

# Consultation on Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders Ministry of Justice

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## A response from the National Council for Voluntary Youth Services (NCVYS)

February 2011

### Introduction

1. The National Council for Voluntary Youth Services (NCVYS) is the independent voice of the voluntary youth sector in England. A diverse network of over 170 national voluntary youth organisations and regional and local youth networks, NCVYS has been working since 1936 to raise the profile of youth work, share good practice and influence policy that has an impact on young people and the organisations that support them.
2. The NCVYS network reflects the diverse range of voluntary organisations working with young people at community, local, regional and national level. Most of our members offer opportunities to engage in challenging activities or develop creative talents. They also support young people to become active in their communities and offer opportunities for their voice to be heard. Some offer interventions to prevent or tackle specific issues such as homelessness or offending behaviour. Others offer counselling, advice, guidance and information. All contribute to young people's personal and social development; some also engage with spiritual development.
3. For more information on any element of this paper, please contact NCVYS's Policy Officer, Dominic Weinberg on 020 7278 1041.

## Context

4. The National Council for Voluntary Youth Services (NCVYS) welcomes the opportunity to comment on the Ministry of Justice consultation on *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*.
5. NCVYS welcomes the direction of reform set out in the Green Paper. We recognise the Government's ambition to reduce the prison population by reserving custodial sentencing to the most persistent offenders and those that present a risk of harm to the public.
6. NCVYS endorses the responses of its members the Foyer Federation and Clinks, and this response draws on many of the ideas expressed in their submissions. Many NCVYS members work with young people over 18, so our response deals not only with youth justice, but with the whole of the Green Paper.

## The role of the voluntary and community youth sector in breaking the cycle of offending

7. The VCYS (voluntary and community youth sector) offers strong practical tools for investment to ensure the right approaches are adopted in achieving effective reform. It offers a holistic framework enabling the integration of employment, education, health and wellbeing services at a local level to both reduce reoffending and prevent offending behaviour. It can offer the range of services necessary to break the cycle of reoffending, including education and training services; health services; resettlement and aftercare provision; and support to access to mainstream children and youth services. VCYS services in health, accommodation, debt, and education are well positioned to deliver 'wrap-around' support to assist in rehabilitation. The success of local based 'link worker' schemes where a single individual works with an offender from arrest (or release) through to successful resettlement has demonstrated the effectiveness of innovative VCYS service delivery.
8. NCVYS highlighted in our submission to the Education Select Committee Inquiry on Youth Services that the current cuts to services used by young people could be mitigated by pooling of departmental budgets. At present, no single department has the budgetary incentive to properly invest in preventative and holistic services that deliver multi-faceted outcomes. If there were more joined up policy and budgets across departments, we would also mitigate any unintentional contradictions.
9. Services and agencies must take a joined-up approach to individual children, young people and their families. Better links and the sharing of information between services, young people and families are crucial. The VCYS can facilitate this process as it is often in contact with the most hard-to-reach children, young people and families. However, it can only do this if it is recognised by government as a partner and funded to contribute to information sharing.
10. The VCYS offers the consistent, universal approach best placed to achieve transformational outcomes, and the expertise and innovation of the voluntary community sector should be sought in preventing offending behaviour and reducing reoffending. NCVYS members, such as the Foyer Federation, provide "integrated, positive, person-centred, community focussed support, [which] offers a cost effective solution to meet the needs and goals of young people from offending backgrounds."<sup>1</sup>

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<sup>1</sup> See Foyer submission

11. The VCYS is also effective at leading on prevention, appropriate intervention, and the enabling of communities to take part in owning responsibility. Such approaches are ultimately the best way to reduce reoffending.
12. A report by NAVCA and Clinks has argued that “Voluntary organisations and community groups are led by core values that include a focus on the service user, a commitment to social justice, and a belief in the importance of strong communities”.<sup>2</sup> Therefore the voluntary and community sector is well placed to reach marginalised groups in society through their expertise, innovation and commitment. Working with the voluntary and community sector can not only help develop a strong ethos of work in prisons, but also enable prisoners to make reparation.
13. There is an abundance of evidence that demonstrates the impact that the sector can make to reducing reoffending. For example, Catch 22 “has shown that 90 per cent of its programme entrants who have been involved in crime will not reoffend while working with it.”<sup>3</sup> The Foyer Federation submission shows that 75% of young people leaving Foyers progress to secure housing, education and employment pathways.
14. However, there is growing evidence that the VCYS is in a fragile state, with many NCVYS and Clinks members seeing reductions in programmes. NCVYS’s *Comprehensive Cuts: Report on funding changes in the voluntary and community youth sector* documented a survey of our members in October 2010, which revealed that “nearly 70% of the 135 respondents to the survey had seen a drop in income in the past year. Of those who hadn’t seen a drop in income, over 75% are cutting projects in anticipation of cuts that they know will hit them next year.”<sup>4</sup> The follow up to the report, *Comprehensive Cuts 2*, showed further evidence to support this.<sup>5</sup>
15. A Clinks survey of approximately 85 organisations and individuals also suggested that “most organisations responding were undertaking programmes of redundancies with many seeking to reduce their staff complement by over 50%.”<sup>6</sup> An alarming number were already spending reserves to keep their services operational, and many stated that they were unlikely to survive beyond April, 2011 unless they could access additional funding in the near future.”
16. Given these findings NCVYS is concerned that the positive and progressive proposals in the Green Paper will be fundamentally undermined unless there is swift and effective action at national and local level to offset the impact of the economic downturn and the imminent public sector budget cuts.
17. Cuts to other, related services may also impact on attempts to create a more welfare-based approach to dealing with young offenders. YoungMinds have highlighted that some child and adolescent mental health services are losing some of their funding, even though

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<sup>2</sup> Rehabilitation Revolution: Unlocking the Criminal Justice System, Navca and Clinks

<sup>3</sup> *Life changing results: Our services are here to help you achieve them* Catch22 (October 09)  
<http://www.catch-22.org.uk/Files/Commissioners-brochure.pdf?id=4b3218c7-895d-4256-9a40-9dac00a2a49b>

<sup>4</sup> <http://ncvys.org.uk/UserFiles/Comprehensive%20Cuts.pdf>

<sup>5</sup> [http://ncvys.org.uk/UserFiles/Comprehensive\\_Cuts\\_Part\\_2.pdf](http://ncvys.org.uk/UserFiles/Comprehensive_Cuts_Part_2.pdf)

<sup>6</sup> See Clinks submission

the NHS is ringfenced, because they get their funding from local authorities as well as primary care trusts.<sup>7</sup> This is likely to impact on the 23% of young men in custody who reported emotional or mental health problems in a report by the chief inspector of prisons.

18. In order for the VCYS to be able to contribute to breaking the cycle of reoffending, it needs investment in all aspects of its prevention work, an increased focus on early intervention, and more joined-up working from Government. The engagement and innovation of the VCYS has been recognised as being crucial for reaching the most disaffected young people in local communities, but more work needs to be done to support it.
19. NCVYS would like to repeat its previous call, in response to the last Government's Youth Crime Action Plan, for the Government to "provide sustained investment in VCYS initiatives that impact on youth crime, concentrating on what works and creating an environment for long term investment rather than continually searching for innovative solutions. Resources should be building the capacity of successful interventions in the VCYS rather than creating more pilots that are not sustained.
20. "All relevant public bodies should have incentives to reduce youth crime not just criminal justice agencies. Too many public bodies are being asked to contribute to reducing youth crime but their performance frameworks offer no rewards to engage in activities that would do so. The case for prevention and earlier intervention needs to be articulated with greater passion and authority emphasising the long term gains not only for the individuals involved but for the community."<sup>8</sup>
21. The work of many VCYS organisations, including faith, BAME and smaller local projects remains undervalued by statutory agencies, and often goes under their radar. Much of the work carried out in the sector often contributes to preventing young people slipping into the criminal justice system, but does not fit into the funding streams and commissioning strategies of statutory authorities.
22. Voluntary, community groups and statutory services working together are a key part of the solution. Some representatives from the VCYS sector do not feel valued by those in authority and are often left out of decision making. Often there is little or no community involvement in the design or delivery of programmes or initiatives. Therefore there is a need to allow transparent access for community based organisations. There is a need to build trust between voluntary, community and statutory organisations. There is an issue about different levels of expectations from voluntary and community groups. Some groups are denied access due to a lack of trust and credibility in the eyes of central and local government.
23. Previous research by NCVYS into the criminal justice system also found that the different arms of Government often do not link up as they should. The preventative and enforcement strategies are seen as in conflict with one another rather than complementary and driven by shared goals and targets.<sup>9</sup> Longer term funding and initiatives are required.

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<sup>7</sup> <http://www.cypnow.co.uk/news/1048469/News-Analysis-Sentencing-plans-will-founder-without-investment/>

<sup>8</sup> <http://www.childrenengland.org.uk/upload/youthcrime.pdf>

<sup>9</sup> *Speaking Out Gang, Gun and Knife Crime: Seeking Solutions*

[http://ncvys.org.uk/UserFiles/Speaking%20Out/Briefing%20Papers/Speaking\\_Out\\_10\\_KGG%20Crime.pdf](http://ncvys.org.uk/UserFiles/Speaking%20Out/Briefing%20Papers/Speaking_Out_10_KGG%20Crime.pdf)

Currently there are too many pilot projects and there is an over emphasis on short term funding.

24. NCVYS also supports the Children's Commissioner's call to raise the age of criminal responsibility.<sup>10</sup> We echo her concerns that the age of criminal responsibility in England is one of the lowest in Europe and that we are in danger of criminalising too many children and young people by locking them up for committing far less serious crimes.

## **Punishment and Payback**

25. NCVYS would like to echo a number of points made by Clinks in their submission: "We welcome the ambition to transform prisons to deliver meaningful and purposeful experiences for offenders, as well as delivering the important functions of deterrence and public protection. The proposals to link work within the prison to vocational skill development are positive but we would question whether the entire regime should be focussed on vocationally oriented activity. The place of education in prison needs to be preserved as many prisoners will require support to attain even basic levels of skill in numeracy and literacy. There is also considerable evidence of the rehabilitative impact of participation in arts based interventions and activities, especially in terms of motivating offenders to rethink how they have lived their lives."
26. "Notwithstanding these qualifications, the proposals to open up prisons to VCS (voluntary and community sector) and private organisations will help to generate the 'real life' experience of work in the community. The VCS can provide socially useful activity that contributes to improving community facilities outside the prison. These would include social enterprises that have a strong business ethos coupled with a social purpose."
27. Foyer Federation has emphasised the need to forge closer links between the prison estate and local employers in order to secure greater commitment from employers. We welcome their suggestion to encourage local employers to deliver training workshops within prison as a way of an initial introduction.
28. Foyer Federation have also highlighted that the ability to sustain employment is a critical element that provides the foundation of successful rehabilitation. Therefore it is important to amend the Rehabilitation of Offenders Act 1974 to remove the barriers to employment. We welcome the provisions of the Private Member's Bill of the Rehabilitation of Offenders (Amendment) Bill that is currently being passed through Parliament. Reducing the time scale to declare a 'spent' conviction would open up doors of opportunity for ex offenders seeking employment. There are, however, many offenders who are a long way from the labour market as a result of low skills, poor work histories, and the struggles they experience with substance misuse and mental health issues. Providers in the VCS that have a track record in addressing these needs will need to operate in a more flexible funding environment and PBR (Payment by Results) will need to especially need to recognise 'distance travelled' measures to effectively rehabilitate this group.

## **Rehabilitating offenders to reduce crime**

29. One area conspicuously missing from the Green Paper is that it fails to identify the importance of service users' (i.e. ex-offenders' and current offenders') voices in

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<sup>10</sup> [http://www.childrenscommissioner.gov.uk/content/press\\_release/content\\_366](http://www.childrenscommissioner.gov.uk/content/press_release/content_366)

contributing to the 'rehabilitation revolution'. This is especially important for young people, who often feel that because they have had no input into the development of services such services are marginalising and do not reflect their circumstances, nor deal with their issues. A greater role for children and young people (particularly those most affected by these issues) in the formation of policy must form part of the solution.

30. There is evidence across a range of VCYS agencies, both in the criminal justice system and in other social and health care fields, of the value which service users bring to developing and improving services, as well as enhancing strategic engagement.<sup>11</sup>
31. The Foyer Federation submission has highlighted an alternative approach to the traditional 'support' relationship between staff and young people with a more active and enabling process of transformation. In their *Working Assets* programme, young people are asked what they can do, rather than what is wrong with them. The programme could easily be targeted as a vehicle for shaping more effective community justice payback schemes, and as a model to engage young offenders and those at risk of offending in meaningful activity that builds positive relationships. Such programmes are also far more likely to attract additional resources and investment from the local community.
32. There is also compelling evidence of the impact of peer mentoring on changing the lives of offenders in custody and in the community. The fact that peer mentors have faced similar challenges to offenders they are working with brings an extra dimension to the relationship. NCVYS members have previously confirmed that the role of peers and mentors in reducing reoffending is crucial.
33. Such alternative and innovative approaches to custody can help not only the transition of a young person's journey from adolescence into independent adulthood, but also the desired outcome of reducing reoffending. Young offenders are costing the economy between £8.5-11 billion,<sup>12</sup> and the Government must make a commitment to adopting innovative approaches based on service users' voices.
34. Participation with young people can be tokenistic, and to fully engage them in developing services may take a time. Yet young people's voices need to be heard, especially the voices of the hardest to reach young people, collectively they often know the solutions.
35. The need for offenders' voices to be heard is also critical in ensuring that those who are engaged in the criminal justice system understand the system and the language that is being used. The Public Accounts Select Committee's inquiry into youth justice confirmed that "70% of young offenders suffer from significant communication difficulties, but current forms of assessment do not give this sufficient weight. The justice system assumes a level of understanding on the part of young offenders that will in many cases be lacking. This increases the risk that young people will not engage with or understand the requirements of their sentence plan."<sup>13</sup> Only by engaging young people in service delivery and design can this level of understanding be improved.

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<sup>11</sup> <http://www.clinks.org/publications/reports/unlocking-potential>

<sup>12</sup> Ministry of Justice, The youth justice system in England and Wales: Reducing offending by young people, National Audit Office, Comptroller and Auditor General, HC663 Session 2010-2011, December 2010

<sup>13</sup> NCVYS's response to the Education Select Committee's Inquiry into Youth Services, December 2010  
[http://www.ncvys.org.uk/UserFiles/NCVYS%20response%20to%20Education%20Select%20Committee%20Youth%20Services%20Inquiry\\_1.pdf](http://www.ncvys.org.uk/UserFiles/NCVYS%20response%20to%20Education%20Select%20Committee%20Youth%20Services%20Inquiry_1.pdf)

36. Currently the perception is that the dialogue is very much one sided. The Foyer Federation has highlighted a programme funded by the Paul Hamlyn Foundation, looking at how young people, including those from offending backgrounds can help shape the deal between service provider and user. The programme, *Creating a Better Youth Offer*, has engaged young people as ambassadors to promote the co-production of services offers that involve young people in defining their content and measurement. This is not just a case of ‘enhancing’ the offer provided to young offenders, but involving them in more transparent ways on how the offer is put together and what it can achieve. A focus on personal and community ‘assets’ has provided one way of enabling young people to think about what they wish to invest in.
37. Engaging young people effectively can also help ensure that the relationships between young people and authority are improved. There should be a greater focus on engaging young people through discussion and skills development to help young people effectively managing relationships with authority including parents, teachers and the police.
38. Another example, highlighted in CentreForum’s recent paper, *Co-operating out of Crime*, shows the value of involving young people in policy and services.
39. “One of the early applications... was [the] Time Dollar Youth Court in Washington DC. The youth justice system in the District of Columbia – an area where half of the majority black population under the age of 35 was in prison, on parole or on probation – had been in a state of near collapse, forced to dismiss first and second offences because of case overload. The youth court aimed to turn this around by recruiting young offenders themselves to help combat crime. If you are a young person arrested for the first time for a non-violent offence in Washington now, the chances are that you will be arraigned not before a judge but in front of a jury of other teenagers, who will question you, judge you and sentence you. The sentence will include serving on a jury yourself. The ultimate purpose is to deliver a youth justice system that not only helps to prevent criminal behaviour, but also changes some of the conditions that cause it in the first place, and it does so by engaging young people as advocates of good behaviour. In 2007 the youth court dealt with 80% of all first-time offences in Washington. The recidivism rate for youth court participants is only 17%, about half the average in the mainstream juvenile system.”<sup>14</sup>
40. The VCYS is often able to provide a vehicle for representing the views of offenders, and it is also best placed to engage with local communities about the issues for offenders and their families. There is a critical need to build the capacity of parents and communities to respond to issues that face them. Services for families and young people need to be enhanced, with a focus of empowering local people and building social capital.
41. Further to this, along with Clinks, we welcome measures which devolve delivery and accountability to the local level. A system that draws on the knowledge, expertise and innovation of a much broader set of organisations from all sectors is best placed to recognise the unique value of VCYS organisations.

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<sup>14</sup> Centreforum, March 2011 *Cooperating Out of Crime*  
<http://www.centreforum.org/assets/pubs/cooperating-out-of-crime.pdf>

42. The vast majority of VCYS organisations are rooted in local communities and crime itself is primarily a local phenomenon. Relatively small amounts of development funding directed to the VCYS can generate innovative new services and allow the VCYS to take on a leadership role in both strategic and operational delivery of services for Integrated Offender Management. But there remains a need to address the cultural barriers that exist between the two sectors and importance in making time and effort to build trusting relationships.
43. We agree with the argument in Clinks's submission that "Effective local delivery also requires greater co-ordination of public sector agencies and tackling the obstacles created by so-called 'silo' approaches to funding and delivery. The emerging lessons from Total Place and the more recent proposals for 'Community Budgets' will be important for creating the holistic services necessary for vulnerable people, including offenders and their families, to turn their lives around. The VCS traditionally works across a range of health and social care agendas and is well-placed to support more integrated and localised services."
44. We also support the Foyer Federation's suggestion that "there should be an equal footing between the agencies, sector organisations and government departments to ensure there is real incentive to adopt this approach as the key to breaking down local barriers lies in joint working. The success of this is largely dependent upon all agencies, government departments, private, public and the voluntary community sectors working together."
45. Multi agency working should work proactively at a neighbourhood level rather than being artificially created to respond to an issue. Partnerships should be service user led and there should be an understanding of what is required before deploying interventions. Support and intervention should not be homogenous; services should be delivered in a diverse way to suit the local area and should reflect the differences between service users, especially young people.

## **Payment by results**

46. NCVYS's submission to the Education Select Committee's Inquiry into Youth Services showed that NCVYS members believe that PBR is desirable and achievable in certain areas (such as resettlement and employment). But with PBR to be in place by 2015, there is great uncertainty about what will happen in the mean time. Social investment is an excellent source of funding for transitional and transformational models, and to test new approaches. PBR is a welcome approach to ensure value for money and we believe integration within a wider contract would be an effective way of commissioning PBR for community sentences. The aim to develop the market holds great potential for innovative models of service provision.
47. However, the success of the PBR method relies on sufficient working capital. If it is not available, all but the largest voluntary organisations will simply not be able to get involved. It is absolutely critical for VCYS involvement that there is both a service fee and a payment for results. With the squeeze on all sectors, many smaller and more locally based initiatives will lack the competitive edge to win PBR contracts.
48. We support Clinks' suggestion that "A clear and detailed code of conduct, resembling the DWP Merlin Standards, is required to regulate prime and subcontractor relations. A truly

mixed market should not be limited to a prime and sub model but will also include consortia and Social Investment Bonds, where the VCS play a much greater involvement in service design. Social Impact Bonds are welcomed as a means of protecting VCS from the financial risk and present one model for funding transformative work.”

49. There also issues around outcomes inherent in the PBR model. PBR may not be appropriate for some of the most successful preventative work that the VCYS carries out. PBR needs to recognise soft outcomes and there should be a premium payment for harder to reach offenders to ensure that payment reflects the extra investment required to support them. An enabling and tailored approach is necessary for small specialised agencies that provide a holistic and flexible service to individual. The extent to which PBR will be successful is dependent upon the correct outcomes being identified. Yet it can be difficult to define positive outcomes for young people involved and leaving the criminal justice system.
50. Foyer Federation have given examples of LAs being inflexible when it comes to outcomes. For example Hilltop Wood, an educational programme for excluded young people which had a success rate of 75% of getting young people into employment, found that the LA did not renew the contract because it didn't get enough young people into further and higher education.
51. Financial and social return on investment will be greater if payment-by-results contracts recognise the broader spectrum of outcomes and development needs of the most disengaged. Often it is early, smaller step outcomes that enable personal and social development. We recommend that payment by results recognises this and considers a more appropriate staged-payment model whereby voluntary organisations do not experience a cash flow problem.
52. Clinks members have stressed the need for alternatives to payment by results and further investigation is required of the most appropriate models of PBR, so we would advocate a cautious and gradualist approach. All sectors will need time to adapt to PBR – to adjust funding arrangements, form partnerships and develop a robust evidence base – but much of the VCS are in a particularly vulnerable position financially. It is essential that additional transitional funding is made available, perhaps in the form of some seed-corn grants to develop sustainability around PBR. There should be multiple streams of finance available to engage organisations with different levels of risk appetite and capacity, including blended payment by results and grant funding.
53. We believe the ingredient for successful commissioning lies in the integration of services with a joined up approach whereby the relationship between commissioner, provider and service user is strongly connected so that service provision is tailored to meet the needs of the service user.
54. There is also a role to play for local and national voluntary and community sector infrastructure organisations to promote consultation and engagement and share information about payment by results and commissioning opportunities to ensure opportunities reach all, large and small, voluntary and community organisations.

## Youth justice

55. The House of Commons Public Accounts Committee report into the youth justice system<sup>15</sup> has revealed that “there have been substantial reductions in the number of young people entering the system and the number of offences committed by young people.” Yet “young offenders serving custodial sentences or more serious community sentences remain highly likely to reoffend.” With £800 million being spent in the system, it is vital that better value for money is achieved. However there is little evidence of which programmes are effective and “Without evidence of effectiveness, there is a risk that reductions in funding for frontline services could result in cuts to the most successful interventions.” Concerns remain that young people are being churned through the criminal justice system into young offenders’ institutions.
56. The report also expressed concern that prevention budgets are being cut due to general reductions in budgets and the non-statutory nature of prevention work, in spite of the fact that this is likely to lead to higher costs in the medium term.
57. NCVYS agrees with the report’s concern that “the abolition of the Board raises a question about how a national focus on reducing offending by young people and reducing the use of custody will be maintained.”
58. NCVYS welcomes the statement in the Green Paper that custody “should be used sparingly as a last resort as it separates young people from their families and communities, can seriously disrupt education, training and development and is an expensive option that does not deliver good outcomes for young people.”
59. The VCYS is well equipped to reduce youth offending. This requires a local, joined up approach to address the multiple disadvantages that many young offenders have and the chaotic lifestyles that many lead. The VCYS needs to be brought together with the local authority, the police, probation and health to tackle youth offending. It is important that the status of children and young people in custody should be based on similar principles to that of other vulnerable children, e.g. looked-after children, to ensure that their rights are protected, services are based on individual need and that there is full access to mainstream services. Provision for young people should be provided at times when they need it and take account of individual circumstances especially for young people on release custody.
60. The Green Paper makes little mention of the importance of family relationships in mitigating the impact of sentencing or indeed in supporting and sustaining rehabilitative gains with adult and young offenders. There are a range of VCYS organisations which deliver good quality and innovative interventions in this area. There is a significant role for targeted family intervention at an early stage to prevent youth offending from occurring and there is a range of community-based family support services that can be recruited to this agenda. This would include family mediation services and support for young families.
61. We believe that a young person on release may increase their chance of rehabilitation if placed in a holistic supported housing programme before transferring to another service.

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<sup>15</sup> House of Commons: Committee of Public Accounts *The youth justice system in England and Wales: Reducing offending by young people: Twenty-first Report of Session 2010–11*  
<http://www.publications.parliament.uk/pa/cm201011/cmselect/cmpubacc/721/721.pdf>

Thus there needs to be quality assured provision for those on immediate release that will enable the person to equip themselves with the necessary soft skills before transferring to another service. This is also confirmed in the recently published Barnardo's report, *No Fixed Abode*, which reports on the number of young people on release from custody who find themselves sofa surfing or being accommodated in unsuitable bed and breakfasts and face eviction leaving them on the streets and thus fall into the unfortunate homelessness cycle.

62. It is also important to support innovative schemes to keep young people in education both before they become involved in offending and as a way of steering them away from further offending following arrest and conviction. High quality mentoring and volunteering schemes for young people have a major role to play in reducing youth crime. These can also support the work of the proposed 'compliance panels' as a way of increasing the effectiveness of Youth Rehabilitation orders for young offenders.
63. There is a need to combat the negative public perceptions of children and young people which are driving the public discourse about young people and crime. Young people constantly say that the language and imagery used by some government spokespeople is often very negative and demonising of them. It is important to use much more positive language and images of young people, in order to portray them as assets to their communities. Governments in countries including Finland do this habitually, with the result that the view portrayed of young people becomes self-fulfilling. Such a change is necessary to reverse the stereotypes and perceptions held about young people.
64. For example, there are concerns among NCVYS members that the Home Office's proposed new measures to tackle anti-social behaviour do little to challenge negative stereotypes about young people's involvement in crime, or adopt a more effective approach for dealing with children and young people who are deemed to be antisocial.<sup>16</sup>
65. Foyer Federation has highlighted that it is not only custodial sentences that affect young people. Out of court disposal can have a negative impact on young people, who already making the difficult transition from adolescence into adulthood. "The emotional burden of being given an out of court disposal can prevent young people from recognising their own skills, resources and opportunities, which in turn dampens their aspirations. Furthermore this emotional burden can reduce a young person's resilience and in turn increase the risk of becoming isolated and socially excluded. This confirms the importance of early intervention in that young people at risk of offending must have access to the necessary support."
66. The mixture of national and local responsibilities had led in some situations to perverse outcomes. For example, the Public Accounts Committee report has shown cases where local authorities were responsible for meeting the costs of community sentences, and where these sentences were credible they were more likely to be used as alternatives to custody by magistrates. But the Youth Justice Board was responsible for meeting the cost of custody, which was considerably more expensive per offender. This therefore diminished the incentive for local authorities to provide well-funded community alternatives to custody, or to invest in non-statutory prevention work. Local authorities' budgets should

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<sup>16</sup> <http://www.homeoffice.gov.uk/publications/consultations/cons-2010-antisocial-behaviour/asb-consultation-document?view=Binary>

be able to move with children and young people across services and age boundaries to aid transition and address individual need. Performance measures and targets for different services should not conflict.

67. There also needs to be more coherence at the national level, with further moves towards bringing together different government departments with an interest in children and young people and the justice system, in order to create a greater consistency in language and policy from government. The place-shaping agenda is an opportunity for Government to promote the needs for children and young people to be seen at the heart of communities and central to the process of increasing engagement and participation in decision making.
68. In order to achieve positive and transformational outcomes, it is also necessary to ensure the front line staff working with the young people are appropriately trained to take into account more than just the young person's background and personal history.

## **Restorative Justice**

69. NCVYS welcomes for the commitment in the Green Paper to extend Restorative Justice (RJ) approaches, and supports Clinks and Foyer Federation views of the importance of RJ that involves some form of victim and offender engagement. As Clinks argue "the definition of RJ offered in the Green Paper is very victim centred and we would argue that such a narrow definition diminishes the potential impact of RJ. RJ traditionally includes the victim, the offender and the community. This more holistic view of RJ is reflective of an approach that considers the wider social causes behind offending behaviour and understands that many offenders have been victims themselves. A strength of RJ approaches is that they can involve extended family in group conferences, which can strengthen support for both the victim and the offender. The community ethos behind RJ makes the voluntary sector particularly well suited as a delivery partner. The public face of RJ could be improved by better communication about positive results achieved."
70. NCVYS supports Foyer Federation calls for measures "to enable partnership working between criminal justice agencies, voluntary and community sector as well as the public and private sectors in dealing with young people who have acted wrongly but do not deserve the engagement of the legal process...Young people who have acted wrongly for the first time and for low level offences thereby meeting the criteria for legal action to be taken against them should be dealt with by the voluntary and community sector and other services rather than the police. Ways in which this can be achieved is through mandating participation in community programmes that are being developed and delivered by the voluntary community sector. For example, a young person who would have received a caution for possession of cannabis could perhaps be mandated to volunteer for a mental health charity.
71. "Consideration should also be given to mandating participation in education courses and possibly voluntary work experience for a set number of hours. This will contribute to building the young person's skills, resources and opportunities, all of which is necessary to achieve positive outcomes for young people. A sense of conditionality could also be applied in that mandating participation in a programme/voluntary work or experience could act as a deterrent to receiving an out of court disposal, but also contribute to forming a two way deal between the young person and service. Whilst from the outset this looks similar to the community sentence, this approach should be used as an opportunity to build the

resilience and asset base of the young person i.e. their soft skills in order to ensure the prevention of offending behaviour.”

### **Working with communities to reduce crime**

72. Diversity issues also need consideration. NCVYS agrees with Clinks’ assessment that the “success of the ‘rehabilitation revolution’ depends on the degree to which the government addresses the disproportionate representation of BAME (Black and Minority Ethnic) groups in the criminal justice system. This issue is relevant at every stage of the criminal justice process from arrest to custody and it has a cumulative effect resulting in a massive over representation of black offenders in the prison system.”
73. We welcome the support in the Green Paper for relevant and appropriate services for women offenders. In particular ‘one-stop-shops’ based in the community, and usually delivered by VCS organisations have demonstrated their effectiveness, and have provided credible alternatives to imprisonment, especially short custodial sentences.
74. However, our members Platform 51 are concerned that there are few actions points listed in the Green Paper relating to women. We would like to see a specific commitment to investment in women-only services. Women in Prison estimate that 81% of the women they work with have experienced domestic violence or sexual abuse. Youth justice in particular has been dominated by men’s needs, and there hasn’t been significant recognition of the acute needs. Clinks say “There is little attention paid in the Green Paper to the issues affecting young female offenders. The factors contributing to their offending is different to young male offenders and their emotional and psychological needs are unique. It is crucial to ensure that there are gender specific services for young female offenders, and these should include sexual health and provision for victims of sexual assault and exploitation.”
75. We welcome Foyer Federation’s comments that there should be “a holistic approach to the support provision where consideration of gender equality is reflected in an individual support plan. Factors such as child dependency, mental health, victim of domestic abuse must be taken into consideration when designing support packages for women. [NCVYS and] the Foyer Federation would strongly recommend that mechanisms are put in place enabling the implementation of the recommendations identified by Baroness Corston in her review, The Corston Report 2007.” NCVYS members have expressed concerns that despite the positive evidence of the alternatives to custody that followed the Corston Report, funding for such projects may not continue.