of influencing their YOT, circumventing the steering group. The
consequence is a weakening of their responsibility for joint strategic planning.

Moving forward

Future development was a keynote for many steering group members. This meant a closer integration of their
perspectives on youth justice and of policy, energised by the experience of initial progress.

The meaning of multi-agency work within a steering group differed from member to member, sometimes
radically. Some described it in terms of improved personal relationships with colleagues from other agencies.
Others described the need to develop from an initial implementation group to a monitoring and evaluation
group. They wanted a more systematic response to policy development, based on management and other
data. Others still saw the line of development taking a direction out from the YOT to closer integration with
local authority policy and politics. The linking theme here was the primary objective of reducing crime by young people. The development of preventative work, which some members suggested was easily forgotten, was important to this point.

Clearly, steering group members are attending multi-agency meetings with rather different views about the role and function of their membership and of the group. One chair of a steering group, however, picked up this point sharply, remembering that resources for staff team building had been provided to YOTs. No such resources and the training related to them had been provided for the steering group - they had found their own way. The question of team building for steering group members was then raised. Steering group members are busy people and, however important, policy about youth offending is just one of their considerable responsibilities. The benefits of allocating time to team building have to be weighed in this context. It is nevertheless questionable to assume that chief officers have the skills to work in a multi-agency team without training, which is an essential part of professional development. The difference team building might bring was expressed like this, 'it is the difference between talking to friends and talking to close friends'. Multi-agency work requires the latter.

YOT practitioners would probably find this emphasis on strategic planning somewhat irrelevant to their important work with young offenders. It is easy for the strategic and operational levels of work to appear detached. One pilot YOT had realised and addressed this problem by holding a review to assess priorities and needs. The review was conducted by a group of senior staff from various agencies, who met with YOT personnel to discuss their work. It benefited staff, who felt consulted and involved in policy decisions, and the steering group, who obtained information for their decision-making. The YOT manager of this area was sure that it had led to staff feeling much more involved in the whole work of the YOT and that senior management were interested in them. Further, the review led to decisions about the budget and other key areas of work, which developed the YOT significantly.

The chair of another pilot steering group stressed the importance of regular policy reviews, to monitor and evaluate progress. If, as this chair suggested, six monthly reviews are instituted, the steering group has to identify how its policies are related to each other and determine their effects, evaluated by defined outcomes. The strategic direction of the group is institutionalised and sustained.

The role of YOT manager within a steering group is critical to the approach described. Steering group members stressed the importance of having a manager who understands how to facilitate good decision-making by presenting analyses of data succinctly. This means that adequate information-gathering systems must be in place, with staff who augment and use them routinely.

Finally, members were asked about the criteria for success they applied to their YOT. In all pilot areas the YOT was seen as a success story, often underrated and neglected by the proliferation of other exemplars. Pilot status was an achievement with spin-offs for imaginative thinking, joint working and other areas of work with young people.

Virtually all steering group members also mentioned the reduction of offending by young people but they were cautious about its time-scale. It was thought that real reductions in crime levels were difficult to measure and required a long-term view. Crime reduction had to be realised, however, if expenditure was to be increased and the wider investment in their work justified to elected members and officers, who bid for finite resources in a contested financial arena.
Crime reduction was critical for many members but placed alongside other important criteria, mostly process indicators. Education representatives, for example, mentioned the development of their social work service into a multi-agency arena and schools’ perception of the YOT education worker as a resource. Health representatives had other criteria – the development of drugs work, for example.

Budget

The determination of a YOT budget has been one of the most significant challenges presented to steering groups. In our two previous reports we emphasised the importance of a pooled budget and this has been the direction of development in most of the pilots. Significant difficulties remain for some YOT managers and the pace of budgetary change has been very variable. One steering group member called the ability to move towards a pooled budget a litmus test of multi-agency co-operation.

The agencies that have not previously contributed to work with young offenders, health in particular, have found it difficult to commit real funding. A number of steering group members made the point that, whilst it was feasible for local partners to be asked to find funds and to justify them with reference to objectives set by government, there also needed to be a closer and more transparent integration of ministerial responsibilities for youth offending at central government level. It was not clear, for example, how the Department of Health’s or the Department of Education and Employment’s work is related formally to Home Office policy. Greater clarification of inter-ministerial relationships, each expressed to local agencies in clear terms would ease progress.

A police representative raised another difficulty that may well be relevant to the views of members from other agencies. He made the point that his chief constable would not allocate significant funds to YOTs until they demonstrated a real impact on crime levels. The chief constable had to report about crime reduction to the Home Office and he was not going to risk investing increased resources in an area of work that may not reap crime reduction in the short term. Resources in kind and support were given to the YOT but little more.

The problem with this argument, which other agencies may be rehearsing in their own ways, is its circularity - it cannot be verified. One response is for central government to put pressure on local agencies by, for example, publishing the contribution that each makes to a YOT. This strategy is unlikely to have significant benefits. Indeed, it may be counterproductive. YOTs may manage their budgets to give the appearance on paper that it is pooled when, in reality, it is not. There is some evidence that this is happening. A more productive approach would be to demonstrate how policy for young offenders is joined-up more closely at central government level and included clearly in the budget of each ministry, which then cedes funding to their constituent agency at the appropriate local level.

This is not to say that concerted work at the local level is unimportant. It is critical. For example, in two pilot areas where significant progress towards a pooled budget has been made, reviews of work have been completed. In one the chief constable acted as a broker when agencies found difficulties contributing to the budget. The contribution from health in one pilot area was raised significantly and for a rather straightforward reason. Once a review of services and policy was undertaken, management and other information demonstrated their impact and benefits. Agencies were able to respond.
YOT teams

The staff survey we undertook and reported on in April 1999 was repeated as part of the preparation for this report. The following staff took part in this exercise.

Table 2: Responses to staff surveys

<table>
<thead>
<tr>
<th></th>
<th>Sweep 1</th>
<th>Sweep 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of respondents</td>
<td>199</td>
<td>215</td>
</tr>
<tr>
<td>Women</td>
<td>53%</td>
<td>57%</td>
</tr>
<tr>
<td>White ethnicity</td>
<td>78%</td>
<td>84%</td>
</tr>
<tr>
<td>Transfer or directed into YOT</td>
<td>54%</td>
<td>40%</td>
</tr>
<tr>
<td>Part-timers</td>
<td>14%</td>
<td>15%</td>
</tr>
</tbody>
</table>

The differences that were evident in the first survey between the full and partial YOTs almost disappeared in the second survey. In general, YOT staff remain remarkably buoyant about their work (Table 3). They continue to like what they do and are enthusiastic about the impact of the new legislation. When we asked about the best things in their work, ‘Multi-agency work’ was cited most frequently. There has been a major improvement in feelings about a shared ethic of teamwork, which corresponds with evidence from our focus groups with staff from the pilots.

Table 3: Selected attitudes to YOT work

<table>
<thead>
<tr>
<th>Statement</th>
<th>% agree/ strongly agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Positives</td>
<td></td>
</tr>
<tr>
<td>Like working in YOT</td>
<td>81%</td>
</tr>
<tr>
<td>See new law as significant change</td>
<td>82%</td>
</tr>
<tr>
<td>Like people I work with</td>
<td>82%</td>
</tr>
<tr>
<td>Mix of workers stimulating</td>
<td>79%</td>
</tr>
<tr>
<td>Like working with young offender</td>
<td>86%</td>
</tr>
<tr>
<td>Approve of single reprimand</td>
<td>47%</td>
</tr>
<tr>
<td>Team has shared view of work</td>
<td>42%</td>
</tr>
<tr>
<td>Negatives</td>
<td></td>
</tr>
<tr>
<td>Act contains contradictions</td>
<td>58%</td>
</tr>
<tr>
<td>Time wasted through lack of support staff</td>
<td>44%</td>
</tr>
<tr>
<td>Team members not informed/ consulted enough</td>
<td>36%</td>
</tr>
<tr>
<td>Too little attention to young offenders’ welfare needs</td>
<td>36%</td>
</tr>
</tbody>
</table>

When YOTs were first established there was uncertainty about the extent to which staff would share work or become specialists. At times it seemed as if the idea of a generic YOT worker was developing. When we discussed this subject in staff focus groups we found that there had been a movement towards a view that a significant element of specialism is desirable and the most effective way for staff skills to be used. Such a balance between specialist and generic work has been established in the pilots. If individuals have a specialism, whether agency based or skill based, it is thought effective to develop it whilst sharing some basic work. This was a strongly expressed view arising from the experience of different styles of teamwork.
A related point was made about the need for office premises with a layout that allows the easy exchange of views. This was the second most frequently mentioned point when we asked for the worst things about a YOT. There is a need for premises and office design that allows easy communication; that does not separate specialists into demarcated areas; and enhances teamwork. The style of routine communication implied by the model of work outlined is frustrated without it.

A related issue for YOT Managers and Steering Groups was the decision whether or not to provide specialist services, such as parenting programmes, from within or from without, by contracting the work to specialist agencies. Our analysis revealed substantial variation in the amount of contracting out agreed by the pilot YOTs. This ranged from the equivalent of less than 1% to just over 37% of the YOT budget.

Table 3 above may also inform us about the pace and extent of cultural change in YOTs. The indicators are by no means comprehensive but it is noticeable that under half of respondents, slightly less than in the first survey, thought that one reprimand before a young person was sent before a court was adequate. Further, the number of respondents who said that too little attention is given to the welfare needs of young offenders has risen. This may well be due to general workload pressures. We are not sure. These findings may indicate the need for further training and managerial work to create the culture of work outlined in our last report. Table 4 below tells us that YOT staff want more training.

<table>
<thead>
<tr>
<th>Table 4: Views about training</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statement</td>
</tr>
<tr>
<td>Received 1 day or less training</td>
</tr>
<tr>
<td>Felt not had enough training</td>
</tr>
<tr>
<td>Regarded training as poor or very poor</td>
</tr>
<tr>
<td>Did not feel well enough informed about new work</td>
</tr>
<tr>
<td>Regarded training as a major need</td>
</tr>
</tbody>
</table>

Cultural change may also be assisted by what appears to be a wider field of recruitment into YOTs, reported in Table 5. There has been a small but significant change in the origins of YOT staff, at least those who responded to the survey.

<table>
<thead>
<tr>
<th>Table 5: Origins of YOT staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home Agency</td>
</tr>
<tr>
<td>Social Services</td>
</tr>
<tr>
<td>Probation</td>
</tr>
<tr>
<td>Police</td>
</tr>
<tr>
<td>Education</td>
</tr>
<tr>
<td>Health</td>
</tr>
<tr>
<td>Other or missing</td>
</tr>
</tbody>
</table>
The change is largely concealed in the ‘Other or missing’ category which doubled in size. YOTs are now drawing a significant proportion of their staff from agencies and positions not traditionally associated with youth justice. Previous jobs listed under ‘other’ include emergency control centre operator, charity marketing consultant, court escort and homelessness officer. This marks a widening of the skills available within the pilot YOTs; an interest in work with young offenders that reaches beyond the traditional professions of social work and probation; and an indication that the culture of YOTs may be changing.

The average cost of a member of staff within YOTs nationally is £28,100 pa.

**Education and health staff**

One of the innovative features of YOTs has been the inclusion of staff from education and health. In earlier reports we noted the particular difficulties they have encountered and we now comment on the experience of staff seconded to the pilot YOTs from education and from health.

**Education staff**

All of the interviewees were enthusiastic about multi-agency work and believed it of great importance to the work of local authority education departments, schools and YOTs.

There was a general view that it is necessary to employ a full-time education worker in a YOT. Less than full time work can create difficulties of team integration; a consistent approach to work with offenders; and an ability to undertake adequate work.

Education worker posts should be advertised and, prior to appointment, the work they are required to undertake should be defined clearly. Specialisation is required and the task of the YOT manager and education department manager is to define clearly the nature of the work to be undertaken. One worker put it, ‘The guidance said something like, ‘Everybody should know about doing everything. That got translated into, ‘Everybody should do everything’.’

Training in YOT work is required at an early point. The culture of YOT work should be stressed and the role of an education worker in a multi-agency team made clear.

Some education workers mentioned explicitly or implicitly that a social work and social services approach was in the ascendancy within their YOT. They felt they had to justify their role and demonstrate that they understood a social work approach to young peoples’ offending, which was not desirable.

A key role for an education worker is to develop a clear strategy to deal with offenders who are truants or excluded from school. This means linking to the local authority department policy on such subjects and, importantly, to work closely with schools. One education worker put it that ‘the building of bridges between a YOT, schools and a local authority is central’.

A number of the education workers did not mention offending and the addressing of offending behaviour as central to their work. They referred to ‘difficult students’, ‘truants’ and the ‘special educational needs’ of offenders. Their comments did not link with ideas about offending and focussed work to address offending behaviour. This was particularly the case with education workers who understood their role as akin to that of a remedial teacher.
In one YOT the education worker routinely audits all court reports for any indication of a problem of relevance to their work. Another education worker periodically sends monitoring information to the local authority education department, to communicate the nature of their work and to indicate how education and offending are related. These are novel approaches of value.

Health staff

Personnel from health agencies were also enthusiastic about YOTs but at times seemed to find it difficult to relate their work to young peoples' offending. Again, there is a need to include this key feature in the training and supervision of health staff.

When appointed to one of the pilots, which was usually a speedy exercise, there was uncertainty about the work health staff would be undertaking – one thought it was with children and families. It was argued that, in future, careful negotiation and discussion should be completed before a person was appointed to be a health representative in a YOT.

The sharing of information about young people referred to a YOT has been a point of difficulty for some health representatives. Based on clear local protocols, it is important for training and development to be related to the specific context of information sharing in multi-agency work with young offenders. The conventions of health agencies will need to be tested and innovative approaches to information sharing put in place.

Health workers can develop a number of roles within a YOT. Some specialise in drugs work, some in mental health, others in more general health needs. Our view is that some specialisation is beneficial but the key task of a health representative is to act as a conduit to area health services.

Just as one of the education workers screens all reports for evidence of educational needs, so systems should be in place to assess the health needs of young offenders referred to a YOT, which will be many, and to address them selectively and appropriately. This is where the health worker can play a key role, using their knowledge of local services; relating them to the needs of young offenders; and negotiating access on their behalf.

New practice - workloads and evidence - based practice

The most worrying feature of the second staff survey is the increase in negative feelings about workload, particularly the speed at which cases are processed and the stress this imposes on staff. Table 6 summarises these findings.

<table>
<thead>
<tr>
<th>Table 6: Workload and national standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statement</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>I don't have enough time to do properly all that I am expected to</td>
</tr>
<tr>
<td>This is all happening too fast: not enough time to plan properly</td>
</tr>
<tr>
<td>Local courts still ask for PSRs when the new reports would do</td>
</tr>
<tr>
<td>National standards are a good way of encouraging a quality service</td>
</tr>
<tr>
<td>National standards are impossible to meet in practice</td>
</tr>
</tbody>
</table>
It can be seen that there has been a marked decline in the number of staff who consider that it will be possible to meet national standards, despite their continuing general approval as a means of raising the quality of service delivery. This point was also made strongly by YOT managers. National standards were published after local budgets had been settled and therefore without reference to local planning cycles. In some pilots there were inadequate resources to meet the required standards. Further, Pilot YOTs have found new guidance issued without what they consider to be consultation and with undue emphasis on models of practice which are inadequately tested in the field. The new guidance about final warnings is a case in point. These circumstances have not helped to develop a new style of work or raise staff morale. When the pace of change and the increase in the number of provisions that YOT staff have to administer is added to these factors the finding is put in a clearer context.

Once again we note the problem the pilots have faced with court reports. Many magistrates and court clerks still request full PSRs rather than the more limited and specific sentence reports envisaged by the Crime and Disorder Act. If this problem was solved, YOT staff would have a good deal more time to engage with the new provisions for young offenders. It returns us to the clear need for close communication with courts.

The activity analysis of pilot YOT staff revealed that, overall, 12 per cent of their time was spent directly on the new crime and disorder work. This is half the amount spent on continuing work (24%) such as supervision orders and preparing pre-sentence reports. Time spent in court was substantial overall and variable ranging from 2.3 per cent to 8.2 per cent of total activity. To a great extent this allocation reflects local practice agreements between YOTs and the courts they serve.

Next, we return to the development of new ways of working with young offenders, and to evidence-based practice. Evidence-based practice was raised during group discussions with YOT staff and was well received. Some groups of staff, those from probation for example, are much more used to the idea than others. It has been incorporated into training courses by some YOTs.

The extent to which evidence-based practice has been implemented in routine YOT work, however, is highly variable and there is a considerable way to go before it becomes standard practice. First, benefit would be derived from more training in various aspects of the subject. Secondly, YOT staff and their supervisors have to pay much more attention to the systematic gathering of data about offenders and offending. ASSET offers the opportunity for this, to some extent. In most YOTs data are gathered as an end in itself. Returns are required by the YJB and the link between returning data to a central point and using it for local analysis is not made. A move beyond that initial position to a highly structured evidence-based approach to work with young offenders requires significant change and considerable managerial effort.

One pilot employs a policy and research officer. Part of this post is concerned with data gathering and, in time, could be extended to include analyses that are fed-back to the YOT team. Central government development money has been provided for projects with offenders. Benefits would be gained from the provision of grants for the development of evidence-based practice, with, for example, a number of neighbouring YOTs sharing a research post to analyse data and finding ways of using it to inform and change practice.

Finally, many YOT workers have expressed the view that their workload is hindering them from developing more preventive work. There is enthusiasm for this work and notable examples of it are being developed in many pilots. However, YOT staff would like to do more and both national and local effort to allow it would be beneficial.
The final warning and the new orders

The new measures

Reprimands and final warnings

A new set of ‘warning’ measures, ‘reprimands’ and ‘final warnings’ has been introduced to replace the cautioning of offenders under the age of 18. If an offence is assessed as within a formally prescribed range of gravity, young offenders receive a ‘reprimand’ for a first offence, to be followed by a ‘final warning’ and then a prosecution for second and third offences. The gravity assessment of some offences will mean that young offenders, many in fact, are finally warned for a first offence.

The final warning should be delivered by a police officer in the presence of parents or another responsible adult. The young offender is referred to the YOT, to assess suitability for a ‘rehabilitation’ or ‘change’ programme. Failure to comply with the programme is citable in court if the person reoffends.

Just after the piloting process ended on 31 March 2000 new guidelines for reprimands and final warnings were introduced, which encouraged the more systematic use of a restorative justice approach to both reprimands and final warnings. These changes did not affect the way warnings were administered in the pilot areas.

The reparation order

The reparation order has two principal aims. First, to help prevent further offending by bringing home to young offenders the consequences of their behaviour. Secondly, to enable them to make amends for what they have done, either to their victim(s) or to the wider community, as appropriate. The measure requires YOTs to consult routinely with victims prior to advising sentencers on the imposition of an order.

The kind of reparation that may be imposed is extremely flexible. Possible forms include mediation meetings or restorative conferences, both of which provide an opportunity to discuss the offence, its effects and for a direct apology to be made. Alternatively, reparation could involve the offender writing a letter of apology or undertaking some form of practical activity that benefits the victim(s) or the community at large.

The reparation order is variable in length (up to a maximum of 24 hours) and envisaged as an appropriate ‘entry level’ penalty for less serious offenders. It is equivalent to the conditional discharge, though not restricted to such offenders.

The action plan order

The action plan order consists of a short (three months), intensive, flexible and highly focused intervention. It is intended to address factors associated with offending and offending behaviour, including its consequences. Action plan orders are also expected to contain a reparative element, where appropriate.

The action plan order is designated as a community sentence and, as such, can only be imposed for offences that are considered to be sufficiently serious to warrant such a measure. However, it is envisaged as particularly suitable in respect of a young person who may have committed a relatively serious offence for the first time.
The parenting order

Parenting orders are for the parents of young people whose behaviour results in court proceedings of various kinds. They are not restricted to the formal criminal youth justice system and can be imposed by family proceedings courts or by a magistrates’ court acting under civil jurisdiction, in cases involving school non-attendance, for example. They are also available in all criminal courts, not just the youth court. The aim of the parenting order is to reinforce or ensure the exercise of appropriate responsibility on the part of parents, with a view to preventing offending by their children.

Parenting orders are normally expected to contain a compulsory requirement to attend counselling or guidance sessions, at which they will receive help and support in dealing with their child. In addition, courts are entitled to require parents or guardians to exercise control over their child’s behaviour, for example by ensuring that they attend school every day or that they return home by a certain time at night.

The child safety order

The child safety order is a preventive measure aimed at children below the age of 10, who behave in a disruptive or antisocial manner. The family proceedings court may make the order on the application of a local authority in respect of a child who has committed acts that would be criminal if the child was older. The order entitles the court to impose requirements that are intended to ensure that the child receives appropriate care, protection and support, and is subject to proper control in order to prevent any repetition of the behaviour that precipitated the order.

Summary of data sources

The evaluation of new orders and the final warning draws on four main data sources: case file records, case study interview data, interviews with magistrates and court executives and sentencing data provided by the Home Office Crime and Criminal Justice Unit. The main source of quantitative data consisted of easy-to-complete case study record forms for each of the measures, which were also intended to assist YOTs’ own monitoring and planning. The target sample was a minimum of 100 final warnings, reparation orders and action plan orders from each of the four full pilot areas. In addition, an equivalent number of parenting orders and child safety orders, if possible, would be drawn from the full and partial pilots.

In total we analysed quantitative data relating to 1,700 final warnings, 602 reparation orders, 477 action plan orders and 279 parenting orders. It is important to note that percentages reported are based on the number for whom relevant data were recorded. This means that totals will not be 100 per cent in many instances.

In addition, a small sample of cases was selected for more detailed qualitative analysis. Five cases were selected for each of the measures from all four main pilot areas. Where possible, each of these case studies was based on interviews with the young offender, parents, YOT workers and other relevant personnel involved in the delivery of the measures, and also victims, where appropriate. Police officers involved in final warnings were also interviewed, but not necessarily those concerned with the particular case studies, given the time that could have elapsed since the final warning was administered. The sole purpose of these case studies was to supplement the quantitative data that were obtained from documentary sources.
A small sample of magistrates was also interviewed. At least five sentencers, including one stipendiary, were interviewed in each of the main pilot areas. The magistrates who were selected for interview differed considerably in terms of their levels of experience, but attempts were made to select a representative cross-section of magistrates from each area. Once again, the sole purpose of these interviews was to undertake a more qualitative analysis to supplement the quantitative data sources.

Finally, in order to examine changes in sentencing patterns that might be associated with the new orders, comparison areas were selected for each pilot area, using the ‘Nearest Neighbour Model’ for comparing local authorities (Audit Commission, 1998 ‘Misspent Youth: The Challenge for Youth Justice’). Comparison areas were chosen using the model’s default criteria for similarity, on the basis that they were the nearest neighbour to the pilot area, excluding areas that were themselves also part of the pilot. West London and Wessex do not map on to single local authorities, so relevant groups of local authorities were chosen, on the same basis. [The comparison areas identified for each of the pilot areas are as follows: Sheffield and Leeds; Wolverhampton and Sandwell; ‘West London’ and ‘Thames’, and ‘Wessex’ and Hertfordshire.]

**The numbers of new measures imposed and pattern of take-up**

Over the 18-month piloting period a total of 6,519 reprimands were made in the four main pilot areas, which is equivalent to an annual rate of 4,366. Wessex was responsible for just over half (55%) of them. The combined London YOTs were responsible for issuing just under one-quarter (24%), Sheffield 13 per cent and Wolverhampton 8 per cent.

A total of 3,267 final warnings were given, which is equivalent to an annual rate of 2,178. Wessex accounted for 52 per cent, Sheffield 19 per cent, the combined London courts 16 per cent and Wolverhampton 13 per cent.

1,232 reparation orders were made, which is equivalent to 821 per annum. Wessex accounted for the great majority (59%), Sheffield 22 per cent, Wolverhampton 14 per cent and the combined London YOTs just six per cent.

A total of 841 action plan orders were imposed, equivalent to an annual rate of 560. Wessex accounted for 55 per cent, Wolverhampton 17.5 per cent, the combined London YOTs 15.5 per cent and Sheffield 12 per cent.

284 parenting orders were made across the four full pilot and six partial pilot areas, equivalent to an annual rate of 189. The partial pilots accounted for the majority of these (70%), and a third of the total were made in just one partial pilot area. Of the full pilots, Wessex accounted for 15 per cent and the other three pilots for just 14 per cent.

Only two child safety orders were imposed during the piloting period, both in a single partial pilot area.

Of much greater significance than the absolute number of new orders imposed is the pattern of take-up, which shows striking variations across the different pilot areas, especially when differences in the number of cases dealt with are taken into account. The proportionate use of ‘new orders’ during the piloting period ranged from a low of only two – three per cent in the West London courts to a high of between 33 per cent and 55 per cent in Wolverhampton. The proportionate use of the new orders in Wessex and Sheffield ranged between one quarter and over one-third. Outside of London, the new orders swiftly established a significant ‘market share’ of the total volume of disposals, whereas in London the take-up of the new orders was negligible.

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7 Figures re. the total numbers of new disposals during the pilot period were provided by the Home Office Juvenile Offender Unit.
It is difficult to account for the exceedingly low take-up rate in London, and the predominance of fines which only became apparent when the disposals data became available for analysis after the piloting period was over. Our interview data with magistrates suggest one possible explanation for the disparity, though caution is needed because of the small numbers of magistrates who were involved. Compared with other pilot areas, there appeared to be a much more pronounced difference of opinion between the views of London magistrates (and more especially stipendiaries) and the (external) service providers over the nature and purpose of the new orders, particularly reparation.

Stipendiary magistrates in London generally favoured community reparation and complained that not enough was done to facilitate it on the part of those responsible for delivering reparative interventions. They suggested that those providing reparative interventions tended to think only in terms of mediation and conferencing, and were reluctant to recommend community reparation, at least in cases where victims had not been consulted.

The stipendiaries we interviewed in London were also more insistent than magistrates in other areas on the need to prescribe the detailed content of each order. Consequently, they were possibly less likely to make orders involving direct reparation to the victim (especially if it involved mediation) because of the difficulty of completing the victim consultation process by the time the offender is dealt with. If these views were to influence those of their lay colleagues, then this could go some way towards explaining the relatively low take-up rate in London.

**Magistrates' training**

The quality and quantity of training provided for magistrates in the pilots was highly variable. The most thorough and effective training, which was appreciated greatly by the participants, took the form of a shared residential weekend. It involved all the relevant agencies including YOT staff and magistrates. Elsewhere, the training was patchy. We spoke to magistrates who claimed to have had no training, or at best an hour over lunchtime, supplemented by additional reading. Although many magistrates claimed to learn more effectively ‘while doing’, this was not borne out by the interviews, many revealing a lack of understanding of the new orders and the philosophy behind the Act.

Most magistrates complained about the lack of dialogue and joint training with their YOT and service providers. In one area, where joint training was organised 12 months into the pilot, several magistrates mentioned a chasm between their expectations and understanding of the Act, those of the YOT and external service providers. More harm than good had been done.

A sizeable minority of magistrates acknowledged the need for a significant change of attitude and culture on the part of some of their colleagues, but this seems unlikely without a major investment in training. The training of magistrates should be given a much higher priority. Without it several aspects of the new legislation will be very difficult to implement successfully.

Compared with previous reforms, notably the 1991 Criminal Justice Act, far less emphasis has been placed on the need for adequate training of magistrates even though, in many respects, the changes introduced by the Crime and Disorder Act are more far-reaching. It is a matter of concern that, due to the training that has understandably been required to prepare magistrates for the implementation of the Human Rights Act, magistrates in non-pilot areas may receive a rather small amount of training related to the provisions of the Crime and Disorder Act.
Impact of new orders on existing sentencing patterns

Sentencing figures for youth courts in both pilot and comparison areas were obtained for each quarter covering the period 1996-9. Data relating to the new disposals were collected separately by the Crime and Criminal Justice Unit from the fourth quarter of 1998. The main questions that were addressed in analysing the data are as follows:

- What was the overall impact of the new orders on court disposals?
- When new orders are used, which older disposals do they tend to displace?
- Is there any evidence of the overall severity of disposals increasing, or other undesirable changes in sentencing in the pilot areas?

Overall impact on court disposals

The background trends in youth court sentencing over 1996-9 are very different for each pair of areas. The differences relate to many aspects of sentencing, pre-date the establishment of the pilot YOTs and, for the most part, do not appear to have been substantially affected by them.

We have already commented on the differential take-up of the new orders in West London compared with the other pilot areas. As a result, West London has largely retained the sentencing profile it had in pre-pilot days, whereas elsewhere the new orders now account for between one-quarter and one-half of all disposals, which has inevitably affected their overall sentencing profiles.

Another significant ‘local’ variation as between the pilots relates to the number of proceedings commenced in the relevant youth courts. Whereas this remained relatively constant in three out of the four pilot areas, in Wessex the number of proceedings against young people more than doubled in the four years between 1996 and 1999. Although this upward trend was apparent before the pilot began, it continued throughout the pilot period. This magnitude of increase was not observed in any of the other pilot or comparison areas, which suggests that it may be the result of local factors contributing to a much less tolerant approach towards young offenders in Wessex. Total number of proceedings is shown in Figure 1.
Figure 1: Total Number of proceedings in the Youth Court in the four pilot areas and their comparison areas

Solid lines represent the pilot areas, dashed lines the comparison areas. There are substantial variations by area, but these are not linked to the introduction of the new orders in the 4th quarter of 1998. The dip in Thames during 1998 is inexplicable, but may be due to recording error.
The fact that there has not been any discernible increase in the number of proceedings brought against young people in the other pilot areas is noteworthy. It might have been expected that the replacement of cautions by a single reprimand and final warning, combined with the widespread adoption of fast-tracking procedures, could result in such an increase. First, it is possible that offenders who might have been cautioned repeatedly in the past are now more likely to be prosecuted. Secondly, a reduction of processing time in court could result in repeat offenders appearing more frequently. Rather than dealt with for a catalogue of offences committed at different times during one court appearance, they now find themselves making appearances for each offence and are therefore sentenced more frequently.

Displacement effects on existing orders

In terms of their displacement effect on existing orders, the pattern is somewhat variable. With the exception of West London (where the take-up of new orders was so low that the existing sentencing pattern was completely unaffected), there was a predictable decline in the proportionate use of the conditional discharge. The most extreme reduction was recorded in Wessex (down from 42 per cent immediately before the pilot, to 15 per cent by the end of the pilot period). In Wolverhampton the proportionate use of the conditional discharge fell to around half its former rate. In Sheffield the reduction was more modest (from just over one-third to around one quarter of all disposals). This is shown in Figure 2.
In addition, there were signs that the introduction of the new orders may have contributed to a reduction (of up to one-half) in the proportionate usage of the supervision order in the three non-London YOTs, though the reduction was smaller, and only temporary in the case of Wessex. There were also signs that the introduction of the new orders may have contributed to a reduction in the number of attendance centre orders in Sheffield and possibly Wolverhampton (though the steepest decline here preceded the introduction of the YOT), but not in Wessex. In Wolverhampton the introduction of the new orders coincided with a marked decrease in the proportionate use of the fine, though this pattern was not repeated in Wessex. There, the proportionate use of the fine had increased immediately before the pilots, a trend that was broadly sustained during the piloting period.
As for the London pilot, the sentencing pattern was out of line with all the other pilots during the pre-pilot phase, with an extraordinarily high percentage (approximately 85%) of young offenders being fined. The introduction of the new orders does not seem to have affected this pattern at all and the very modest usage of the new orders appears to have been at the expense of the Attendance Centre order, supervision order and, to a lesser extent, the conditional discharge. The use of fines in London is shown in Figure 3.

![Figure 3: Number of fines and total proceedings in West London vs Thames Youth Courts](image)

Impact on severity of sentencing

The most obvious symptom of a possible increase in sentencing severity would be an increase in the proportionate use of custody, but there was no clear evidence of such an increase in either Sheffield or Wolverhampton. The picture was different in Wessex, where the number of custodial disposals more than doubled over the life of the pilot (from less than 30 during the final quarter of 1998 to more than 70 by the final quarter of 1999).

However, this apparent increase in the use of custody occurred against a background of a steady increase in the number of court proceedings against young people, which also doubled (albeit over a much longer period) from just over 600 in 1996 to over 1,200 by the end of 1999. The increase in the number of custodial disposals preceded the introduction of the pilot, and appeared to have been partially reversed in the early days of the pilot, but then rose again much more steeply in the second half of 1999. The crucial trend concerns the rate of custody, which increased from approximately 3.5 per cent at the beginning of 1996 to just under nine per cent by the end of 1999. This was far higher than in any other pilot area.

It would be wrong to blame the apparent increase in the use of custody entirely on the new orders since a slight upward trend in the number of custodial disposals was apparent from early 1997. It would be equally mistaken, however, to dismiss the possibility that the changes associated with the Crime and Disorder Act might have helped to intensify the drift in Wessex towards a more punitive approach towards young offenders.

One possible explanation for this drift might be what has been called the ‘revolving door’ syndrome, whereby repeat offenders could not only expect to appear in court more frequently than before, but also to escalate faster up the tariff. With the advent of ‘fast tracking’, each separate offence would be more likely to result in a
separate court appearance, attracting a ‘full’ sentence in its own right, whereas in the past offenders could expect to benefit from the so-called ‘totality’ principle that applies when a number of associated offences are being dealt with simultaneously rather than aggregating the sentences that might have been appropriate for each individual offence.

The Wessex sentencing figures suggest that it would be advisable to continue monitoring this aspect of the recent youth justice reforms since at this stage it is not at all clear what is likely to happen in non-pilot areas. Figure 4 shows the number of custodial sentences in the different areas.

**Figure 4: Number of custodial sentences in Youth Courts**

*Solid lines are the pilot court data, dashed lines are the comparison court data.*
The costs of the new work

The total budget for the 12 pilot YOTs during the financial year 1999/2000 was over £11 million: £9.6 million on direct staff costs and £1.6 million on contracted services. The costing framework employed revealed the estimates of the weighted average cost of each of the new and continuing items of work presented in Table 7.

<table>
<thead>
<tr>
<th>Category of Work</th>
<th>Weighted Average Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Warning</td>
<td>£120</td>
</tr>
<tr>
<td>Reparation Order</td>
<td>£410</td>
</tr>
<tr>
<td>Action Plan Order</td>
<td>£270</td>
</tr>
<tr>
<td>Supervision Order</td>
<td>£570</td>
</tr>
<tr>
<td>Full Pre-sentence Report</td>
<td>£120</td>
</tr>
<tr>
<td>Parenting Order</td>
<td>£760</td>
</tr>
</tbody>
</table>

The figures presented here should be treated with some caution. The costing methodology employed did not allow a discrete calculation for each type of order. For example, it was frequently not possible for staff working on reparation to differentiate types of cases. The costs of all reparation may therefore have been attributed to the formal reparation orders. To some extent, this explains the relatively high cost of reparation orders and, conversely, the relatively low cost of action plan orders, many of which contain an element of reparative work. Action plan orders also frequently contain components not costed within this exercise, such as attendance centre work.

The costs of parenting orders are likely to be overestimated for two reasons. First, all parenting work, including that done on a voluntary basis, has been allocated to the statutory parenting orders and, secondly, numbers of orders were relatively small during the year of costing and set up costs may have been included in data sent to us.

Comparisons of the costings estimated from this exercise with those from the Audit Commission Review of Youth Justice work in 1998 is possible for some of the continuing work such as Supervision Orders. This shows that the overall amount of staff time spent on supervision orders has fallen from 20 per cent to 5 per cent, reflecting the increase in new work and the corresponding reduction in the lengths of supervision orders made.

Overall indicators of the numbers of young offenders dealt with by courts and police were included in the costings analysis, to allow us to make comparisons with the Audit Commission’s 1998 work. Allowing for inflation, the estimated staff cost per young offender processed was £460, compared with £490 in 1998. The additional costs of YOTs have been more than counterbalanced by the increased number of young offenders they have dealt with.
Final warnings

Support for the final warning

The vast majority of interviewees expressed general support for the final warning. It was often understood as giving a young offender ‘a second chance’ and not viewed as a soft option. The cautioning system was not recalled as a more appropriate way of dealing with offenders and the less permissive approach of the final warning was respected. Some criticisms of the provision were expressed but they did not distract police officers, YOT workers, young offenders and their parents from affirming a basic, supportive view.

Profile of final warnings

1,700 final warning cases were analysed.

- 77 per cent of the young offenders were male. 23 per cent were female.
- 72 per cent of the offenders were white, 10 per cent were black and four per cent Asian. 4 per cent were recorded as being of other ethnic backgrounds. 6 per cent of cases had no ethnicity recorded and ethnicity was recorded as not known in 4 per cent of cases, making our own and local monitoring difficult.
- The mean age of young offenders finally warned was 14.5 years (sd 2.0).
- Nearly three-quarters, 70 per cent of offenders, were at school, 7 per cent were in further education, 9 per cent were employed full or part-time and 10 per cent were unemployed. 4 per cent were classified as having some status other than the above.
- 40 per cent of the young offenders lived with both parents; 35 per cent lived with a lone parent; 12 per cent lived with one parent and another adult in a relationship; 3 per cent lived independently; 3 per cent were in care and 7 per cent lived in some other type of household, for example with grandparents.

Offending history

- Of those subject to final warnings, 28 per cent were known to have had one prior formal caution and 3 per cent had two or three formal cautions recorded.
- 12 per cent were known to have previously received one reprimand and 1 per cent had received two.
- 2 per cent were known to have received a final warning prior to the current one. It can only be assumed that the police have given second warnings to these offenders because of an administrative error.
- Summarising these data, 37 per cent were recorded to have one prior caution/reprimand or final warning and only 5 per cent had two or more.
- When analysing previous offences, low numbers meant that it was necessary to summarise offence categories. Young offenders given final warnings had committed the following types of offences in the past and currently, as shown in Table 8.
Table 8: Current and previous offences of those given final warnings

<table>
<thead>
<tr>
<th>Type of offence</th>
<th>Known previous</th>
<th>Current offence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Theft/dishonesty</td>
<td>23%</td>
<td>48%</td>
</tr>
<tr>
<td>Damage</td>
<td>9%</td>
<td>13%</td>
</tr>
<tr>
<td>Motor vehicle</td>
<td>3%</td>
<td>7%</td>
</tr>
<tr>
<td>Violence</td>
<td>6%</td>
<td>13%</td>
</tr>
<tr>
<td>Disorder</td>
<td>4%</td>
<td>8%</td>
</tr>
<tr>
<td>Drug offences</td>
<td>2%</td>
<td>6%</td>
</tr>
<tr>
<td>Sex offences</td>
<td>0.2%</td>
<td>1%</td>
</tr>
<tr>
<td>Missing data</td>
<td>-</td>
<td>17%</td>
</tr>
</tbody>
</table>

Admissions of guilt

A young person must admit guilt before a final warning can be considered by a police officer. Home Office guidance puts it that a young person must make a ‘clear and reliable admission to all elements of the offence. This should include dishonesty and intent, where applicable’.

In a number of cases, however, it was not clear that some young offenders had admitted guilt. We do not know what was said when police officers questioned them and in interviews we are dealing with retrospective accounts of events. However, in some of the case studies there was evidence to suggest that ‘a clear and reliable admission’ might have not been obtained.

When police officers were asked about procedure, very few mentioned asking young offenders if they admitted guilt. Other features of the final warning process were mentioned but not the admission of guilt. This does not mean that guilt was assumed. It does suggest, however, that inadequate attention might have been paid to the ‘clear and reliable admission to all elements of the offence’ stipulated in the guidance.

A youth had found a hi-fi speaker on a tip outside business premises. Thinking it had been thrown away, he took it, wanting to use it for a GCSE project. In fact, the tip and the property comprising it were discarded but to be used by a company that recycles goods. The intent to steal the speaker remains questionable.

A dispute between neighbours had erupted. Blows had been exchanged. An arrest was made. Dispute about the extent of provocation was conveyed during the interview by police officers and remained after the final warning was given.

It may be that officers think some offences are not serious and that the intention of the final warning is to offer help rather than to act as a penal sanction. It is preferable to avoid a court hearing and, in marginal cases, to proceed with a final warning. In one case, where a very minor offence had been committed, we were told that a lawyer had advised a young person to admit an offence, ‘because she would go to court if she did not’. In other cases it seemed that custody sergeants were using the criterion of ‘sufficient evidence to charge’ rather than of admission to guilt.

One consequence of this situation could be an unnecessary increase in the number of young people who come into contact with the criminal justice system. The effectiveness of the final warning may be compromised and discredited. If a young person does not think they are guilty a change programme will not be effective and resources wasted.
A ‘clear and reliable admission to all elements of an offence’ before a final warning is administered is fundamental to due process. There is a need to consider stronger guidance, appropriate training and a strengthening of mechanisms of accountability. It may be advisable to require the police to have written evidence of a young offender’s guilt before a final warning is given.

**Offence gravity assessment**

The gravity assessment instrument, used by the police to decide whether or not a young offender is finally warned or charged, is a key aspect of the final warning process. One would expect it to be used consistently within and between police constabulary areas. Home Office guidance allows the police to use their discretion and adjust the gravity score in exceptional cases but not routinely.

Most YOTs do not receive information about the gravity score. This means that they have insufficient information about the decisions that have led to the referral of a young offender. Further, it means that YOT workers cannot know whether or not the gravity score has been calculated correctly.

38 per cent of cases did not have a final gravity score recorded. Of those that did many were scored within the YOT, with a gravity of 1 for 4 per cent, 2 for 17 per cent, 3 for 40 per cent and 4 for 1 per cent. Missing data means that it is not possible to tabulate gravity scores against offence categories.

When police officers were asked about the gravity assessment many mentioned erroneous criteria used to make a decision about whether or not a young person should be finally warned. Officers’ views about fairness, about an offender’s remorse, about the supposed views of a victim, about the practicality of using the gravity assessment tools within a busy work schedule, a basic experience of police work and other factors were mentioned as relevant to the decision to warn. It appears that in some pilot areas, a small number of young offenders have been warned improperly and some who should have been warned have been reprimanded or no action has been taken.

Police officers are not used to working with formal assessments of offenders. When deciding whether or not to charge a suspect they tend to weigh the adequacy of evidence to charge, not the offence seriousness. The gravity assessment instrument is offence not offender-based, which does not harmonise with many of officers’ views about how you assess evidence and whether or not a charge, a final warning or a reprimand should be given. Ideas about the seriousness of offences and about justice and fairness, which underpin the Crime and Disorder Act and guidance related to it, are moulded within this context of police work.

YOT staff should be sent routine information about the gravity score when an offender is referred to them. Police training should place more emphasis on the use of the gravity assessment instrument. The rationale for its use needs to be explained to officers and this has not happened adequately in the constabularies covering the pilot areas. Senior officers need to ensure that Home Office guidance is the basis of written and implemented policy. Police supervisors need to check the final warning decisions made by their officers.

**Giving a warning**

Final warnings occurred a mean of eight days after arrest (sd 23.5) with a range of 0 to 207 days. 56 per cent were given on the same day as arrest, a further 12 per cent within a week, and 20 per cent more than a week after arrest. 12 per cent did not have a reliable arrest date.
The extent of training about final warnings has varied considerably within the pilot areas. All training, however, has emphasised the administrative process of final warnings and not included any information about key ideas underpinning the Crime and Disorder Act. This has fostered a context where inappropriate criteria can be brought into decisions about warnings. Secondly, officers have tended to emphasise the legal aspects of a warning - that a second offence leads to a charge and court appearance - to the exclusion of information about the need for offenders to address their offending behaviour and how the YOT will be of relevance to that aim. Too many offenders and parents told us that they were surprised when a YOT contacted them and were uncertain about the work its staff undertook.

Home Office guidance issued in September 1998 stated that officers of inspector rank should normally administer warnings. Inspectors or acting inspectors had delivered warnings in 93 per cent of cases. Sergeants had warned in only 3 per cent of cases and other officers in another 4 per cent. This latter figure is small but signals what may be a diminution of the importance of a warning in the eyes of some officers.

Parents or guardians were known to be present in 65 per cent of cases and absent in 12 per cent and not known in 23 per cent. Other adults were recorded as present in only 6 per cent of cases.

**Police and YOTs**

A related point is that police officers administering final warnings had little knowledge of their local YOT's work. It would be helpful to YOTs and local constabularies if a means of informing each other more fully about their final warning work could be organised. A number of officers mentioned that they would have appreciated some feedback about the progress of young people warned, however slight. A monthly return on completion rates, for example, would have been helpful.

It would be beneficial if efforts were made to create a greater sense of joint venture between constabularies and YOTs. The police are obviously central to the success of the final warning scheme. If their confidence in the provision wavers, significant damage can be done to the wider project to reduce offending.

**Referral to the YOT**

After the final warning it took a mean of 9.0 days (sd 15.7) for the YOT to be notified. 20 per cent were notified on the same day and a further 30 per cent within four days. 10 per cent of cases did not have reliable data about date of notification to YOT.

A mean of 1.5 days (sd 5.7) then elapsed after the final warning for a responsible officer to be allocated. 63 per cent were allocated on the day of notification and 14 per cent did not have data.

Once referred to a YOT, police officers were assigned to 55 per cent of final warning cases, social workers 23 per cent, probation officers 8 per cent and other YOT members 14 per cent. These figures suggest that, as has been pointed out in a previous section of the report, YOT staff are finding a specialist area of work, final warnings for the police, but that specialisms are not exclusive.

**Assessment and risk factors**

A mean of 1.9 days (sd 4.8) after the final warning followed for the young person to be contacted (16% missing).
A mean of 15.6 days were then taken to the initial assessment meeting (sd 18.2, 16% missing). Victims were known to be contacted in just 15 per cent of cases, with contact occurring a mean of 16 days from allocation to responsible officer.

In 17 per cent of cases it was noted that there was no meeting with the young person who had been warned. A high proportion of these cases were offenders not responding to contact attempts by YOT staff. This situation needs monitoring and appropriate action taken by supervisors.

A key aspect of the intended culture of work in a YOT is the use of formal assessment instruments to identify risk and other factors of relevance to offending. The numbers and percentages of young offenders with recorded risk factors are shown in Table 9. Cases without recorded risk factors include those recorded as not having the risk factor, as well as those for whom the risk was unknown and those for whom the information was not recorded.

### Table 9: Risk factors identified

<table>
<thead>
<tr>
<th>Known risk factor</th>
<th>% at risk</th>
</tr>
</thead>
<tbody>
<tr>
<td>Truanting</td>
<td>22%</td>
</tr>
<tr>
<td>Current school exclusion</td>
<td>10%</td>
</tr>
<tr>
<td>Drug abuse</td>
<td>11%</td>
</tr>
<tr>
<td>Alcohol abuse</td>
<td>9%</td>
</tr>
<tr>
<td>Other substance abuse</td>
<td>2%</td>
</tr>
<tr>
<td>Antisocial peers</td>
<td>45%</td>
</tr>
<tr>
<td>Known offender(s) in home</td>
<td>12%</td>
</tr>
<tr>
<td>Poor parent/child relations</td>
<td>18%</td>
</tr>
<tr>
<td>Poor parental supervision</td>
<td>16%</td>
</tr>
<tr>
<td>Referred to mental health service</td>
<td>4%</td>
</tr>
<tr>
<td>On At Risk register</td>
<td>1%</td>
</tr>
</tbody>
</table>

Additionally 13 per cent were recorded as having literacy problems.

YOT staff assessing young people for a change programme have not generally been using a formal assessment systematically. This may change with the introduction of ASSET, the assessment instrument introduced by the YJB. Whatever the situation, the evidence points towards the need for YOT managers and their fieldwork supervisors to review this important aspect of work, to include it in training and in relation to the wider cultural change required within YOTs.

The most frequently mentioned risk factor is ‘Association with antisocial peers’. School related factors, ‘Truancy’ and ‘Exclusion’ follow. These two risk factors – peer and school related factors – could be related, absence from school leading to association with other young people who may offend. Whether combined or separated, they point to the importance of work within the educational sphere, and with schools in particular. The finding resonates the views of YOT education workers.

If the risk factors of ‘Known offender(s) in home’, ‘Poor parent/child relations’ and ‘Poor parental supervision’ are combined, the significant relevance of home life and parenting becomes apparent. The factor of ‘association with antisocial peers’ could be added to this picture. This information strengthens the need for innovative services to support parents.
The mean number of risk factors was 1.4 and 63 per cent had none or one risk factor. 25 per cent had two risk factors and could be considered a medium risk of re-offending, and 13 per cent scored on three or more factors, which could be considered a high risk, not least within the context of an assumption that eight to ten per cent of young offenders will become persistent offenders. These figures indicate the importance of assessment, identification of risk factors and the need for a multi-disciplinary method of work to address them.

**Change programmes**

It took a mean of 28 days (sd 23.5) from allocation for a letter about the change programme to the young person, with the copy to the police going a few days later (mean 32, sd 27.0, 78% missing). A copy of the programme was given to the young person about the same time (mean 23 days, sd 19.5, 68% missing).

A change programme was recorded as appropriate in 43 per cent and as inappropriate in 40 per cent of cases. Programmes could not be offered in the 17 per cent of cases where there was no meeting with the offender. These data show that many young people who were finally warned did not receive any further intervention. Reasons for this were recorded and varied, with a large proportion being where the officer assessed there was little risk of further offending and therefore no need for intervention. This is not the intention of the legislation and some young people may not be adequately assessed for their needs to be met by the interventions possible with the final warning. If appropriate decisions have been made to not provide a change programme they should be transparent and checked by supervisors. The large proportion of young people who are not given a change programme suggests the need for further research and careful monitoring by YOT staff.

**Table 10:** Components of final warning change programmes

<table>
<thead>
<tr>
<th>Component of change programme</th>
<th>% with component</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drug misuse</td>
<td>12%</td>
</tr>
<tr>
<td>Alcohol misuse</td>
<td>14%</td>
</tr>
<tr>
<td>Letter of apology</td>
<td>66%</td>
</tr>
<tr>
<td>Reparation</td>
<td>25%</td>
</tr>
<tr>
<td>Mentoring</td>
<td>24%</td>
</tr>
<tr>
<td>Youth Club attendance</td>
<td>28%</td>
</tr>
<tr>
<td>Other components</td>
<td>80%</td>
</tr>
</tbody>
</table>

**Table 10a:** ‘Other’ components of change programmes

<table>
<thead>
<tr>
<th>Component of change programme</th>
<th>% with component</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education or work interventions</td>
<td>28%</td>
</tr>
<tr>
<td>Counselling</td>
<td>2%</td>
</tr>
<tr>
<td>Offence specific programme</td>
<td>6%</td>
</tr>
<tr>
<td>Prison or YOI visit</td>
<td>5%</td>
</tr>
<tr>
<td>General offence work</td>
<td>32%</td>
</tr>
<tr>
<td>Specific reparation</td>
<td>10%</td>
</tr>
<tr>
<td>Health/mental health</td>
<td>1%</td>
</tr>
<tr>
<td>Positive alternative to offending</td>
<td>9%</td>
</tr>
<tr>
<td>Family</td>
<td>4%</td>
</tr>
</tbody>
</table>
The considerable use of a letter of apology as an element of a change programme reinforces a point made in the second report. In some pilot areas, staff dealing with change programmes were requiring all young offenders to write letters of apology, irrespective of their circumstances. In many cases the letter was not sent to the victim and the activity was seen as reparative in itself. This is surely inappropriate in many cases and a less than satisfactory way of meeting the needs of offenders and victims. YOT managers should review this element of change programmes and determine its purpose.

Table 10a demonstrates that the most common other components included in change programmes were educational or work interventions, such as improving school attendance, and general training on offence and victim awareness.

Matching offending to the change programme

In a number of the case studies it was evident that there was a questionable or no relationship between an offence committed and the elements of a change programme. This is a further justification for the use of ASSET constantly as a basic instrument to determine how best to address offending behaviour and the needs of young offenders.

A young person was arrested for taking a motor vehicle without consent and possession of cannabis. He was with a number of other youths when the offence was committed. The only action the YOT worker required was for a letter of apology to be written to the victim. There was no further action. The youth’s parents commented that some action should have been taken about the specific offences committed. As far as it was possible to determine, the actual offence, its group context and other central matters played no part in the YOT officer’s work.

Other case studies illustrated the careful use of different resources to deal with educational, health and other problems. In some areas a panel meets to assess the possible needs of young people who have been finally warned and formally assessed, before any further action is taken. This is good practice and should be a standard for all YOTs.

Compliance with programmes

The programme ended a mean of 73 days (sd 53.0, no programme/missing 58%) after the final warning.

For 74 per cent of those receiving a programme the components of the programme were recorded as satisfactorily completed. 18 per cent had non-compliance recorded and 5 per cent had new criminal proceedings initiated: 3 per cent were recorded as terminating in other ways.
The final warning and the needs of young offenders

The case studies analysed spanned a wide range of offences.

<table>
<thead>
<tr>
<th>Case Study</th>
<th>Offence Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A young person had been arrested and warned for theft of a wheel from a rusty bicycle that seemed to have been abandoned. The police had apparently put a notice on the machine, telling the owner to remove it. He attended a behaviour change programme.</td>
<td></td>
</tr>
<tr>
<td>Another had been arrested for possession of a small amount of cannabis. He did not understand why he was not cautioned, as he would have been if he had been an adult offender. The youth was referred to a drugs project and to a behaviour change programme. The YOT worker was not clear whether or not the referrals had led to a programme of activity.</td>
<td></td>
</tr>
<tr>
<td>A young woman had broken a window in a children’s home. Once on a final warning programme she was found to have a drinking problem, educational needs and other serious difficulties of relevance to her offending. She did not complete a change programme.</td>
<td></td>
</tr>
<tr>
<td>A young person stole a nebuliser from a hospital, a seemingly minor offence. Once interviewed by a YOT worker it was found that he had not attended school for two years (but was never excluded or suspended formally), was violent to his mother and lived a chaotic life.</td>
<td></td>
</tr>
</tbody>
</table>

YOT staff can find themselves engaging with some young offenders who have difficulties that extend well beyond what might be expected to be encountered on a final warning programme and others needing very little intervention in their lives. In cases where the young person has serious problems, there is no opportunity to refer back to the police, to channel them away from a final warning to another provision. A breach of the change programme is virtually inevitable.

ASSET will soon be used to appraise the needs of all young people who have been finally warned. We know it will be used inconsistently, within and between YOTs, however. When criticisms of ASSET have been made, the value of its constant and routinised use have not always been appreciated. ASSET should identify young offenders’ needs at an early point and referrals made to appropriate programmes. However, it will not solve the problem of a young offender referred to a change programme and who reveals difficulties that reach beyond the limits of available resources and YOT workers’ skills.

The latest guidance about final warnings includes a provision for the police to request a YOT assessment of a young person’s likelihood of engagement with a final warning programme before any further decisions are made. We doubt if these assessments will be frequent. It will take a considerable time for the idea of a referral to be placed securely in police practice. Some constabularies are using a provision to bail all young people finally warned and to assess them before any further action is taken. The legality of this approach is questioned by some officers and would need to be clarified before it was standardised.

If assessments of young offenders become more frequent, many YOTs will have to make strategic decisions about the types of change programme they develop. Some offenders will need interventions that extend beyond the expected time limit of contact with a worker. This will mean difficult decisions about the targeting of resources; about priorities in the overall work of a YOT; and about how it is possible to manage standardised and bespoke change programmes. The new guidance points towards the benefits of restorative conferencing. This is just one provision that could be developed. Many more ways of helping young people to address their offending behaviour are and will have to be developed if the needs of the young people interviewed in the case studies are to be met.
Parenting

It was apparent from a number of the case studies that parental support, usually for a lone mother, was not identified in an assessment or, if it was, not taken into account as an aspect of service delivery. Parents who had struggled with their child’s lack of school attendance, their relationships with peers, and so on, were identified by the interviews. This finding is supported by the extent to which risk factors associated with home life and parenting were apparent from the quantitative data.

The YOT workers focus of concern is usually the offender, and resources are not available to address the needs of parents. In this context, it is understandable how no provision for parental support is identified or offered. However, there is a clear need for some form of support to parents who articulate the pressures of dealing with their child’s offending. Provisions must avoid any taint of criminalising the parents concerned; in many cases they will not be lengthy; and they will be based on the efforts parents have made to deal with problems, not their failure. It would be beneficial for more resources to be available for parents who need help.

Victims

Finally, we turn to victims of crime for offenders who have been finally warned. In our second interim report we pointed out that victims are not usually involved in final warning processes. This situation was also identified in the quantitative data and in the case studies:

- individual victims were recorded for 33 per cent of cases
- business victims were recorded for 31 per cent of cases
- multiple victims for 2 per cent of cases
- no victims for 8 per cent of cases
- there was no information about the victim in 26 per cent of cases.

In 15 per cent of cases, a very small proportion of the total, the victim was contacted. Just 4 per cent of victims had some form of direct involvement in reparative or mediating activity. 3 per cent had indirect involvement. In 15 per cent the victim was specifically not involved, in 25 per cent it was recorded that there was no appropriate victim (although this does not match the other victim data above).

The new guidance for final warnings emphasises the involvement of victims but our evidence suggests that it is unlikely that police officers will be able to involve victims routinely. There are questions of resources to cater for contact with victims, questions about the best time to contact them, and other unresolved matters. As far as final warnings are concerned, there will need to be a considerable period of time, training, more robust evidence than is presently available and a change of policy and practice in a short period of time if victims are to be consulted routinely and effectively.

Achievements

Evaluations are designed to identify problems about the introduction of new provisions, in this case to deal with young offenders. Despite the difficulties identified and discussed in this report, it should not be forgotten that there is a firm basis of support for the final warning scheme. Parents have appreciated YOT workers efforts to deal with their children; YOT workers have been creative and sustained their work in difficult circumstances; police officers have introduced a new provision and supported it. Stock should now be taken of the pressure points identified and time taken to consider appropriate reform.
Reparation orders

General assessment

Reparation orders were favourably reviewed in general. Offenders agreed that they should have to put right the harm they had caused. Almost without exception offenders felt they had been treated fairly by reparation workers (in contrast with the way some of them felt they had been treated by the police or by the courts). Not all offenders appear to have understood the order but most understood that they would be returned to court if they did not comply.

Offenders and their parents were split evenly as to whether reparation was a soft option - in contrast to YOT practitioners and reparation workers, most of whom felt strongly that it was not. However, those who had met their victims were less likely to view it as a soft option. Most spoke of anxiety beforehand, and a feeling of relief, or even achievement, when it was over. Offenders’ recollections of their encounters with victims were often vivid and detailed, even weeks later, in contrast to their hazier recollections of court proceedings and meetings with YOT staff.

Offenders’ parents mostly appreciated the help provided by YOT and reparation workers, for which several said they had been crying out for years. Many felt that the reparation order had been helpful in keeping their youngsters off the streets and productively occupied but some complained that they were too short. Offenders and their parents spoke frankly about the likelihood of reoffending, and about half stated firmly that they were much less likely to offend as a result of their experience on the reparation order.

Not all victims felt that their needs had been met by the reparation they had received and most felt that the offenders’ interests were seen as paramount. Nevertheless, the majority of victims who were interviewed were pleased to have been invited to take part in the process and most saw it as a positive experience. Most felt that meeting their victim or providing direct reparation might help to discourage further offending, and for some victims it clearly had been a very positive experience.

Magistrates’ attitudes about reparation were more mixed. Some welcomed the fact that it requires offenders to ‘do something positive’ instead of just being talked to, but others regretted the demise of the conditional discharge. Many felt it was appropriate for young first offenders but doubts were also expressed about the extent to which victims’ needs could be met, particularly with the emphasis on speed and in the absence of better resources.

<table>
<thead>
<tr>
<th>An offender’s view</th>
</tr>
</thead>
<tbody>
<tr>
<td>‘The hardest part of the order was apologising. I was scared about it at first, but in the end it all went well. And the garage owner thanked me for apologising.’</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>A parent’s view</th>
</tr>
</thead>
<tbody>
<tr>
<td>‘The help we have been crying out for has finally been provided... Why do they have to get into trouble before there is any help?’</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Two lay magistrates’ views</th>
</tr>
</thead>
<tbody>
<tr>
<td>‘The idea of confronting youngsters with their behaviour and making them realise there are victims and putting resources in to make that happen has to be positive.’</td>
</tr>
<tr>
<td>‘One of the problems is making it clear to offenders what it is all about because the word “reparation” will mean nothing to them.’</td>
</tr>
</tbody>
</table>
Structures and arrangements to deliver reparative interventions

Three distinct models for delivering reparative interventions were adopted within the pilot areas. We call these the ‘in-house’, ‘outsourced’ and the ‘mixed economy’ model. The advantages and disadvantages associated with each approach will be assessed briefly.

The ‘in-house’ model

The YOT retains sole responsibility for assessing offenders, consulting with victims and delivering all reparative interventions, using specially trained staff. It allows an early and relatively trouble-free implementation of the new measures; an effective assessment procedure; good communications with the rest of the YOT; good relations with the local bench; and a high level of compliance with good practice standards.

The most obvious drawback with this model is its dependence on the availability of suitably trained staff. Very few criminal justice practitioners have the training and skills needed for this kind of work. Another disadvantage is the relatively limited scope it affords for community involvement in the delivery of reparative interventions compared with models that involve voluntary sector organisations.

The ‘outsourced’ model

In some court areas there is evidence that the outsourced model is capable of offering good quality reparative interventions that conform to current best practice standards, and that service providers can develop constructive relationships with both YOTs and courts. An additional benefit is that resources allocated for the delivery of reparative interventions are actually used for this purpose and cannot be diverted to meet other YOT needs.

Those responsible for commissioning external service providers on a competitive basis were convinced that such an arrangement delivered better value for money and generated a greater range of innovative practices. It could assist the development of good practice standards that could be incorporated in future contracts.

However, the split responsibility for assessing offenders and consulting with victims remains a serious weakness with this particular procedure. It could result in inappropriate cases being referred for reparation or, conversely, in appropriate cases not being referred.

The disadvantages of the model in the pilots were considerable. Lengthy delays in allocating contracts delayed the implementation of effective victim consultation procedures and antagonised many magistrates. Relations between magistrates and service providers continue to be strained in some court areas, with differing opinions about the aims of the legislation and the kind of reparative interventions felt to be most appropriate.

Good communications and shared understandings between YOT staff and service providers have not been achieved in all court areas and, even where they have, YOT staff and service providers tend to blame one another for things that go wrong. Service providers feel particularly vulnerable when this happens because of their lack of direct access to the courts and the short-term nature of their contracts with the YOT.
The ‘mixed economy’ model

This was based on a hybrid between the other two. Here, an employee from a voluntary sector organisation who was trained and experienced in delivering reparative interventions, including mediation, was contracted to work within a YOT, while the voluntary sector organisation itself was contracted to assist in the delivery of reparative interventions. Police members of the YOT were responsible for consulting with victims.

The potential advantage offered by this model is that it should achieve many of the benefits associated with the in-house approach, including better communications and a more integrated approach, even in areas where suitably trained criminal justice practitioners are not available. These benefits are only likely to be fully attainable, however, where effective victim consultation procedures are in place. An additional disadvantage in the early months of the YOT was a tension between different members of the reparation team, which stemmed in part from different understandings about the aims of the Act and the kind of reparation it was intended to deliver.

Profile of offenders

- The overwhelming majority were male (85%).
- The mean age was 14.3 years (sd 2.0), with a range from 10 to 18 years.
- Most were recorded as white (73%). Black offenders made up 9 per cent, Asians 2 per cent, and a further 5 per cent were from other ethnic backgrounds. In 3 per cent of cases the ethnicity was unknown, but in 9 per cent of cases the offender’s ethnicity was not recorded.
- Most offenders were still at school or in further education (62%); 8 per cent were employed full or part-time. 21 per cent were unemployed. A further 2 per cent were classified as having some status other than the above.
- 40 per cent of offenders lived with both parents or a parent plus partner. 38 per cent lived with just one parent, 8 per cent were in care, 5 per cent lived independently and 7 per cent had other living arrangements.

<table>
<thead>
<tr>
<th>Table 11: Current and previous offences of those in receipt of reparation orders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of offence</td>
</tr>
<tr>
<td>Theft/dishonesty</td>
</tr>
<tr>
<td>Damage</td>
</tr>
<tr>
<td>Motor vehicle</td>
</tr>
<tr>
<td>Violence</td>
</tr>
<tr>
<td>Disorder</td>
</tr>
<tr>
<td>Drug offences</td>
</tr>
<tr>
<td>Sex offences</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of Previous sanctions</th>
<th>of Current offences</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>17%</td>
</tr>
<tr>
<td>1</td>
<td>26%</td>
</tr>
<tr>
<td>2</td>
<td>26%</td>
</tr>
<tr>
<td>3</td>
<td>14%</td>
</tr>
<tr>
<td>4</td>
<td>7%</td>
</tr>
<tr>
<td>5+</td>
<td>8%</td>
</tr>
</tbody>
</table>

83
The great majority of offenders in receipt of reparation orders were convicted of a single relatively minor offence. 25 per cent of cases involved known co-defendants, 78 per cent of whom were themselves young offenders. A slight majority (52%) had just one or two previous convictions, mostly for relatively minor offences and dealt with by a caution or a reprimand. For those who had committed a previous offence the average time that had elapsed between the most recent previous sentence and the current order was 185 days (6 months).

The fact that one in six offenders had no previous cautions, warnings or convictions may be a matter of concern, since they were presumably prosecuted without any prior caution/reprimand or final warning. Although this is permitted where the current offence is sufficiently serious, several YOT practitioners expressed concern at the tendency to prosecute even minor offences in such circumstances.

Offence gravity and risk assessment

The remarks we make in the final warning section about the use of gravity scores as the basis for police decisions about how to deal with young offenders also apply to reparation orders. Gravity scores were missing for just under half (47%) of all offenders. Where it was recorded, 45 per cent of offenders had a score of 4; 28 per cent had a score of 3; 22 per cent had a score of 2; and 6 per cent had a score of 1.

Recorded risk factors were computed in respect of all young offenders who were given reparation orders. They had a mean of 2.2 risk factors each (sd 2.0, with a range from 0–8). This compares with means of 1.4 for those in receipt of a final warning, and 2.8 for those who were given an action plan order. Table12 shows the number of risk factors distributed throughout the sample.

Table 12: Number of risk factors identified

<table>
<thead>
<tr>
<th>Number of risk factors</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 or 1</td>
<td>47%</td>
</tr>
<tr>
<td>2</td>
<td>27%</td>
</tr>
<tr>
<td>3 or more</td>
<td>25%</td>
</tr>
</tbody>
</table>

Table 13 shows the distribution of the type risk factor. The most frequently recorded risk factors closely resemble those for offenders on final warnings, though the recorded incidence is consistently greater (with the exception of truanting). Once again factors relating to the home environment and association with antisocial peers predominate.

Table 13: Types of risk factor identified

<table>
<thead>
<tr>
<th>Known risk factor</th>
<th>% at risk</th>
</tr>
</thead>
<tbody>
<tr>
<td>Truanting</td>
<td>26%</td>
</tr>
<tr>
<td>Current school exclusion</td>
<td>19%</td>
</tr>
<tr>
<td>Drug abuse</td>
<td>16%</td>
</tr>
<tr>
<td>Alcohol abuse</td>
<td>15%</td>
</tr>
<tr>
<td>Other substance abuse</td>
<td>2%</td>
</tr>
<tr>
<td>Antisocial peers</td>
<td>63%</td>
</tr>
<tr>
<td>Known offender(s) in home</td>
<td>20%</td>
</tr>
<tr>
<td>Poor parent/child relations</td>
<td>29%</td>
</tr>
<tr>
<td>Poor parental supervision</td>
<td>25%</td>
</tr>
<tr>
<td>Referred to mental health service</td>
<td>5%</td>
</tr>
<tr>
<td>On At Risk register</td>
<td>4%</td>
</tr>
</tbody>
</table>
The high occurrence of risk factors that relate to home and family life and educational disaffection presents a potential challenge for those responsible for delivering indirect reparative interventions and also for the sentencers who impose them.

The method of assessing offenders also merits comment. We came across a number of cases in which the principal assessment of the offender’s suitability for a reparation order appeared to have been conducted during a brief adjournment interview for a ‘stand-down’ report. Not only is this insufficient for a proper assessment of ‘risk factors’, in several cases it also overlooked relevant factors that should have been taken into account when passing sentence. Stand-down reports that are compiled on the basis of very brief adjournments indeed can make it impossible for a thorough assessment to be carried out.

Most reparation orders, 67 per cent, were imposed following a specific sentence report, although one in four orders (25%) was imposed following a pre-sentence report. A verbal or other report was provided in 4 per cent of cases and a reparation order was imposed without a report of any kind in a further 4 per cent of cases. Report writers were mainly social workers (responsible for writing 49 per cent of reports), though reports were also regularly written by police officers (19%), probation officers (18%) or other YOT members (15%).

Details of who was contacted during the preparation of reports were not well recorded, and upwards of 18 per cent of cases had missing data. However, in respect of those cases in which information was available, it appears that parents were contacted in 69 per cent of cases, schools in 20 per cent, an educational social worker in 12 per cent, work in 7 per cent, an educational psychologist in 3 per cent and various others in 19 per cent of cases.

Profile of victims

Information relating to the type of victim is summarised in Table 14.

<table>
<thead>
<tr>
<th>Type of victim</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single individual</td>
<td>43%</td>
</tr>
<tr>
<td>Business or corporate victims</td>
<td>39%</td>
</tr>
<tr>
<td>Multiple individual victims</td>
<td>4%</td>
</tr>
<tr>
<td>No identifiable victim</td>
<td>10%</td>
</tr>
<tr>
<td>No information as to type of victim</td>
<td>4%</td>
</tr>
</tbody>
</table>

These statistics mask some important variations. The proportion of cases in which an individual victim was identified ranged from 28 per cent in one pilot to 52 per cent in another. However, deficiencies in the victim consultation arrangements meant that the latter area also recorded the lowest proportion of victims (just over 1%) specified in a reparation order. The proportion of cases involving business victims ranged from 31 – 46 per cent across the pilot areas.

Table 15 summarises the valid data in respect of those cases involving identified individual victims.
Implementation of victim consultation procedures

The way reparation orders have been delivered has varied very considerably within the pilot areas. Differences in the mode of implementation are linked to a number of factors including: (i) variations in the victim consultation procedures adopted; (ii) different interpretations of the provisions of the Crime and Disorder Act relating to the decision-making process; (iii) different assumptions made by YOT staff, courts and service providers about the nature and purposes of reparation; and (iv) differences in the types of reparative interventions that have been developed in the pilot areas.

Victim consultation procedures and their impact

The core finding with regard to the level of victim consultation is that victims were said to have been contacted in 66 per cent of applicable cases. This is somewhat lower than might have been expected. The proportion of victims who were known to have not been contacted ranged from 7 per cent in one of the pilots to 32 per cent in another.

The outcome of the consultation procedure is summarised in Table 16, below.

<table>
<thead>
<tr>
<th>Table 15: Characteristics of individual victims</th>
</tr>
</thead>
<tbody>
<tr>
<td>Known to offender</td>
</tr>
<tr>
<td>Victim gender</td>
</tr>
<tr>
<td>Victim age</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Victim race (where recorded)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 16: Victim consent to reparation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outcome of Victim Consultation (n=258; figures relate only to those who were contacted)</td>
</tr>
<tr>
<td>Agree to direct reparation</td>
</tr>
<tr>
<td>Agree to indirect (community reparation)</td>
</tr>
<tr>
<td>Agree to neither form of reparation</td>
</tr>
</tbody>
</table>

Of those victims who were contacted, exactly half consented to some form of reparation being made by their offender. Just under two-thirds of those who consented agreed to some form of direct reparation; just over one-third agreed to indirect reparation. Once again there were interesting variations in response rates across the pilots. The proportion of victims who consented to some form of reparation ranged from 20 per cent of those contacted in one of the pilots to 75 per cent in another. The proportion of victims who were willing to consent to direct as opposed to indirect reparation ranged from a low of 53 per cent to a high of 90 per cent.

Both the relatively high proportion of cases in which victims were not consulted (one in three) and the apparently low consent rates require some explanation. We have identified four principal factors relating to victim consultation procedures that will need to be addressed carefully if this aspect of the legislation is to be implemented successfully.
The first is the disclosure of victim contact information and whether or not it contravenes the 1998 Data Protection Act. These concerns were particularly acute in one of the pilots but far from a transient problem confined to that area.

Difficulties with data protection are likely to become much more acute and widespread as a result of new Home Office guidelines about Final Warnings procedures. These guidelines appear to put the onus on the police to identify victims and elicit their consent before passing details to members of youth offending teams, let alone those contracted to deliver reparative interventions. If this more restrictive approach were to be adopted routinely it would have very serious implications for the successful implementation of the victim consultation provisions of the Crime and Disorder Act and needs to be addressed urgently.

One response might be to allocate responsibility for identifying and consulting with victims solely to the police, since they are deemed to be ‘authorised data holders’ under the terms of the Crime and Disorder Act. However, in our view this would not be satisfactory. Doubts were expressed by YOT workers, including one police officer seconded to one of the pilots, about the willingness of the police to track down and identify all potential victims, in cases involving multiple victims, let alone their ability to correctly determine the most appropriate one(s) to be contacted.

In our view, there can be no substitute for the use of suitably experienced and properly trained staff to consult with victims, and it would be unfortunate if well-meaning concerns over data protection restrictions or human rights considerations were to undermine this key element in the Crime and Disorder Act. If the latter Act is felt incompatible with either the Data Protection Act or the Human Rights Act the matter needs addressing and, if necessary, changes made to the Crime and Disorder Act.

The second factor has to do with defective victim consultation procedures adopted in one of the pilots in particular. This consisted of a standard letter (on YOT headed notepaper), to which victims were asked to reply if they wished to express a view about reparation. Not surprisingly, this elicited a much lower ‘consent rate’ on the part of victims who were contacted (20% compared with an average of 50% across the pilots, and a high of 75% in another of the pilots). It also resulted in an exceedingly low proportion of reparation orders consisting of direct reparation to a named victim (just over 1%). Here, the principle of victim consultation appeared to be accorded lip service. An important practice lesson is that effective victim consultation requires a proactive approach.

In other pilot areas where victims were contacted by letter, a follow-up visit or telephone call was made. Victims did not have to opt into the process, and this elicited an average of 19 per cent of cases involving direct reparation to a named victim, and a high of 36 per cent in one of the pilots.

Some of the pilots used a different method of contacting corporate victims, which involved consulting them by telephone during an adjournment of the young offender’s hearing, as part of a stand-down specific sentence report. This would be a wholly inappropriate way of consulting with individual victims, because of the strong likelihood that they would feel pressurised into making an instant decision, and is questionable in the case of corporate victims.

The third factor is the resistance of some YOT workers to victim consultation. This was confirmed by an audit of PSR reports conducted in one such area, which revealed that the level of full compliance with the YOT’s Victim Policy could be as low as 25 per cent. Analysis of team sheets disclosed that whilst some YOT members – notably more recent recruits, and those not from conventional criminal justice backgrounds – consistently made strenuous attempts to comply with the policy, others, particularly those from probation, routinely ignored or evaded it. Some were known to be openly refusing to contact victims.
YO Ts need to recognise these problems and ensure compliance with their policies, not least through careful monitoring.

The fourth factor is the tension between the requirement of victim consultation and another key objective in the Crime and Disorder Act, which is the speeding up of youth justice. Home Office guidelines stress the importance of early contact with victims, and envisage that this might take place before conviction, which would increase the time available for consultation. Although this was attempted in some of the pilots, it foundered as a result of fast-tracking initiatives and opposition from local Crown Prosecution Services. Consequently, no systematic attempts were made to contact victims routinely in advance of a guilty verdict being entered. This heightened the potential tension between the concern to speed up court proceedings and the need to allow adequate time for victim consultation.

We heard of a number of magistrates, including stipendiaries, who routinely refused to adjourn to enable victims to be consulted, insisting that the offender be sentenced on the day. Several of the magistrates we interviewed also complained that the emphasis on speed makes it impossible to meet the needs of victims. This suggests that victim consultation is too often seen as an optional extra that only needs to be undertaken when it does not hold up proceedings.

In response to the pressures identified above, one of the pilot areas developed a more collaborative decision-making process in cases where victim consultation was ongoing at the time of sentence and there was felt to be a reasonable chance of them agreeing to direct reparation. With the support of the Chief Executive to the magistrates’ courts and senior YOT staff, sentencers in this area are encouraged to be less prescriptive in the content of the reparation order.

Although it may be preferable for victims to be properly consulted before sentence is passed, this alternative approach has much to commend it given the very real time constraints that we have identified. However, it will only work where there is a good rapport between sentencers, YOTs and reparation service providers. Courts in other pilot areas are opposed to this decision-making process and insist on being more prescriptive. The confusion that we identified in the pilots on this issue is likely to be repeated in other parts of the country, and we recommend, therefore, that clarification is desirable, authorising the more flexible procedure that we outline above.

Profile of reparation orders and related sentencing outcomes

Type of reparation

Not surprisingly, reparation was proposed in the great majority of cases (95%) for which data were available. The intended beneficiaries (where known) are shown in Table 17.

<table>
<thead>
<tr>
<th>Table 17: Intended beneficiaries of proposed reparation orders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community</td>
</tr>
<tr>
<td>Named person</td>
</tr>
<tr>
<td>Organisation e.g. charity</td>
</tr>
<tr>
<td>“Other” beneficiary</td>
</tr>
</tbody>
</table>
In the great majority of cases (63%), reparation was ordered to be made to the community. In cases with no identifiable victim, community reparation was ordered in 68 per cent of cases, in cases with an individual victim the proportion was 58 per cent, and in cases involving business victims the proportion was 49 per cent.

Just under one in five cases resulted in reparation for the benefit of a named person (not necessarily an individual victim, since some of these involved business victims). In 4 per cent of cases reparation was intended to benefit an organisation such as a charity. In 14 per cent of cases the recipient was described as falling into some other category. However, just over a third of these were identified as business organisations, one in five was some other kind of ‘corporate’ victim such as a school, the local authority or the police, and just over one in ten involved victim awareness sessions. Most of the remainder involved multiple beneficiaries (e.g. an individual or community organisation plus reparation for the community at large).

The great majority of reparation orders (80%) were said to involve indirect reparation, 12 per cent involved direct reparation and only 9 per cent were said to have involved mediation. The victim was specified in the order in 21 per cent of cases. In just over half (51%) of relevant cases the reparation specified was judged to be directly related to the offence. These overall statistics also obscure some significant local variations. For example, the proportion of cases resulting in community reparation ranged from a low of 43 per cent, to a high of 85 per cent (in the YOT with the ‘opt-in’ consultation procedure).

Combined disposals

In the majority of cases (64%), reparation was the only disposal made. 11 per cent also involved a compensation order, 6 per cent a fine, 2 per cent a conditional discharge and 6 per cent received various other additional disposals. Just over 1 per cent of reparation orders resulted in a parenting order being made at the same time.

Outcome and compliance

For cases in which the outcome was recorded, the great majority, 83 per cent, were said to have been completed satisfactorily. Applications to discharge or vary reparation orders happened very infrequently (each in less than 2% of cases only).

Non-compliance led to revocation of the order in 12 per cent of cases; new proceedings were reported in 1 per cent of cases and other actions in 3 per cent. Some degree of non-compliance was noted in as many as 30 per cent of cases, but in relatively few cases (7% overall) did this seem to have been judged serious enough to result in breach proceedings. However, many of those responsible for enforcing the order felt strongly that the wording of the legislation was unfortunate in stipulating that the court has to be satisfied that a breach has taken place ‘during the currency of the order’. There is a feeling that many potential breach proceedings may run out of time and that it would be helpful if the legislation were to be amended to allow breach proceedings to be brought where the information is laid during the currency of the order.

Processing reparation orders

The imposition of a reparation order by the court took place on average 64 days after the arrest of an offender. Most of the planning for reparation orders occurred on or around the court date. In only 25 per cent of cases were reports requested in advance of the hearing (up to 22 days in advance). In the majority of cases (75%) victims were contacted up to 15 days after the court hearing; in only 25 per cent of cases were they contacted (up to 13 days) in advance of the hearing.
The responsible officer was most likely to be a police officer (in 47% of cases), though the remaining cases were allocated fairly evenly among the other professional groupings. Responsible officers had an average of three meetings during the order. A minority of cases (25%) involved four or more meetings (up to a maximum of 18). The mean number of hours spent on reparation by the YO was 7.3 hours (sd 6.2) though a quarter of cases took three hours or less, a quarter took 12 hours or more, and 10 per cent took between 12 and 16 hours.

**Sentencer and service provider perceptions of reparation**

Reparation Orders are intended to fulfil a number of different penal objectives. The multiplicity of reparation’s penal aims and its flexibility of form render it intuitively appealing to a broad range of constituencies. However, the indeterminacy of reparation’s underlying penal objectives and forms has also given rise to a number of problems in several of the pilots. Although it is difficult to generalise too categorically, different groups of respondents tended to express different views about the nature and purposes of reparation.

Most of those responsible for developing and delivering reparative interventions tended to emphasise the importance of meeting victims’ needs by facilitating mediation and the provision of direct reparation. They placed much less emphasis on the provision of indirect reparation for the benefit of the community. One service provider preferred to use victim awareness sessions rather than community reparation. Other service providers showed less reluctance to facilitate community reparation, and some made genuine efforts to ensure that reparation related in some way to the offence.

The majority of sentencers we interviewed also supported the idea of mediation in principle but just over half of them rejected the idea that mediation could be sufficient by itself. A few suggested that while mediation is fine in theory it is very difficult to accomplish within the current legislative framework. Conversely, there was strong support among many magistrates for the notion of work-related reparative tasks for the benefit of the community, and for several it was the punitive aspect that they clearly approved of.

The most constructive relationships between sentencers and service providers were found in areas where there had been intensive joint initial training sessions and/or with service providers. Conversely, implementation problems tended to be worse in areas where the conflict of attitudes over the nature and purpose of reparation was most intense.

**Types of reparation undertaken**

**Direct Reparation**

All the pilot areas offered direct reparative interventions. When handled carefully and sympathetically, direct reparation can help to meet the needs of victims while also having an impact on the offender, particularly where it involves mediation and apology, as in the following example.
A young offender who had stolen two charity boxes agreed to apologise to both victims and also undertake a total of nine hours direct reparation working in one of the charity shops and assisting in a residential home for elderly people with sight impairments.

Both victims were pleased to have been invited to become involved in the process and the feedback from both was very positive. One victim offered part-time work at the charity shop (an offer that was not taken up). All who were involved in the case, including the young offender, felt that the reparation had had a profound effect on him and were convinced that he would never steal from charity boxes again.

At the same time, there were other factors in the young man’s life relating mainly to the absence of a stable home or educational environment that increased the likelihood of other types of offending in the future, in spite of this very positive experience.

Successful direct reparation is far from automatic, however. Problems included courts ordering direct reparation without taking account of victims’ wishes or circumstances, or regardless of the defendant’s not guilty plea and continued protestations of innocence. Problems also arose when reparation workers failed to prepare victims adequately or to heed their preference for some form of practical reparation as opposed to a face to face meeting with the offender.

**Indirect reparation**

In cases where victims were unwilling to accept direct reparation, YOTs and service providers responded in very different ways to the challenge of addressing an offender’s behaviour in a constructive and meaningful manner. Our interviews and analysis of the case file records suggest that at least four distinct kinds of indirect reparation could be identified.

1. Offenders are allocated to a fairly limited range of practical work-based activities with little regard to the kind of offence committed or the circumstances of the offender.

A youth was convicted of criminal damage after spraying graffiti on a number of shops. The court adjourned the case for a few minutes to enable a ‘stand-down’ report to be completed. His account of the assessment that took place is as follows: ‘This woman says, “Right, give me a few sentences saying you’re sorry or whatever”. So I made it up, and she said “Right, you’ll probably get community service now”.’

In fact he was given a reparation order for 22 hours which included two hours’ victim awareness and required him to work with the council’s direct services department redecorating houses that no one lived in, plus £200 compensation. Both he and the magistrates who sentenced him would have preferred it if he had been required to clean off the graffiti, but this was not available in this particular pilot (though it was in others).

This comes close to equating reparation with a junior version of community service, which is how it was described by some respondents. Although popular with many sentencers, it does little to further any of the main aims of the reparation order and seems difficult to reconcile with an ethos of restorative justice.
2. Offenders should be allocated tasks that are related as closely as possible to the original offence to enable the offender to see the connection, as in the next example.

An offender was given a reparation order of six hours after damaging an ‘abandoned’ caravan parked on wasteland. Since the owner could not be found, the offender was required instead to work on the refurbishment of a ‘Peace Boat’, which is a former minesweeper. Volunteers were converting the boat into a floating community radio station which will be taken to trouble spots around the world where locally produced broadcasts will encourage divided communities to live and work together.

This approach requires a more thorough assessment of offenders and a more imaginative and energetic quest for suitable ‘placements’.

3. In some cases attempts may be made to relate the reparative activities to the offender’s skill or interests in order to foster a sense of achievement and ‘self esteem’.

In others, appropriate forms of assistance may be offered to offenders and their families while the reparation is being completed.

A young offender was convicted of attempted theft (shoplifting) while excluded from school for fighting and was given a reparation order for eight hours comprising two hours victim awareness and six hours indirect reparation. The victim, a large retail store, had previously indicated that it was not interested in direct reparation. The young offender was required to build nest boxes at the local wildlife centre, one of which he would be allowed to keep as a Christmas present for his grandfather with whom he shared an interest in ornithology. But the YOT also arranged for the young offender to be provided with a mentor and worked with the school and his mother to have him reinstated and to provide help with his suspected dyslexia.

This approach is likely to be more time-consuming and resource-intensive than other forms of community reparation but addresses the aim of crime reduction more directly than most, and is also consistent with the philosophy of ‘reintegration’ that underlies many restorative justice approaches.

4. In some areas, attempts are made to confront offenders indirectly with the consequences of their behaviour and its impact on victims, using letters of apology or victim awareness sessions.

Problems are most likely to arise when such activities are seen as reparative in themselves, and take the form of a ‘set-piece’ and token intervention. In such circumstances there is a clear danger, echoed in some interviews with magistrates, that they engender a cynical response from sentencers, offenders and victims, and could undermine much of the good work that is being done in the name of reparation.

**Action plan orders**

**General assessment**

Action Plan Orders (APO) have been well-received by all parties. The most favourable comments came from parents, who with few exceptions approved of the discipline and structure brought into their children’s lives by APOs. Offenders liked them for similar reasons, but emphasised the benefits of the relationship with their responsible officer. The courts liked the order because it provided them with a flexible low-tariff sentence that
was not seen as a soft option. Least in favour, but still with a healthy balance of positive comment, were youth justice workers and victims. Some youth justice workers voiced concerns about the effectiveness of programmes that were not tailor to offenders’ needs and therefore about their impact on the likelihood of reoffending. Victims’ uncertainty was related to doubts about the effectiveness of reparation. Overall, few misgivings were expressed about the objectives of APOs or their content.

These positive views are reflected in assessments of the likelihood of reoffending after Action Plan Orders. All parties reported a reduction in the chances of re-offending. Offenders were most optimistic about their chances. Nearly half those interviewed said they would not reoffend and a further 20 per cent believed they were less likely to. YOT staff were a little more cautious, but parents were more sanguine about their offspring’s chances of reoffending, with just about half expecting some reduction.

The other over-arching conclusion of our review of Action Plan Orders is the tremendous variability in practice among the pilot YOTs. Some of the variation is to be expected in the pilot situation. The radical differences in practice between and within YOTs, however, points to a clear need for training, management and team development.

<table>
<thead>
<tr>
<th>A mother’s view:</th>
<th>“Action Plan Orders are much better for young offenders than custody where you learn more about how to commit crime. What is needed is to help kids to grow up and out of crime... order is too short, help needs to continue after three months of order.”</th>
</tr>
</thead>
<tbody>
<tr>
<td>A YOT member’s view:</td>
<td>“Shorter orders are more achievable... short intensive pieces of work tend to have more impact than longer orders... more chance of success for young person.”</td>
</tr>
<tr>
<td>An offender’s view:</td>
<td>“I will never do this sort of thing again.”</td>
</tr>
</tbody>
</table>

**Profile of action plan orders**

**The offender**

- The overwhelming majority of offenders were male (84%).
- Most offenders were white (69%); 11 per cent black, 2 per cent Asian, 4 per cent other.
- Most offenders were still at school or in further education (68%) with significant minorities out of work (23%) and in employment (6%).
- 40 per cent of offenders lived with a lone parent, 37 per cent with two parents or a parent and partner, and 7 per cent lived independently.

None of these patterns differ significantly among the various pilot areas.
Risk factors

<table>
<thead>
<tr>
<th>Known risk factor</th>
<th>% at risk</th>
</tr>
</thead>
<tbody>
<tr>
<td>Truanting</td>
<td>40%</td>
</tr>
<tr>
<td>Current school exclusion</td>
<td>23%</td>
</tr>
<tr>
<td>Drug abuse</td>
<td>30%</td>
</tr>
<tr>
<td>Alcohol abuse</td>
<td>25%</td>
</tr>
<tr>
<td>Other substance abuse</td>
<td>3%</td>
</tr>
<tr>
<td>Antisocial peers</td>
<td>66%</td>
</tr>
<tr>
<td>Known offender(s) in home</td>
<td>19%</td>
</tr>
<tr>
<td>Poor parent/child relations</td>
<td>39%</td>
</tr>
<tr>
<td>Poor parental supervision</td>
<td>32%</td>
</tr>
<tr>
<td>Referred to mental health service</td>
<td>7%</td>
</tr>
<tr>
<td>On At Risk register</td>
<td>2%</td>
</tr>
</tbody>
</table>

Peer influence was a dominating factor in risks of offending. School and home problems were less frequent but still extremely important, as was drug or alcohol abuse. The number of risk factors among Action Plan offenders was 0–8, with a mean of 2.8, which places APO offenders as a significantly more risky group than either Reparation Orders or Final Warnings.

<table>
<thead>
<tr>
<th>Number of risk factors</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>12%</td>
</tr>
<tr>
<td>1</td>
<td>20%</td>
</tr>
<tr>
<td>2</td>
<td>19%</td>
</tr>
<tr>
<td>3</td>
<td>16%</td>
</tr>
<tr>
<td>4</td>
<td>16%</td>
</tr>
<tr>
<td>5 or more</td>
<td>18%</td>
</tr>
</tbody>
</table>

While the skew of risk factors is towards the low end, there are significant numbers of Action Plan Orders where the offender had four or more risk factors.
Offending patterns

Table 20: Offending of those in receipt of action plan orders

<table>
<thead>
<tr>
<th>Type of offence</th>
<th>Known previous</th>
<th>Current offence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Theft/dishonesty</td>
<td>45%</td>
<td>39%</td>
</tr>
<tr>
<td>Damage</td>
<td>15%</td>
<td>8%</td>
</tr>
<tr>
<td>Motor vehicle</td>
<td>12%</td>
<td>18%</td>
</tr>
<tr>
<td>Violence</td>
<td>11%</td>
<td>19%</td>
</tr>
<tr>
<td>Disorder</td>
<td>11%</td>
<td>8%</td>
</tr>
<tr>
<td>Drug offences</td>
<td>6%</td>
<td>4%</td>
</tr>
<tr>
<td>Sex offences</td>
<td>0%</td>
<td>0%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of Previous sanctions</th>
<th>of Previous sanctions</th>
<th>of Current offences</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>17%</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>23%</td>
<td>47%</td>
</tr>
<tr>
<td>2</td>
<td>24%</td>
<td>22%</td>
</tr>
<tr>
<td>3</td>
<td>15%</td>
<td>13%</td>
</tr>
<tr>
<td>4+</td>
<td>8%</td>
<td>7%</td>
</tr>
<tr>
<td>5+</td>
<td>10%</td>
<td>11%</td>
</tr>
<tr>
<td>Missing data</td>
<td>-</td>
<td>20%</td>
</tr>
</tbody>
</table>

This table highlights one of the conundrums of sentencing. While the vast majority of APO offenders had known previous offending, their current offence was less serious and deserved a low-tariff sentence. This contradicts the implicit intention of the APO to be used for first offenders with relatively more serious offences. Experience in the pilots seems to suggest that the APO is part of the ‘escalator’ for repeat offenders. This means that just observing the current offence might lead to the conclusion that up-tariffing is apparent in the pattern of APO disposals. However, this ignores the high proportion of APO offenders with previous court appearances, reducing the flexibility of sentencers when dealing with them. Tremendous variability in the stock of offenders is evident with a range of previous known cautions, warnings and convictions from nil to 16. Also evident is the popularity of the APO for offences of violence and for vehicle crime.

Patterns of offending are differentiated weakly among the pilot areas, with just one YOT area having significantly lower risk factor scores than the others. Low numbers, due to under-recording of information, precludes further breakdown of the pattern.

Time course of orders

Setting out the timing of events during the course of cases, as in Table 21 below, exposes some of the problems of interpreting mean time intervals. Apart from the obvious difficulty of poor case recording that weakens the interpretation, there are apparent contradictions. For example, reports are apparently requested well before YOTs are informed of cases. This in part is due to variation in the way the form was completed (some recording of notification of order rather than date of report), but also reports are not requested in all cases, and YOTs are not informed until after sentence in many cases.
Table 21: Mean times relative to date of sentence

<table>
<thead>
<tr>
<th>Event</th>
<th>Duration</th>
<th>Timeframe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offence took place</td>
<td>130 days</td>
<td>before sentence</td>
</tr>
<tr>
<td>Arrest took place</td>
<td>85 days</td>
<td>before sentence</td>
</tr>
<tr>
<td>Report was requested</td>
<td>24 days</td>
<td>before sentence</td>
</tr>
<tr>
<td>Victim contacted</td>
<td>9 days</td>
<td>before sentence</td>
</tr>
<tr>
<td>YOT informed</td>
<td>9 days</td>
<td>before sentence</td>
</tr>
<tr>
<td>YOT worker allocated</td>
<td>8 days</td>
<td>before sentence</td>
</tr>
<tr>
<td>First meeting with YP</td>
<td>1 days</td>
<td>before sentence</td>
</tr>
<tr>
<td>Breach proceedings implemented</td>
<td>15 days</td>
<td>after sentence</td>
</tr>
<tr>
<td>First warning for violation</td>
<td>32 days</td>
<td>after sentence</td>
</tr>
<tr>
<td>Breach hearing</td>
<td>73 days</td>
<td>after sentence</td>
</tr>
</tbody>
</table>

These figures suggest that YOTs are at the sharp end of the speeding up of justice. This is evident in the variation of times between the pilot areas and in the practices adopted. One YOT was notified of APOs an average of 28 days before sentence, while another had an average of three days. These differences were echoed in other timings, with the same YOTs having more or less time for reports and contact with offenders. The YOT with the most time had an excellent relationship with its courts but an expectation that reports would be completed in advance. In other areas, relationships with courts were equally good but the expectations different, for example more use of stand-down reports which are necessarily brief and less likely to be tailored to offenders’ needs. This is not to say that such practice results in less appropriate APO programmes, but rather that more discretion is given to YOT staff to adjust or even to decide programmes after sentence. One court operating a fast-track system leaves almost all the detail to be worked out subsequent to sentence, but expects regular feedback from YOT staff on how it is operating.

The administration of APOs is not subject to such time differences. In all the pilots, action plans lasted the same time and involved approximately the same number of meetings with offenders. Failures and breaches were taking the same time to occur.

Offence gravity assessment

Offence gravity scores were recorded in about a third of cases, and many of these were assessed by YOT staff: of those recorded, 5 per cent had a score of 1; 26 per cent had a score of 2; 33 per cent had a score of 3; and 36 per cent had a score of 4. This is straightforward confirmation that the APO is being used for more serious offending among the new orders.
 Consulting victims

In the Action Plan Order sample, about two-thirds of cases had an individual victim and a further quarter had a business or other agency as a victim.

Table 22: Characteristics of individual victims

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Known to offender</td>
<td>33%</td>
</tr>
<tr>
<td>Victim gender (individuals)</td>
<td>69% male</td>
</tr>
<tr>
<td>Victim age (where known)</td>
<td>60% under 25</td>
</tr>
<tr>
<td>Victim race (where known)</td>
<td>90% white</td>
</tr>
<tr>
<td>Victim consulted</td>
<td>58%</td>
</tr>
<tr>
<td>Victim consent</td>
<td></td>
</tr>
<tr>
<td>Direct reparation</td>
<td>26%</td>
</tr>
<tr>
<td>Community reparation</td>
<td>24%</td>
</tr>
<tr>
<td>Did not consent</td>
<td>50%</td>
</tr>
</tbody>
</table>

The profile of victims suggests that a majority were male, most under 25 years old, and a high proportion were white. Many were known to the offender (33%). The victim was consulted in 56 per cent of cases with an identifiable victim and about half of individual victims consented to reparation, which was split fairly evenly between direct reparation (26% of individual victims) and community reparation (24%). The content of reparation varied widely from simple apology letters, through to cleaning out the animal pens in a local city farm.

Victims’ views of the reparative element of APOs were very divided. Some were highly critical and others felt that it was beneficial for them and for the offender. These opinions reflected the appropriateness of the activity undertaken more than any other factor. Getting the reparative element of APOs right results in a happy victim, getting it wrong makes worse the apathy or alienation that victims feel.

 Involving others

In about 77 per cent of APOs, parents were contacted. In about 65 per cent of cases, one or both parents attended court, so there may be an issue for YOTs to try and minimise the drop out of parents at an early stage in the judicial process. At the same time, it is clear that parents as a group were highly supportive of the conditions laid down in the Order and often became very involved in ensuring their child’s attendance at specified activities. YOT staff likewise saw opportunities to work with parents to improve offending behaviour and often regretted that they had insufficient time to develop these relationships. Some YOTs and their staff would like to see much more use made of parents’ willingness to volunteer support for specified activities under Action Plans and are exploring ways of strengthening parenting behaviour in such cases.

Schools have been contacted in about three-quarters of APO cases were the young person is still at school. However, relationships with local education authorities remain patchy. The best practice sees the integration of educational programmes with rehabilitative programmes, reinforcing good behaviour with educational support. Too often, regrettably, the link between education and offending is barely addressed with little feedback in either direction. There is evidence of improvement in this area, where the link between offending and education is recognised, but as with offenders’ health needs, there is still some way to go.
Content of action plan programmes

All the pilot YOTs provided an in-house core programme for APO offenders. This normally consisted of six three-hour sessions, at weekly intervals, though there was some variation in the duration and frequency of sessions. Core programmes were delivered by responsible officers, usually on a one-to-one basis, with occasional groupwork. Core programmes addressed offending behaviour, the impact of offending on victims and the personal needs of the offender. Whether or not there had been a pre-sentence report, responsible officers used these sessions to ensure that needs were identified and addressed. In many cases, issues such as a drug habit were not identified until well into the Order and the responsible officer would refer the offender on to the appropriate services, even though this was not strictly a condition of the Order.

Beyond the core programme, the content of orders was extremely variable. Overall, 35 per cent of offenders were required to present themselves at a specified time and place, and in about six out of seven orders this requirement was fulfilled. One pilot YOT made more than twice as much use of this general requirement as did another. Presence at an Attendance Centre was much less often required, mainly because in one YOT area it was not used at all. Staying away from specified places was very rarely a requirement of orders. Educational requirements averaged about one-third, but this again concealed wide disparities between areas, with two making use of such conditions in over two-thirds of orders and another only in about one-sixth. Direct reparation was also highly variable, with one YOT requiring it in three-quarters of cases and another in 3 per cent. Letters of apology were a declining but still significant form of direct reparation. They were not well regarded by victims, offenders or YOT staff. Perversely, the proportion of orders with community reparation did not vary significantly between pilot areas.

An Action Plan Order with positive outcomes from victim-offender mediation

The offender had stolen the victim’s car and crashed it. The victim was a middle-aged teacher who rather reluctantly agreed to meet the offender. The victim was very nervous about the meeting but was able to use her skills as a teacher to manage her fears. The outcome was that she was able to get through to the offender the impact that his actions had made. At the same time the offender “shrank from being a thug” to a kid who had done something without considering the consequences. The down side was that her car was stolen again a fortnight after she had got it back, though she thought it unlikely that this was by the offender.

Review hearings were rarely used in one YOT area, but in over half of cases in another. Several magistrates in the latter area welcomed the feedback afforded by reviews, and likened their role in cases where there was no review to ‘making a cup of tea and pouring it down the sink’. Only 4 per cent of orders had their conditions varied after sentence.

Some caution is required in interpreting these differences, because of high levels of “no data” recorded. However, it is clear that variations in specified activities reflected differences in the ways YOTs delivered the components of orders. Well organised, outsourced reparation schemes get reflected in the numbers of orders for direct reparation. Weak links with education means few orders with educational requirements. Despite these organisational reasons for difference, it would still be possible to conclude that there remains a high level of inconsistency between different areas in the conditions imposed by Action Plan Orders.
Completion of orders

About two-thirds of orders were completed satisfactorily. About half the remainder failed because of non-compliance and small proportions were not completed for other reasons. Non-compliance was usually multiple, missing three or more sessions or failing to comply with other conditions. Responsible officers in the early stages of the pilot process found that breaching Action Plan Orders was extremely difficult within the three-month period of the order. However, as arrangements with courts to speed up breach hearings have been developed, this has become less of a problem. It nevertheless remains difficult to breach orders for non-attendance in some courts in the latter stages of an order, simply because the order can expire before breach hearings can be arranged. There is an argument for legislation to allow proceedings to be completed if evidence is laid before the court during the currency of the order. This will prevent an astute denial delaying proceedings long enough for the order to expire.

Parenting orders

Overall there has been an enormous amount of time and energy put into developing parenting programmes and the standard of the work appears high. A great deal of creative and useful work has been developed.

Take-up

The number of Parenting Orders was expected to be lower than that for the other Orders, and the partial pilots were introduced specifically to increase this area of work. In practice, the number of orders has been even lower than was predicted initially. Two hundred and eighty-four Parenting Orders were reported to the Home Office during the pilot period, whereas there was an assumption at the start that there would be at least 400.

The difficulties appear to have been due to the hectic, initial period of YOT development, where there was a great deal of work to complete in a brief time span. In this context the lack of established programmes for parents, and some professional misgivings within YOTs about the compulsory nature of the programmes delayed implementation considerably.

Data collection and analysis for the evaluation were therefore also delayed by this slow start and affected by the lower numbers. Data management problems in YOTs have also not helped. Some of the YOTs store files for parents separately from files for offenders, with no clear link between the two. This can frustrate YOTs' evaluation of their work, and certainly hinder the greater integration of work with an offender and his or her parents, which is a development needed in the future.

Work on the education route to the parenting order has been a prominent feature of the pilot period, with around 40 per cent of the national total of Orders made in this way. There are some concerns from the YOTs that they may be undertaking work that is best placed with and the responsibility of Education Departments. This issue needs to be kept under review.

Many YOT staff thought initially that voluntary attendance at parenting programmes would be the norm, a view that harmonised with an initial professional climate that was somewhat hostile to the compulsion of the Parenting Order. While we have not evaluated the voluntary programmes in detail and there is variation between pilot sites, our data suggest that the numbers being referred to voluntary programmes overall are not high. The data also suggest that the drop out from this route is considerable, with about half of parents who begin a programme not continuing their attendance.
Analysis of case files

Data were collected on 279 Parenting Orders made across the country during the pilot period of October 1998-March 2000. 62 per cent of these orders were made by youth courts at criminal proceedings for offences committed by the child. 37 per cent were made following the parent being summoned for the non-attendance of their child at school and 1 per cent (just two orders) were made on both parents of a child given a safety order. 38 couples were included in the sample (26% of the orders made). There was substantial variation between offices in the percentage of orders made by the two main routes, the variation relating to the policy of the office and their local court. At the end of the data collection period in mid September 2000, 16 per cent of the orders were not yet completed.

The parents

There are substantially more women than men on the Parenting Orders, about three women to every man. This is likely to reflect a number of factors, including fathers who are not present in an offender’s family, fathers absenting themselves from responsibility for parenting, and assumptions about female roles and responsibilities made by courts and by professionals. We will return to the involvement of fathers later, as there is some evidence that more could and should be done to involve them. Mothers were more likely to be lone parents with fathers more likely to be part of a household that contained both natural parents.

<table>
<thead>
<tr>
<th>Household</th>
<th>Women</th>
<th>Men</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lone Parent</td>
<td>53%</td>
<td>30%</td>
</tr>
<tr>
<td>Both natural parents</td>
<td>23%</td>
<td>47%</td>
</tr>
<tr>
<td>Other (inc. not known)</td>
<td>24%</td>
<td>23%</td>
</tr>
<tr>
<td>Total</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

The age of parents varied substantially, ranging from 28 to 58 years. There was a large proportion of cases where the parent’s age or date of birth was not available in the file, particularly for criminal orders where over half of the parenting files did not have this information. The mean age of parents on education orders and those on criminal orders was broadly similar (38 and 40 respectively).

Data on ethnicity were also unreliable, and over a third of files did not contain this data. The sparse information that was recorded about the parents subject to parenting orders suggested that this information was not felt to be relevant to the delivery of the order. Particularly surprising here is the minimal recorded assessment of parent problems and their potential impact on the order and its success. Only 54 of the criminal case files and 16 of the education ones had some record of problems, with no one problem very evident, although domestic violence featured in one in five of the criminal cases. The criminal history of the parent was rarely recorded in the files, when it was recorded one in five had some previous criminal history. Overall it appears that insufficient attention is paid to the context of the parenting order for the parent, almost certainly providing too little data to guide the ways that programmes should help parents with their parenting.

The great majority of the parents (92%) had children at home as well as the child related to the parenting order. These children may of course benefit as a result of any improvement in parenting skills as a result of the order.

100
The children

Three-quarters of the parenting orders related to male children, but the proportion of boys was higher among criminal orders (84%) than education orders (60%).

Risk factors were better recorded for the children and young people than the parents. Table 25 gives the percentage within each type of order where the risk factor was recorded in the file.

<table>
<thead>
<tr>
<th>Risk Factor</th>
<th>Education Order</th>
<th>Criminal Order</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recent Truanting</td>
<td>97%</td>
<td>57%</td>
</tr>
<tr>
<td>Exclusion</td>
<td>6%</td>
<td>30%</td>
</tr>
<tr>
<td>Drugs</td>
<td>0</td>
<td>9%</td>
</tr>
<tr>
<td>Alcohol</td>
<td>1%</td>
<td>8%</td>
</tr>
<tr>
<td>Other substance</td>
<td>1%</td>
<td>3%</td>
</tr>
<tr>
<td>Offending peers</td>
<td>4%</td>
<td>32%</td>
</tr>
<tr>
<td>Offender in household</td>
<td>13%</td>
<td>11%</td>
</tr>
<tr>
<td>Poor relationship with parent</td>
<td>9%</td>
<td>20%</td>
</tr>
<tr>
<td>Poor parental supervision</td>
<td>40%</td>
<td>33%</td>
</tr>
<tr>
<td>Referred to mental health</td>
<td>2%</td>
<td>5%</td>
</tr>
<tr>
<td>On At risk register</td>
<td>2%</td>
<td>2%</td>
</tr>
<tr>
<td>Other</td>
<td>5%</td>
<td>19%</td>
</tr>
</tbody>
</table>

These risk factors appropriately reflect the truancy element of the education orders, but this problem is also present in a substantial number of criminal case orders. There are similarities between the orders on the other risk factors but the degree to which there may need to be different approaches for the two orders is something that needs to be kept under review.

Where the order was made in criminal proceedings, some sentence was also imposed on the young offender. Two-thirds of the young offenders were given a community sentence (supervision order, action plan order) or a reparation order, which required supervision by the youth offending team. Evidence of a link between the work with the child and the work with the parent was found in a very small proportion of the criminal cases.

In common with data about their parents, the ethnicity of children was also poorly recorded and not available in around a third of cases. The ages of the children ranged from five years to 16 years, with the children linked to criminal orders being older because of the age of criminal responsibility. Their mean age was 13.3 years for education orders and 14.0 years for criminal orders.
About half of the children were living with their mother only, with very few living with just their father. The children were living with both natural parents when the parenting order was made in around a third of both orders.

The criminal record of the young person was poorly recorded where the parenting order was made by the education route. Among the criminal cases two-thirds had some previous criminal record of which 30 per cent had a previous caution, reprimand or warning, 54 per cent had between one and three previous convictions and 16 per cent had four or more previous convictions at the time the parenting order was made.

The orders

Three-month orders were made more frequently by the criminal courts (55% compared with 26% for education orders), and were more likely to be delivered by a group programme alone. 65 per cent of Education Act orders had some or all one-to-one work compared with 40 per cent of criminal orders. Why this should be the case is unclear.

Perhaps surprisingly, there has been a negligible use of additional requirements within orders. In general, YOT staff have felt that they add little to the effectiveness of an order and may even create additional difficulties for an already professionally challenging situation of ‘compulsory support’. One YOT has had a policy of generally including a catch-all additional requirement to make sure that all elements of the programme are compulsory, phrasing the additional requirement as follows: ‘the parent(s) will comply with any reasonable request of the responsible officer’.

Contact with the parent was made quite quickly after the order, with 60 per cent being contacted within a week. There were however, a third of education and a quarter of criminal orders where contact did not occur until more than 28 days after the order was made.

A very small number of parents (4) began their parenting programme before the order was made by the court, but generally the programme began within 14 days of the date of the order. The overall length of the programme tended to be longer for education orders than for criminal orders, probably because of the one to one work which was undertaken with these parents (62% of criminal order programmes were completed within three months compared with 31% of education orders).

There was little difference between the education and criminal orders in satisfactory completions at 56 per cent overall. Orders with group programmes were more likely to be satisfactorily completed (62%) than one-to-one work only (53%). In almost a quarter of cases the type of termination was unknown, many of these because the order was not complete at the time of data collection. Almost one in five orders ended unsatisfactorily, with 8 per cent revoked upon non-compliance and a further 9 per cent where the order expired although attendance was not satisfactory.

Referral, assessment and the parenting order

The majority of the pilots have protocols for both the criminal and educational routes. Discussion and training with magistrates has also featured to a greater or lesser extent in all areas. Following agreed local procedures, a parenting assessment is undertaken by the YOT. Some YOTs have integrated the assessment into a PSR and others present it separately to the court. The specific profession involved with the assessment varies, with the majority using education staff for education routes, but with a wide range of staff, including health, engaging with the criminal route.
Courts vary in the extent to which they require parents to be present at a hearing and a small number of orders seem to have been made without any parent present. Some have been made with just one parent present, usually the mother, with a practical result of limiting the involvement of fathers. It has been suggested that some courts are confusing ‘parent’ with mother.

YOTs have had to grapple with two definitions of ‘parent’ in the legislation, although in practice they probably think simply in terms of ‘natural parent(s)’. In the legislation, if the Order is via the education route (Sections 443 or 444 of the Education Act 1996), a version of ‘parent’ applies which is very near to that in the Children Act: ‘those with parental responsibility or care of the child’. If it arises via the criminal route then ‘parent’ follows s1 of the Family Law Reform Act 1987 – ‘mother and father whether married to each other or not at the time of the child’s birth’.

Some magistrates have tended to sit rather lightly on these definitions, working from the view that all parents of young offenders need some assistance, meaning a parenting programme. The intention of legislation has thus been widened unsuitably.

Magistrates continue to need to be suitably trained about Parenting Orders. It would also be helpful to issue guidance about the meaning of parent, and the best practice to be followed when preparing cases for court.

In general, once the order is agreed, there is a visit by the Responsible Officer and by the facilitator of the parenting programme, to prepare the parents. This personal link is important for maintaining a good link between programme and the offending behaviour, as is the continuing involvement of the Responsible Officer throughout the programme, a point we will return to later.

A number of the YOTs have devised good, short assessment forms for parenting programmes, including a preparation for the programme itself. An assessment format devised by the Youth Justice Board appeared towards the end of the pilot period. It is substantially longer than the one most of the YOTs are using and may play a useful role in training, to be substituted in practice by a shorter assessment along the lines devised by the pilots.

Good assessment is vital for the success of programmes. There is some evidence, partly arising from court processes and partly as a result of the poor communication between Responsible Officers and programme facilitators, that there has been a use of Parenting Orders in relatively low risk situations. Some of the YOTs have implemented a mid-course review for the parenting programme, with the Responsible Officer and the course facilitator reviewing progress and agreeing any specific work that is needed.

The Responsible Officer in Parenting Orders should work closely with the parenting programme facilitator. There needs to be an appropriate assessment for both the order and the programme. The Responsible Officer needs to maintain an active role throughout the order, linking with the programme as appropriate. These factors are variably found at present, and continuing national discussion and sharing of good practice would be useful in this fast developing area.

Effective programmes

We have reviewed all the parenting programmes run by the pilots. Interviews have been carried out with relevant YOT staff and with the programme facilitators. A checklist of questions, derived from the key findings of effectiveness studies of parenting programmes, was used to assess the relevance of the components and to
identify missing elements. This checklist has had to draw on research that has been predominantly based on parenting programmes for younger children. Some caution is therefore needed at this stage. Detailed recommendations for national implementation should await some further evaluation of teenage programmes. However, the broader guidance given here is based soundly in the general findings of research, and also in the practice experience of the staff on the programmes who are now gathering substantial professional knowledge of what is needed.

It is clear that a great deal hinges on the quality of the facilitator. Selecting and supporting suitable staff to run the programmes is vital to their success. Staff need to be able to work in a way that is welcoming and supportive, showing empathy with difficult situations. They need good knowledge of the research base and good knowledge of parenting. They need excellent training skills, including abilities as group workers, as well as a capacity to respond to individual concerns raised in a group. They also need to be able to deal with problems of personal welfare, such as domestic violence, and be aware of the diversity of parenting styles within a multicultural society. Recruiting people with these abilities presents a challenge, especially as parenting work grows.

By the end of the pilot period virtually all of the YOTs had contracted external providers to run the programmes. They suggested this was because of the need for efficiency, to engage specialised skills, and to distance parents from the possibility of stigma, through association with a youth offending team.

Some of the programmes had a mix of voluntary members alongside Parenting Order members, which seemed to work well, emphasising to the compulsory group the potential value of engagement.

The great majority of the programmes were group based, offering individual sessions if needed, for example to catch up on missed sessions, or because of particular personal problems. This approach is supported by the research literature.

The programmes were generally two months long, offering an average of nine sessions of two hours. They were broadly behavioural in content, with an approach that emphasised a partnership with parents, the sharing of learning between course participants, a building on existing skills and support rather than teaching, although it did the latter to a recognised degree. Initial sessions were carefully managed to obtain maximum commitment and to ensure the programme addressed relevant concerns. The following sessions generally followed something like the Webster Stratton programme, providing some homework, using video extracts and with an emphasis on reinforcing positive behaviours in a child. With very few exceptions, the research base would support the sessions that were provided.

The education route and the criminal route parents were on common programmes and this appeared to work well, although the data concerning risk factors indicates that this should be kept under review. Many course facilitators commented that nearly all parents from the education route expressed serious concern about bullying of their child at school. This was an area that the programmes had no power to deal with and the link between the programmes and the schools is an area for development.

Some programmes offered a certificate of completion and some linked with local FE provision. Both these ideas were well received.

While the sessions provided were nearly always relevant and linked to the research base, many also had missing elements. Some programmes did very little to support learning in the home setting, except for the provision of homework. None had a formal link with a school, involving a teacher in considering the
behaviour of the offender at school, or perceived bullying problems, for example. Little has been done to keep offenders informed about programmes or to maximise the likelihood of changes in parenting affecting an offender’s behaviour. Almost none of the programmes had any follow up sessions, or attempts to build in continuing support beyond the class sessions. None of the programmes had any systematic evaluation of outcomes.

All of these elements need incorporating into the development plans. They raise questions about adequate resources for the work, which will need to be examined.

Compliance

Compliance rates were relatively high, with the vast majority of parents turning up to sessions and completing the programmes satisfactorily. The weak link in some programmes between the course facilitator and the Responsible Officer did occasionally make it difficult to identify attendance problems at an early stage.

Over a half of the orders had a least one failure to attend during the order, with just over a quarter having three or more failures. Those on group programmes only had a lower proportion with a failure to attend (52%) than those with one-to-one work only (63%) or combined groupwork and one-to-one (73%), though this may reflect deliberately sending parents with higher support needs on the one-to-one programmes.

Around 20 per cent of orders had a warning issued for failure to attend, and 10 per cent had breach proceedings instituted. Many of these breach proceedings were still under way at the end of the data collection period, but where the proceedings had been completed it was frequently unclear from the record what the outcome had been.

In our interviews, and in the work with the YOT managers, there was considerable concern expressed about the use of the breach procedures for the small minority of cases in which it is needed. There was no dispute that carrying out the order must be treated very seriously, and that a breach provision was needed, but the fact that it was referred to the CPS for prosecution was regarded as cumbersome and potentially impractical. One YOT’s experience of this was that the CPS stated explicitly that they regarded the referral of a breach of a parenting order as a very low priority indeed.

There is presently little experience to draw on but there is a need to identify and disseminate best practice to deal with the breaching of orders.

Views and experiences of those involved

The views of both parents and young people about the programmes were generally very positive. While they both had misgivings around the Order, primarily around ‘being sentenced to receive help’ from the parents, and ‘being punished for the crimes of others’ from both parents and offenders, these misgivings were generally outweighed by the positive experience of attending programmes. A number of parents commented that they had been seeking help with parenting for a number of years.
Parent (criminal route Order)
“At first it was like a punishment … after it was completed it was a big help”

13-year-old (education route Order)
“Sort of when my Mum has to go to a course and have people talk to her and help her relax”

15-year-old (criminal route Order)
“Like if we’re grounded. She used to ground us, but she wouldn’t stick to it, cos we’d go on. No, she used to give up and let us off cos we’d be going on. But she sticks to it now”

15-year-old (criminal route Order)
“It was me that had done the crime and it was mum that was having to go to court, not that it wasn’t fair, but that it was me that had done it”

Parent (criminal route Order)
“To be honest (if had been voluntary) I would have intentions of going, but I would have been too busy doing my washing or something, and I would think I can’t make it this week, I’ll try next week”

The positive views of parents echoed those found in studies of parenting programmes for younger children. The realisation that others were in the same position was helpful, as was the direct support they received from other parents. They valued the partnership approach of the programmes and their supportive rather than straightforwardly instructive character. They felt that they had regained some power as a parent, were better able to stay calm when dealing with difficulties, and to weigh up the best response to a situation. Their knowledge of child behaviour had been increased and enhanced, having an impact on the way they dealt with their teenage children, including a possible effect on truancy and offending. Miracles were not anticipated, however!

The young people interviewed were also positive about the parenting order, although they had little information about specific programmes and were not very involved in them. They perceived changes in their parents’ behaviour, saying they listened slightly more and that communication had generally improved a little. They felt that their parents stayed calmer longer and that when they now said ‘no’ they really meant ‘no’. Overall they thought it was likely that the programmes had some positive impact on getting them to school or in reducing the likelihood of them offending.
Parent (education route Order)

“I have learned to speak more open and easily. I have actually volunteered to go back and help others in my position”

Parent (education route Order)

“I’m glad I’ve been on this, its really helped me”

14-year-old (education route Order)

“Before if we asked for a bag of crisps or anything she’d say no, and we’d go on and she’d give in. Now if we ask for something she says ‘Yeah’ sometimes and sometimes she says ‘No’. She sticks to it.”

Parent (criminal route Order)

“Before I’d go in with all guns blazing, its helped me to solve problems better”

Parent (criminal route order)

“We ended up learning from each other”

It was clear that there were a number of areas where the programmes needed to be sensitive to particular needs. Questions about cultural differences need to be placed into programmes, Islamic views about alcohol, for example, and the impact of racism is a further area for some programmes to develop. Domestic violence was of concern to a number of programme members and the provision of relevant support is needed.

Outcomes and benefits

The YOTs have achieved a substantial success with the Parenting Order, putting a new area into practice, developing sound work, and establishing an excellent base for further development. Parents attend and complete programmes. Participants are positive and perceive changes in the way they act as parents. They think that the parenting programme has a potential to deal with aspects of truancy and of offending.

Two routes...

A history of truancy from the two older boys, with more and more difficulty in controlling them as they become older, and with an absent father not involved, seeking some attempts at getting help and feeling that these did not help her as a parent ...

An early minor offence, a recent history of truancy, getting together with delinquent peers in run down neighbour's house with an alcoholic owner, a spree of minor offences, and parents seeking some help but feeling that no one helped them as a parent ...

...To the Order and the course

Where there were resentful feelings about being sentenced to a course but positive feelings about being supported by others, something useful could be learned, and behaviour changed a little with some impact on the young person ... who does not understand much about the course, but does also see some changes, including greater firmness and greater listening.
Many YOT staff have changed their views about Parenting Orders during the pilot period. They began with a negative view about the use of compulsion. There was also a general scepticism about the value of parenting programmes. By the end of the pilot period many staff took the view that compulsion was an important, if somewhat regretted necessity. Overall parents who attended parenting programmes thought that they left with greater influence on their children’s offending and truancy, and young people to some degree echoed this view.

Resource implications specific to this measure

The overall need, apart from the national development of research and good practice, is for more elements to be incorporated into parenting programmes. These include more active home links via the Responsible Officer, sound school links, better information and accompanying activities for the offender, booster sessions and follow up evaluation. It may be that a more precise targeting of Orders could release some resources for these developments although it seems likely that additional funds will also be needed.

Child safety orders

The evaluation of the pilot YOTs planned to include an equal contribution of Child Safety Orders alongside the other orders. By the end of the evaluation period there had been only two Orders, making the planned evaluation redundant. The evaluation design was therefore changed to accommodate new questions that were arising in the light of the negligible use of the Order.

Key questions were:

- Were the professional referral and assessment procedures not working well?
- Were professionals failing to identify relevant children?
- Were the criteria for recommendation for the Order too demanding, restricting its use for appropriate children?

To answer these questions a detailed examination of pilots’ policies and practices was completed. Policy and procedure documents were read and analysed, and key staff, including social services child protection professionals, were interviewed. The evaluation team also carried out a substantial study to assess the approximate numbers of children who might meet the criteria for the Order in four of the YOT areas. This included site visits and interviews with police, housing, education and social services staff. Areas with the strongest likelihood of producing relevant children for referral were selected.

Referral and assessment process

All pilots have developed a similar referral and assessment process. This involves multi-agency checks, an assessment of the child and family and a multi-agency forum for decision-making, including routes for diverting a child into the child protection system or other specialist services.

One YOT undertook early screening during a visit to the family, acting as a sort of informal warning. This raised the question of the benefits of promoting a high level of referral and screening out children, or a less adventurous approach for children specifically referred for consideration of an Order. The latter option relies on professionals having knowledge of the order and how it might be used, as well as an ability to make a preliminary assessment of whether an order is required.
There is a need for YOTs, or Social Services where they are doing the assessment, to be alert to the possible need to divert referrals to the Child Protection System. Equally there is a need for the child protection system to be alert to refer to a YOT. A revision of ‘Working Together’ should reflect these needs.

Training and raising awareness

There is general agreement that training programmes need to be developed across a number of agencies, to ensure a minimum level of awareness about the Child Safety Order. There is a dilemma, however, about how far to promote the Child Safety Order in the face of meagre evidence of demand for it, accompanied by a longer term problem of keeping awareness of the order in the minds of referring agencies. This may lead to children who meet the criteria for an order not being identified.

Profile of children being referred

There is evidence of YOTs developing criteria for their CSO assessment and the screening-out of children who have committed very minor or single incidents and for parents taking responsibility for their children. At the other end of the spectrum there are a number of children for who there is evidence of significant harm and who are diverted into the Child Protection System.

Children who are seen as most suitable for Child Safety Orders include those whose offending is condoned by parents or where there is a lack of parental responsibility, supervision or interest. This may indicate that the use of the Parenting Order is of more significance for these children than the Child Safety Order.

There is some evidence of the benefits of working on a voluntary basis with this group of children who are at risk and with their parents. These may include children who are not receiving help from other agencies, social services, for example, but where the YOT approach of early intervention is of benefit. There will need to be a strategic consideration of resource allocation for this work.

The difficulty of distinguishing between children who should be referred into the Child Protection System and those for who a Child Safety Order is appropriate is of note. It is possible that the order will obscure children who should be referred to the child protection system or delay their entry into it. This makes the establishment of good procedures and close co-operation between YOT and social services staff a priority.

Quantifying the numbers of children who meet the criteria

Anecdotal evidence about children who are suited to CSOs is often false, referring to slightly older children. The evaluation covered areas with high crime rates, high indicators of deprivation and a proactive approach to the orders. Evidence from them suggests that their referral figures will be low. There is no evidence that there are a significant, unidentified number of children who should be subject to a CSO. The available evidence suggests that there may be a handful of children in each YOT area who meet the required criteria.
The Impact Of The Youth Justice Pilots

The pilot experience: what has been achieved?

The Youth Justice Pilots began work within a bare three months of their selection, during which time legal and administrative structures had to be put in place to deliver the new orders. This tight schedule was to be achieved with a minimum of new resources and involved developing a panoply of new relationships within and beyond the existing sphere of youth justice. The fact that, for the most part, these tight targets were reached is a tribute to the willingness of all parties to plan, implement and deliver the new youth justice provisions. The experience of the pilots is sweeping and the achievements wide-ranging – new administrative structures, working with partners, delivering a raft of new orders and, not least, an attempt to change the culture of work with young offenders.

New structures

The pilots developed a set of new structures that brought together police, social services, probation, education and health to work under the same roof. Initial departmental and agency boundaries had to be broken down and a common purpose established. Not least, the agencies and departments had to agree a budget to finance the new Youth Offending Teams. Local Authority Chief Executives were required to consider and act in a new area of responsibility, with valuable support from the police.

The new structure generally followed local authority boundaries with other agencies falling into line. Particular difficulties existed for Hampshire and the Isle of Wight where there is a combination of two county councils, 11 district and borough councils and two unitary authorities. Here a federal model was adopted which ultimately had seven distinct units within the YOT, each serving a district area. All pilot areas adopted an Inter-agency Steering Group as a model for managing the new YOTs. These were not fixed-term projects where partners could walk away if the going got rough. They were seen from the outset as long-term commitments requiring new ways of working which would ultimately become accepted orthodoxy in youth justice delivery. The success of the pilots in developing these new structures is an achievement of note in its own right, serving as a model for other policy areas.

Partnerships

The effectiveness of YOTs was dependent on their development of new ways of working. Simply transferring existing practice would not be good enough. The police needed to recognise that arrest and sentence did not mean the end of interest in the offender. Social workers had to recognise that compliance was an essential pre-requisite of delivering justice. Education and health authorities had to recognise that offending and offenders were of direct relevance to their work.

The pilot achievements have developed protocols setting out the basis for joint working in an environment of partnership. Protocols cover a wide range of topics, from secondment and administrative support, through strategic thinking on service delivery, to agreements about procedures with courts.

Beyond protocols, two examples of good practice stand out. One pilot set up a sub-group of the Steering Group to review the operations of the YOT. The review group included senior managers from all the partner agencies and they examined all aspects of the YOT’s work. The impact was two-fold: all the managers became conversant with all the YOT’s activities, making a consensus easier to achieve; and YOT members, who had participated in the review process, saw the benefit of joint working being formally acknowledged. Other pilots conducted skills audits that have a similar if more muted impact.
New orders

The pilots’ experience of developing the new orders has charted a steep learning curve. As practice developed, work settled but there still remain considerable differences between YOTs in the delivery of the new orders. This is less so in the case of Final Warnings but Reparation Orders and the specified activities parts of Action Plan Orders reflect the way an individual YOT, or even unit within a YOT, has developed its elements of service delivery. Some YOTs have still some way to go in achieving a good fit between offenders’ needs and programmes available.

Culture of youth justice

It was recognised from the outset that the pilot Youth Offending Teams would not be re-badged Youth Justice Teams. Managers were aware of the dangers of allowing historic practices to permeate the new work. If the new teams were to be effective in meeting the aims of the legislation, a new culture of joint working needed to be established. The special skills brought by members of the partner agencies needed to be melded into new ways of working, which emphasised the intention of the Act in promoting evidence-based practice and an environment of compliance with open and agreed conditions of sentence.

Early days of the pilots were characterised by tension as the new teams struggled to accommodate change. Some opted to maintain elements of old practice, others grappled with different strategies for developing new practice. Debates about whether teams should adopt a generic or a specialist model of working were pursued vigorously. As time passed, experience consolidated towards a middle position – a core of generic work with members able to contribute specialist skills where appropriate. For many YOT managers a major achievement of the pilots has been to work with staff, to create the multi-agency, interdependent teams that are now in place.

Less success is apparent with evidence-based practice. This remains on the YOT wish list. YOT staff would say that there has not been enough time to keep up with research, despite a willingness to acknowledge its value. Moreover, IT systems have not yet become sufficiently developed to allow the ongoing feedback of data about effectiveness.

Training

Training has been a big issue within the pilot YOTs. In some cases we suspect that managers have provided more training to others than for their own staff. After a slow start, the Youth Justice Board has actively promoted training at all levels. The special position of the pilots has meant that managers and staff have participated both as consumers and as providers of training. While these efforts have been appreciated, the dual position is not often acknowledged.

Emerging good practice

Speeding up youth justice

While not all formally engaged in the Fast Track Programme, the pilots have all been in the forefront of national policy to speed up youth justice. New protocols and procedures have had to be developed and often later revised as national standards have been introduced. Courts have demanded increasingly tight schedules for cases and YOT members have had to accommodate them within workload constraints. Courts have not been very consistent in how they have reacted to the setting of national standards and, by the end of the pilot
period, there remained considerable differences in the times available and taken to complete the judicial process. In some YOT areas, courts have established protocols that leave staff minimal time to present cases but allow considerable discretion in the content of orders. Other areas have courts that give more time but like to specify the conditions of the order at the time of sentence.

Best practice

The pilot YOTs have spent much time establishing the elements of good practice for their work. Yet these have been slow to filter into the external domain. Without prejudice to individual officers, the particular skills profile of YOT members might stand as follows:

Police officers:
• Are good at doing things quickly.
• Are good with victims and parents.
• Are used to writing everything down.

Social workers:
• Are good with offenders/offender relationships.
• Take a wide picture when assessing offenders’ needs.

Probation officers:
• Are good at assessments/reports.
• Have good management skills.
• Are respected in court.

Education workers:
• Are good at networking.
• Are good at considering the role of parents and schools.

Health workers:
• Have good specialist skills (drugs, sexual health, mental health).
• Have good clinical/assessment skills.

In addition, YOTs are attracting recruits from newer areas who bring different skills and experience. Previous jobs include emergency control centre operator, charity marketing consultant, court escort and homelessness officer.
Balance sheet for pilot YOTs

The positives

- YOTs have added value:
  - for offenders: by speeding up justice
    by working to open and transparent guidelines
    by providing structure, discipline and self-esteem
    by providing access to a wide range of services
  - for victims: by consulting them
    by being innovative in involving victims
  - for courts: by establishing clear protocols, for specific reports, for example, for assessing offenders
    by developing a clearer compliance culture.

- YOTs have been successful at melding the skills and experience of members from different agencies to create the possibility of a distinctive culture for the delivery of youth justice.
- YOTs have worked towards the development of a more systematic case-management approach. This emphasises the key role of record keeping and suitable IT systems. There is still some way to go before YOTs are making the best use of records and technology.
- There is clear evidence of a willingness to learn about ‘what works’ both from reflection on the YOT’s own performance and from more general research literature.
- YOTs are becoming increasingly skilled in drawing on specialist services, both in respect of offending behaviour and in relation to related, criminogenic factors.
- YOTs have demonstrated the value of pooled budgets in providing a secure footing for work in partnerships.

The negatives

- There remain question marks over the commitment of some partners to joint working.
- Budgets will continue to be a thorny issue until there is proper responsibility for YOT finances at governmental level, each participating ministry having a clear requirement to work with young offenders and with a related budget to cede to YOTs.
- There is little evidence of systematic use of research findings in YOT policy development.
- Too much formulaic service delivery undermines the best intentions of sentencers, in reparation, for example, where routine or ill-fitting activities will diminish chances of successful outcomes.
- Too many disparities and inconsistencies exist in the timing and content of service delivery between YOTs.
Wider impacts

Finally, we consider briefly how the experience of the pilots might now be related to two wider areas of work.

1. Are the lessons of Youth Justice relevant to adult offending?

It is appropriate to ask if the restructuring of youth justice is just as applicable in the adult sphere. It is already happening in some areas – for example the widespread introduction of case-management and evidence-based practice to the Probation Service. However, early intervention is less of an option in adult offending and the potential for diverting offenders from descent into a life of crime is less clear-cut.

2. Are there lessons for wider agency practice?

YOTs have demonstrated the value of joined-up thinking at both policy and practice levels. There are clear lessons for examining the value of developing inter-agency perspectives in Child Protection, Community Health, and a raft of crime prevention and community safety initiatives.
Appendix 1

212 responses in total were received from approx. 220 staff (96% response). Of these, nine were received after the questionnaires had been processed, and four had not been fully completed, thus the final results are based on 199 valid returns (90% valid response).

<table>
<thead>
<tr>
<th>Table 1: Nature of YOT Staff responding to questionnaire</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Number of Respondents</strong></td>
</tr>
<tr>
<td>Full Pilot YOT</td>
</tr>
<tr>
<td>% Women</td>
</tr>
<tr>
<td>% White ethnicity</td>
</tr>
<tr>
<td>% Transferred or directed into YOT</td>
</tr>
<tr>
<td>% Parttimers</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 2: Agencies that YOT staff came from</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Number of Respondents</strong></td>
</tr>
<tr>
<td>Full Pilot YOT</td>
</tr>
<tr>
<td>% Social Services</td>
</tr>
<tr>
<td>% Probation</td>
</tr>
<tr>
<td>% Police</td>
</tr>
<tr>
<td>% Education</td>
</tr>
<tr>
<td>% Health</td>
</tr>
<tr>
<td>% Missing or Other</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 3: Training</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Number of Respondents</strong></td>
</tr>
<tr>
<td>Full Pilot YOT</td>
</tr>
<tr>
<td>% 1 day or less training</td>
</tr>
<tr>
<td>% Not enough training</td>
</tr>
<tr>
<td>% Don’t feel well enough informed about new work</td>
</tr>
<tr>
<td>% Training a major need</td>
</tr>
</tbody>
</table>
Table 4: Perceived Needs of YOT Staff  
(All mentioned by more than 20% are shown; training is in Table 3)

<table>
<thead>
<tr>
<th>Number of Respondents</th>
<th>Full Pilot YOT</th>
<th>Partial Pilot YOT</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>% Obtaining specialist services for young offenders</td>
<td>36</td>
<td>40</td>
<td>37</td>
</tr>
<tr>
<td>% More YOT staff</td>
<td>33</td>
<td>25</td>
<td>30</td>
</tr>
<tr>
<td>% Better space to work with young offenders</td>
<td>18</td>
<td>35</td>
<td>25</td>
</tr>
</tbody>
</table>

Table 5: Selected positive and negative attitudes to YOT work  
(Agree & strongly agree, or disagree & strongly disagree are summed as appropriate)

<table>
<thead>
<tr>
<th>Number of Respondents</th>
<th>Full Pilot YOT</th>
<th>Partial Pilot YOT</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>POSITIVES</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% Likes working in YOT</td>
<td>77</td>
<td>91</td>
<td>83</td>
</tr>
<tr>
<td>% New law significant change</td>
<td>85</td>
<td>79</td>
<td>83</td>
</tr>
<tr>
<td>% Like people I work with</td>
<td>78</td>
<td>88</td>
<td>82</td>
</tr>
<tr>
<td>% Mix of workers stimulating</td>
<td>74</td>
<td>88</td>
<td>80</td>
</tr>
<tr>
<td>% National standards good for quality</td>
<td>76</td>
<td>83</td>
<td>78</td>
</tr>
<tr>
<td>% Approve of single reprimand</td>
<td>51</td>
<td>42</td>
<td>47</td>
</tr>
<tr>
<td>% National standards possible to meet</td>
<td>32</td>
<td>51</td>
<td>39</td>
</tr>
<tr>
<td>NEGATIVES</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% All happening too fast</td>
<td>69</td>
<td>44</td>
<td>59</td>
</tr>
<tr>
<td>% Act contains contradictions</td>
<td>60</td>
<td>58</td>
<td>59</td>
</tr>
<tr>
<td>% Courts still ask for PSRs</td>
<td>79</td>
<td>14</td>
<td>53</td>
</tr>
<tr>
<td>% Lack of time for work required</td>
<td>60</td>
<td>38</td>
<td>51</td>
</tr>
<tr>
<td>% Time wasted through lack of support staff</td>
<td>47</td>
<td>42</td>
<td>45</td>
</tr>
<tr>
<td>% Team members not informed and consulted</td>
<td>54</td>
<td>21</td>
<td>41</td>
</tr>
<tr>
<td>% Team lacks shared view of work</td>
<td>45</td>
<td>25</td>
<td>37</td>
</tr>
<tr>
<td>% Too little attention to welfare needs of young offenders</td>
<td>41</td>
<td>29</td>
<td>36</td>
</tr>
</tbody>
</table>

In Table 5, it can be seen clearly that full pilot staff are more negative about their work than the partial pilot staff. We suggest that this is due to the rapid onset of the new work, with insufficient time for planning, training or team development. Despite these difficulties, most staff like working in the YOT and the people that they work with.

8 Strictly, this should not apply in partial pilot areas
## RESULTS OF TIME RECORDING EXERCISE (% TIME SPENT)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Overall Proportion of Total Team's Time Spent on Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NEW C&amp;D ACT DISPOSALS</strong></td>
<td></td>
</tr>
<tr>
<td>Final Warning</td>
<td>4.8</td>
</tr>
<tr>
<td>Reparation Orders</td>
<td>2.5</td>
</tr>
<tr>
<td>Action Plan Orders</td>
<td>4.1</td>
</tr>
<tr>
<td>Child Safety &amp; Parenting Orders</td>
<td>0.7</td>
</tr>
<tr>
<td></td>
<td>0.0</td>
</tr>
<tr>
<td><strong>Sub total</strong></td>
<td>12.1</td>
</tr>
<tr>
<td><strong>CONTINUING WORK</strong></td>
<td></td>
</tr>
<tr>
<td>Supervision Orders</td>
<td>8.2</td>
</tr>
<tr>
<td>Work with people on licence</td>
<td>1.2</td>
</tr>
<tr>
<td>Preparing PSRs</td>
<td>7.1</td>
</tr>
<tr>
<td>Bail support</td>
<td>1.0</td>
</tr>
<tr>
<td>Appropriate adult visits</td>
<td>1.1</td>
</tr>
<tr>
<td>Time in Court</td>
<td>6.0</td>
</tr>
<tr>
<td>Visits to custody</td>
<td>0.8</td>
</tr>
<tr>
<td>Discussions with Police</td>
<td>0.5</td>
</tr>
<tr>
<td><strong>Sub total</strong></td>
<td>25.7</td>
</tr>
<tr>
<td><strong>OTHER ACTIVITIES</strong></td>
<td></td>
</tr>
<tr>
<td>Training</td>
<td>8.1</td>
</tr>
<tr>
<td>Team meetings</td>
<td>5.7</td>
</tr>
<tr>
<td>Maintenance of info systems</td>
<td>4.9</td>
</tr>
<tr>
<td>Maintenance of case files</td>
<td>7.0</td>
</tr>
<tr>
<td>Court admin work</td>
<td>4.0</td>
</tr>
<tr>
<td>Reception/ telephone answering</td>
<td>5.2</td>
</tr>
<tr>
<td>Supervision/ appraisal of staff</td>
<td>2.7</td>
</tr>
<tr>
<td>Work allocation/ operational mgt</td>
<td>3.7</td>
</tr>
<tr>
<td>YOT budget/ finance work</td>
<td>1.0</td>
</tr>
<tr>
<td>Pre-activity/ development work</td>
<td>4.1</td>
</tr>
<tr>
<td>Local YOT strategic work</td>
<td>4.0</td>
</tr>
<tr>
<td>Consultations/ presentations re YOT/ pilot</td>
<td>0.9</td>
</tr>
<tr>
<td>Social services/ local mgt groups</td>
<td>1.6</td>
</tr>
<tr>
<td>Other</td>
<td>9.2</td>
</tr>
<tr>
<td><strong>Sub total</strong></td>
<td>62.1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100.0</td>
</tr>
</tbody>
</table>