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CRIMINOLOGY AND CRIMINAL JUSTICE WITH PLYMOUTH UNIVERSITY

Report of Research on Youth Offending Team Partnerships and The Social Context of Youth Crime

(November 2013)

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1. RESEARCH ABSTRACT AND SCOPE

This research aims to explore how Youth Offending Teams (YOTs) and their partner agencies could strengthen their work together to address young offenders' wider social needs in order to support desistance from crime. It makes use of broad data from 41 YOTs (out of a total of 157 in England and Wales at the time) and 32 in depth semi-structured qualitative interviews conducted in 2 large YOT catchment areas. This report outlines the key findings from the research and concludes by considering how the welfare of young people in conflict with the law could be better protected in YOT partnerships through the development of a rights-based approach. A detailed discussion of the research design can be found in section 3. All information which would allow the identification of research settings or respondents has been removed from the report to protect the anonymity and confidentiality of participants. Finally it should be noted that this is an exploratory research based on qualitative data. It makes no attempt to provide evaluative explanations of the issues raised. A recently published article (Gray, 2013) makes use of the research findings to engage with theoretical debates about the dynamic characteristics of 'assemblages of penal governance', like YOT partnerships, in action. A forthcoming article (Gray, 2014) will consider the policy and human rights implications of the empirical data,

2. RESEARCH CONTEXT

2.1 Changes to youth justice:

Following the implementation of the *1998 Crime and Disorder Act* major changes have taken place in the aims and delivery of youth justice. Youth justice is now guided by the overall goal of preventing crime amongst young people aged 10 to 17 years by addressing the risk factors associated with offending and is delivered by multi-agency Youth Offending Teams (YOTs) which include representatives from the police, probation, education, health and children's services (National Audit Office, 2010).¹ These teams are expected to work in partnership with a range of mainstream and voluntary sector social services to provide holistic, child-friendly interventions which target the complex social welfare difficulties of young offenders in order to reduce their risk of reoffending.

2.2 Youth crime and social exclusion:

Young people in contact with YOTs and their partner agencies have encountered intense levels of personal and socio-economic disadvantage, which research shows heightens their risk of offending and likelihood of joining the ranks of the most excluded sections of society. Levitas et al. (2007: 25) define social exclusion as:

'a complex and multi-dimensional process. It involves the lack of or denial of resources, rights, goods and services, and the inability to participate in the normal

relationships and activities, available to the majority of people in a society, whether in economic, social, cultural or political arenas.'

The Bristol Social Exclusion Matrix (Levitas et al., 2007) measures social exclusion in the three areas of 'resources', 'participation' and 'quality of life', and Jacobson et al.'s (2010) research on young people in custody illustrates the extent and ways in which young people in conflict with the law are vulnerable to social exclusion based on these indicators.

The first indicator 'resources' can be generated from both economic and social sources and refers to income and the quality and extent of family or other interpersonal support networks. In Jacobson et al.'s study (2010: 50) just over half of young people in custody were found to live in deprived households (characterised by welfare dependency, overcrowding and substandard basic amenities) and almost fifty percent had experienced breakdowns in interpersonal relations resulting in exposure to abuse or neglect and/or placement on the child protection register.

Turning to the second indicator of 'participation', which encompasses such factors as engagement in education, training and employment, the majority of young people in the sample were disaffected from school and had underachieved, often arising from learning difficulties, speech and language problems, truancy and expulsion from school (Jacobson et al., 2010: 60).

'Quality of life' is the third indicator and refers to emotional well-being and mental health needs. The young people in Jacobson et al.'s (2010: 61) study similarly faced negativity in this area, with almost a fifth having attempted to self harm and/or having a formally diagnosed mental health disorder. The extent of poor 'quality of life' outcomes for young people in custody is confirmed by a recent Inspectorate of Prisons report (Murray, 2012: 59) in which over a third of young women and over a quarter of young men said that they had emotional or mental health difficulties.

Overall the young people in Jacobson et al.'s (2010: 82) research were subject to 'multiple layers of different types of complex disadvantage', with well over three-quarters having five or more interlocking difficulties, amounting to what Levitas et al. (2007: 100) categorise as 'deep exclusion'.

2.3 Desistance and YOT partnerships:

Desistance research suggests that young people make the decision to stop offending as a result of transformations in their attitudes and way of thinking accompanied by positive changes in their social circumstances (Farrall and Calverley, 2006; McNeill and Weaver, 2010). However, young people's choices and success in negotiating the risks associated with reoffending are often limited by broader societal constraints, particularly those arising

from the three social exclusion factors cited above (Farrall et al., 2009; Farrall et al., 2010; MacDonald et al., 2011).

The multi-agency composition of YOTs and their partnerships with mainstream social service providers seem to offer the ideal set of arrangements to support a more 'holistic' approach to desistance which facilitates an equitable balance between correcting shortcomings in young people's attitudes and behaviour and addressing broader social needs and difficulties.

Yet research shows that YOT partnerships have only partially lived up to this ideal as such a balance has not been achieved. Research repeatedly evidences that while YOT partnerships have been successful in challenging and changing young offenders' inappropriate thinking and behaviour, they have been less successful in meeting their complex social welfare needs. Initial indications of less than successful social outcomes appeared in Soloman and Garside's (2008) independent audit of the youth justice system which found that most of the targets set by the Youth Justice Board to monitor the performance of YOTs in addressing the difficulties of young offenders in such areas as accommodation, mental health, substance misuse and education, training and employment were not being achieved. Recently Youth Justice Board monitoring has been relaxed and its centrally driven targets reduced, but research continues to confirm that the multiple social needs of young offenders are not being adequately met by YOTs (National Audit Office, 2010).

Turning specifically to the three indicators of social deprivation identified in the Bristol Social Exclusion Matrix, research shows that in terms of 'resources', while there has been some improvements, partnership arrangements between YOTs and children's services are not effectively safeguarding young offenders from harmful and abusive interpersonal relationships as thresholds for entry to appropriate support services are being set too high (Youth Justice Board, 2010). In regard to 'participation', the quality, range and delivery of educational provision, particularly for the large number of young offenders excluded from mainstream facilities, have been a key area of criticism (HM Inspectorate of Probation, 2011). 'Quality of life' support services have also been criticised, with the most negative comments directed at the 'wide variation in the type, level and quality of measures put in place to support the emotional wellbeing and good mental health of children in the youth justice system' (Berelowitz, 2011: 64). But the most scathing critique of YOT partnership arrangements appeared in a recent report on 'looked after children' (HM Inspectorate of Probation, 2012: 27 and 30) which concluded that:

'agencies often fail to work effectively together, concentrating on their own procedures and failing to work with the child or young person in a co-ordinated way.....we found effective joint working between YOTs and children's social services in only one-quarter of cases, and with education and mental health services in just under a half.'

3. RESEARCH DESIGN

3.1 Aim:

The above research evidence suggests that the outcomes of YOT partnerships have fallen short of expectations to bring significant improvements in meeting the social needs of young offenders. This research therefore set out to explore how YOTs work in partnership with a range of social service agencies (e.g education, mental health and children's services) to address the social welfare needs of young offenders and the difficulties that arise in these partnerships. Through this research it was hoped to understand how YOTs and their partner agencies could strengthen their work together to address young offenders' wider social needs in order to support desistance from crime.

3.2 Research methodology:

Three sets of data were used to explore the above aim. First, longitudinal data from several hundred interviews with practitioners and managers in forty one (out of a total of 157 at the time) YOTs collected between 2001 and 2007 on how they worked in partnership with social service agencies to tackle the needs of young offenders.² Second, in order to update this data set and provide greater insight into the operation of different partnership arrangements, thirty two in-depth semi-structured qualitative interviews were conducted between May 2011 and August 2012 with a purposive sample of youth justice professionals³ in two large YOT catchment areas that did not participate in the earlier research. These included YOT practitioners and managers, and strategic managers and workers from various partner agencies such as children's, health and educational services, and crime and disorder reduction partnerships. Finally, individual interviews were supplemented by observational analysis of partnership forums in action where planning and decision making relating to tackling young offenders' welfare difficulties took place between YOTs and their partners. Topics covered in interviews included how young offenders' needs were understood; tensions, conflict and compromises in YOT partnerships; resource constraints; and the balance between welfare, correctionalism and public protection.

4. YOT PARTNERSHIP ARRANGEMENTS

4.1 The audit and performance management culture:

The restructured youth justice system that emerged from the 1998 *Crime and Disorder Act* is deeply embedded in an audit and performance management culture in which YOTs are subject to regular inspection and monitoring. Previous research has suggested that one of the main reasons for the failure of YOTs to adequately address young offenders' social difficulties arose from breakdowns in inter-agency working arrangements with their social service partners (Audit Commission, 2004). Follow-up research to explain this situation indicated that many of these agencies had quite different and sometimes contradictory targets, cultures and interpretations of problems, which made it very difficult for them to work effectively in partnership (Souhami, 2009). The House of Commons Justice Committee (HCJC, 2010: 42) summarised the core findings from the research evidence as follows:

'.....youth offending teams are encountering difficulties in getting local partners outside the criminal justice system to fulfil their objectives towards children and young people who offend by facilitating access to mainstream services and making available provision to meet their needs.....once a young person is labelled as an offender they are seen as a problem that youth offending teams are expected to resolve rather than being seen as a problem to be shared and tackled jointly; so young people are batted from agency to agency.'

4.2 Tensions in YOT partnerships and the limitations of the research:

This research began by exploring these difficulties through a focus on the tensions faced by YOT partnerships in addressing the three indicators of social exclusion identified by the Bristol Social Exclusion Matrix (i.e. 'resources', 'participation' and 'quality of life' – see section 2.2). The research does not attempt to provide a comprehensive exploration of all possible tensions arising in each indicator. 'Resource' tensions were explored through partnerships with children's services, 'participation' tensions through partnerships with education providers and 'quality of life' tensions through partnerships with mental health agencies. The criticisms raised in the recent inspection report on *Looked After Children* were not explored as it was published after this research was completed (HM Inspectorate of Probation, 2012).

4.2.1 'Resource' tensions: With reference to 'resources', which relates to the quality of young offenders' family and other close interpersonal support networks, the partnership between YOTs and children's services has an important role to play in strengthening these networks in order to reduce young people's risk of reoffending. Yet both national research (Youth Justice Board, 2010) and this research found that there are tensions in these partnerships. One of the main sources of tension which emerged in the qualitative interviews for this research was over thresholds or eligibility criteria. Many YOT workers felt

that these were set too high, making it difficult for their clients to receive support from children's services. One worker summed up the issue as follows:

'thresholds for intervention are a moveable feast as there is no defined level at which children's services will become involved.....If they've got a high demand they'll put the threshold a bit higher and if the demand lowers they'll move it a bit lower so the lack of clarity and the lack of understanding about that has always been an issue.'

(YOT partnership professional 30)

Another source of tension in relations between the YOT and children's services was the common perception among YOT workers that children's services would withdraw their help once they knew a young person was involved with the YOT. One worker outlined the tension as follows:

'there's a feeling that if a young person's got a court order and they're with the YOT then because we're social workers we should take on all the welfare work as well even though our remit is offending. We obviously do an element of welfare but the main welfare agency is children's services. Yet quite often they will put pressure on to close the case because the young person is with us.'

(YOT partnership professional 21)

4.2.2 'Participation' tensions: 'Participation' refers to young people's involvement in education, training and employment (ETE), which is a significant protective factor in reducing their risk of reoffending. The thematic inspection of ETE interventions (HM Inspectorate of Probation, 2011) identified two key tensions in partnerships between education providers and YOTs. The first centred on concerns about the poor quality and limited range of ETE provision, especially alternative provision, and whether it was suitable for young offenders. The second related to the perception that some education providers frequently rejected YOT clients beyond school age because it was felt that their disruptive behaviour was likely to lead them to drop out and so distort completion rates and performance targets around which success was measured and funding provided.

These two tensions were similarly widely discussed in the qualitative interviews for this research. One worker reflected when ventilating frustration at not getting a young person into further education:

'they really didn't want to know because of their completion rates.....a person from the YOT is less likely to complete and so the college is less likely to get their money for a successful outcome.'

(YOT partnership professional 26)

4.2.3 'Quality of life' tensions: The third indicator of social exclusion is that of 'quality of life' which refers to young people's emotional well-being and mental health issues. Difficulties in this area are important factors in accentuating a young person's risk of reoffending, and national research has expressed disquiet about the way mental health

services are delivered to young people in the youth justice system (Berelowitz, 2011). In the qualitative interviews for this research the key focus of concern was over access and engagement as it was felt that the main adolescent mental health agency (which at the time was CAMHS)⁴ delivered a very therapeutic, appointment based service which did not address the type of mental health difficulties facing YOT clients or do enough to make itself accessible to them given their chaotic lifestyles. One worker commented:

'they're not geared up for meeting our type of young person.....they are working to a model where they are quite happy to take middle class anorexic girls whose parents can take them to nine o'clock appointments, but when it comes to our young people who maybe have a multitude of issues and are quite chaotic, then it's really difficult for them to take them on.'

(YOT partnership professional 14)

4.3 Resolutions of Tensions:

While respondents in the research talked in some depth about the tensions in YOT partnerships in relation to 'resources', 'participation' and 'quality of life', it was generally perceived that most of these tensions had already been resolved through better communication and understanding between the YOTs and their partner agencies. This positive outlook is to a certain extent confirmed by recent YOT inspections which praised YOTs for the high quality of their work to safeguard young people and reduce their risk of offending and harm to others (HM Inspectorate of Probation, 2013: 9). For example, 68% of safeguarding work, and 62% of work to minimise the risk of harm to others and 71% to reduce the likelihood of reoffending, were judged to have been done to a 'sufficiently well' standard. Partnership work also scored highly in these inspections. For example, the thematic inspection of offending behaviour, health and education, training and employment (HM Inspectorate of Probation, 2011: 37-38) noted that in all the YOTs visited:

'partnership work was a key strength.....Internal and external partnerships were strong and there was, on the whole, positive engagement by partner agencies in the work of the YOT. These relationships enabled YOTs to access a broad range of core and specialist services, and underpinned good partnership working between professionals working in YOTs.'

The positive evaluation of YOTs by HM Inspectorate of Probation and youth justice professionals' perception in this research that tensions in YOT partnerships had improved appear to contradict the research cited in section 2.3 which showed that YOTs were failing to meet young offenders' social welfare difficulties. But, as will be shown in the next section, YOT inspections tend to focus on the process rather than the outcome of intervention, and even when measuring outcomes these are mainly viewed in terms of reducing the risk of reoffending rather than addressing the social context of youth crime.

5. THE REFORMULATION OF WELFARE

5.1 The risk culture:

The research findings in section 4 suggest that tensions in YOT partnerships can only give a limited explanation of why young offenders' social needs are not being met. Another popular explanation for the difficulties YOTs face in meeting young offenders' needs is centred on the negative influence of the audit and management culture. Critics argue that the youth justice system is immersed in this culture which, in accord with actuarial styles of reasoning, views youth crime as a risk to be scientifically assessed and managed (Goldson, 2010; Muncie, 2011). This has led to the replacement of a 'welfarist', child-centred focus on addressing young offenders' social needs to an emphasis on 'neo-correctionalism' or changing anti-social attitudes and behaviour in order to reduce the risk of reoffending (Muncie, 2009). Goldson (2010: 168) sums up the argument as follows:

'practice is increasingly managerialised, target-driven, audit-conscious and performance-indicator oriented; and the interface between child welfare and youth justice is progressively distanced at both central and local government levels.'

5.2 Welfare remains:

However, this research confirms the findings of numerous other research studies (Field, 2007; Phoenix, 2009) that the influence of the audit and management culture and actuarial risk thinking in youth justice has been exaggerated. While risk logic provided the backdrop to the work of YOT partnership professionals with young offenders, welfare considerations remained of paramount importance. As one respondent commented:

'welfare would be the priority for most workers that work for the YOT and I think it's management driven that we must talk about risk management.'

(YOT partnership professional 30)

Throughout the thirty two interviews YOT practitioners and their partners spoke authoritatively and with deep insight about the complex multi-faceted personal and welfare problems faced by young offenders. Learning, speech and communication difficulties were particularly noted, as well as more traditional concerns relating to family conflict, homelessness, educational underachievement and disengagement from school. Mild mental health difficulties, such as anxiety and depression, while disturbing, were not seen in most cases to be serious, but instead were described by one respondent as 'generalised emotional malaise' (YOT partnership professional 25). A common theme amongst respondents was that while there had been a marked reduction in the number of young people entering the youth justice system, their problems were getting worse. As one worker stressed:

'the complexity and vulnerability of the children we work with has increased.'
(YOT partnership professional 27)

Respondents were also well versed in the 'every child matters' agenda which had transformed the delivery of children's services in England and Wales and had likewise influenced youth justice by advocating a more holistic, child-friendly, welfare-orientated approach to addressing young offenders' needs by strengthening partnership arrangements between YOTs and mainstream social services (Department for Education and Skills, 2003). Similarly the recommendations of the Munro Review (Department for Education, 2011) to strengthen child protection and safeguarding procedures were seen to be equally applicable to vulnerable young offenders. While several respondents questioned whether young offenders mattered as much to mainstream social services as 'other' children, the majority wholeheartedly embraced the Munro guidelines and the 'every child matters' vision, as captured in the following quote:

'The partnership runs to a set of core values and principles.....protecting and safeguarding the child or young person is at the centre of our thinking.'
(YOT partnership professional 12)

Although committed to a welfarist approach towards young offenders, the degree to which YOTs should be expected to become actively involved in the provision of welfare support was controversial, with some respondents adamant that their role was to act as alternative welfare providers to compensate for the shortfalls of partner agencies, while others, anxious not to become a dumping ground for all problems, argued the case for welfare matters to be signposted to mainstream social services. The two views are illustrated by the following quotes:

'to tackle offending we need to address welfare..... we can't just refer to mainstream social services.....the reality is if we don't deal with the problem it probably won't get done.'
(YOT partnership professional 30)

'we're not social services for offenders..... we're careful not to do other people's jobs for them because often in the YOT we uncover a lot of unmet need and it is important that we signpost it and refer to other agencies.....advocacy is quite an important part of what we do.'
(YOT partnership professional 13)

5.3 The reconstitution of welfare:

Nevertheless, while welfare remained an enduring presence in the partnership cultures in this research, it appeared in a 'reconstituted' or 'reformulated' format that blended together 'need' and 'risk'. This reiterates the findings of several other research studies which show that in the current youth justice system notions of welfare and treatment have come to be

framed in a language of risk which completely changes the way young offenders' needs are interpreted (Field, 2007; Phoenix, 2009; Field and Nelken, 2010). Needs are assessed according to their criminogenic properties or the extent to which if successfully addressed they are likely to reduce the risk of reoffending. The end result of the melding together of need and risk is that the representation of offenders' needs become restricted to narrowly defined 'dynamic' needs which based on statistical evidence drawn from Farrington's (2000) 'risk factor prevention paradigm' are deemed to be amenable to treatment through targeted intervention.

The fusion of need and risk is made very explicitly in YOT inspection reports (see HM Inspectorate of Probation, 2011) and official policy statements, with a recent report by the National Audit Office (2010:4) commenting:

'Family breakdown, educational underachievement, substance abuse, mental illness and other problems commonly affect young offenders.....The youth justice system works on the basis that addressing such risk factors during the course of a sentence is the best way to reduce a young person's risk of reoffending.'

But this process was also vividly illustrated in this research when interviewees were asked whether they considered the primary role of the YOT was to address criminality by changing attitudes and behaviour or deal with the welfare difficulties faced by young offenders. The majority argued that YOTs should adopt a holistic approach, by which they meant achieving a balance between welfare and correctionalism rather than in the therapeutic sense of working with the whole person. Despite the belief in holism, not unexpectedly there were variations in the degree of emphasis given to welfare or correctionalism in this balancing act as seen in the following quotes:

'they're so interlinked that you couldn't really successfully address one without trying also to address the other.....it should be a balance.....but I think generally as a YOT we have put a higher priority on addressing welfare.'

(YOT partnership professional 2)

'I think it's both really.....you can't have one without the other.....but we generally focus on the criminal behaviour.'

(YOT partnership professional 21)

It can be seen that in the conflation of risk and need, the concept of risk is not based on strictly actuarial logic but is intertwined in what Phoenix (2009: 124 and 125) describes as 'a generalised notion of at riskiness' in which risk of reoffending and the vulnerability risks attached to social welfare difficulties are blended together to produce the young offender who is 'both risky and needy'.

6. THE INTERPRETATION OF YOUNG OFFENDERS' SOCIAL NEEDS

6.1 The individualisation of social welfare difficulties

This research clearly shows that YOT practitioners and their partners are committed to safeguarding and promoting the welfare of young people in conflict with the law. One worker commented:

'the team is very passionate, dedicated, they really believe in getting young people back on track.'

(YOT partnership professional 14)

This was based on an acknowledgement that the young people who they worked with lived chaotic lives, marred by family conflict, disaffection from school, disturbed mental health and sporadic employment. It was equally accepted that high levels of socio-economic deprivation aggravated these problems.

But through its choice of targets and performance indicators, the audit culture influences the way in which YOT partnerships understand young offenders' social welfare needs and deliver interventions. In accord with Farrington's (2000) 'risk factor prevention paradigm', young offenders' needs are viewed in terms of actuarial probability or their likely contribution to the risk of reoffending. The unintended consequence of the melding together of risk and need in this way and the focus on narrowly defined criminogenic needs is that, while many of young offenders' social welfare problems are recognised, they are frequently individualised or interpreted as the outcome of personal deficits and shortcomings. Meanwhile the wider societal constraints arising from high levels of socio-economic disadvantage that exacerbate young offenders personal and social difficulties are downplayed (Kemshall, 2008).

6.2 Personal and parental deficits:

In this research common shortcomings mentioned by interviewees related to deficits in young people's 'thinking skills', 'social cognition', 'verbal reasoning' and 'decision-making'. Parents were deemed to be particularly blameworthy because of their failure to provide young people with adequate support. One of the most critical of the interviewees commented:

'I blame the parents.....it all goes back to them.....lots of services for young people even in this time of cuts.....I've referred so many of my kids but they just didn't turn up.....It's to do with upbringing, it's to do with family, the families are just disastrous, they just model irresponsibility and chaos and that's what their kids become.....they've been formed in a crucible of dysfunction.'

(YOT partnership professional 5)

And even one of the more empathetic respondents reflected:

'From birth they have been raised in families where they haven't had the love and nurture that one needs in order to grow into an adult and to be able to manage

relationships, manage emotions and feelings.....a lot of initial problems stem from the family.....by the time they reach school the behaviour's manifested itself into being distracted, not concentrating, having fights, being rude.'

(YOT partnership professional 11)

6.3 Educational and employment shortcomings:

The clearest illustration of the effects of the individualisation of need can be seen in respondents' stance towards the employment issues faced by young offenders. It was generally accepted that the current economic climate had severely reduced opportunities in the youth labour market, particularly the loss of unskilled jobs in the construction industry which was a popular choice for YOT clients. Reflecting the opinion of many interviewees, one respondent commented:

'unemployment is a big problem that is going through the roof mainly because of the recession.....the low level jobs that our young people would expect to go into are cutting right back.'

(YOT partnership professional 23)

However when asked to what extent young offenders' employment difficulties related to either the economic constraints caused by the recession or their lack of appropriate attitudes, aspirations and employability skills, the majority saw the latter rather than the former as the main factor. YOT professionals who blamed the problem on poor attitudes argued along with the following interviewee:

'there's definitely a reduction in job opportunities but that's a bit of a generalisation as quite often it's issues around motivation, timekeeping and unrealistic understanding of what the expectations of the employer will be.'

(YOT partnership professional 2)

Other YOT professionals who placed greater emphasis on young people's employability skills commented:

'the problem is their lack of skills rather than the job market.....for our young people the real life options are for them to work in some way for the unofficial economy and just get paid cash in hand to do labouring or some sort of unskilled work, but there is very little call for unskilled work these days.....even to work on a building site you have to have a qualification.'

(YOT partnership professional 13)

Most respondents sought solutions to young offenders' employability deficits by referring them to alternative training provision to make them 'employment ready' by enhancing attitudes to work, work habits and social skills.

6.4 The negative effects of individualisation:

So why is the individualisation of young offenders' social needs problematic and why does it reduce the chances that their needs will be met? The answer to this question can be more

clearly understood by returning once again to young offenders' experiences of unemployment. Research shows that young offenders' difficulties in this area do not arise simply from individual 'employability' deficits but from broader societal changes to European economies which have severely reduced their employment prospects (Furlong and Cartmel, 2007). Recently about 36.3% of 16 to 17 year olds were out of work (Office for National Statistics, 2012). Employability skills training schemes do not provide a solution as a recent report found that only 3.4% of participants managed to secure a sustainable job at the end of the programme (Department for Work and Pensions, 2012). The employment prospects of young people in contact with YOT partnerships are likely to be even bleaker than the above national portrait as their criminal status further marginalises them from the labour market.

For example, a report by HM Inspectorate of Prisons (2011) shows that having a job or educational placement to go to significantly increases young people's motivation to remain crime free upon release from custody, and much importance is attached to employability skills training during imprisonment. But this training was of little help when less than a third had secured work or an educational placement on release, and less than half of those were still so engaged a month later. This wide gap between engaging and sustaining young offenders in employment is not surprising as Joseph Rowntree research (Tunstall et al., 2012) found that in the current youth labour market disadvantaged young people with limited education have only a small chance of obtaining sustainable employment because of the poor quality work placements available to them. Most were condemned to intermittent spells of employment in poor quality, low paid, insecure jobs interspersed with longer periods of unemployment, or what Shildrick et al. (2012:193) describe as the 'low-pay, no pay cycle'. This situation is exacerbated in the case of young offenders by their criminal status. Ultimately the individualisation of young offenders' employment difficulties, rather than tackling the societal problem of reduced job opportunities, gives them little incentive to remain crime-free.

7. THE WAY FORWARD: Implications for Policy and Practice

7.1 The problem⁵:

Research on desistance concludes that to motivate young offenders to stop offending there needs to be a balance between 'correctionalism', or holding young people accountable for their offending, and 'welfare', or supporting their wider social needs and aspirations. But high reconviction rates for most youth justice interventions suggest that such a balance is not being achieved. While the overall one-year re-offending rate by young people was 35.8% in 2010/11, this conceals a rate of 67.7% for Youth Rehabilitation Orders and 72.6% for those released from custody (Ministry of Justice, 2013:52). This research shows that YOTs

and their partners have a strong commitment to welfare and despite tensions in these partnerships they are operating reasonably effectively with the well-being of young people as their key focus. The problem seems to rest in the way young offenders' social welfare difficulties are interpreted and services delivered in the current audit and performance management culture. In this culture, performance indicators and targets are narrowly set around addressing young offenders' criminogenic needs in order to reduce the risk of reoffending rather than resolving their broader social welfare difficulties. In this process young offenders' needs are individualised and separated from broader social contexts.

7.2 International conventions and youth justice:

The *United Nations Convention on the Rights of the Child* (OUNHCHR, 1989) provides a comprehensive framework of universal rights and minimum standards that should inform legislation, policies and services for young people, including those involved in the youth justice system. One of the main principles of the Convention is article 3 which attaches core primacy to protecting the 'best interests' of the child (defined as young people below the age of 18 years). This principle is open to various interpretations, but is generally understood to mean that the 'welfare' or 'well-being' of the child should be paramount in all youth justice proceedings (Commissioner for Human Rights, 2009).

The UNCRC was ratified by the UK in 1991 and under international law this places an obligation on the government to comply with its principles and standards. The Convention is monitored by the United Nations Committee on the Rights of the Child (CRC). Although the Convention has not been incorporated into domestic law and so is not legally enforceable through the UK courts, the UK government must periodically report to the Committee on its progress in fulfilling its obligations under the Convention. In 2008 the CRC criticised the UK on the grounds that the 'best interests' of the child are not reflected in youth justice law and policy and urged the government to 'take all appropriate measures to ensure that the principle of the best interests of the child is adequately integrated in all legislation and policies which have an impact on children, including in the area of criminal justice' (CRC, 2008: 3). It should be noted that this criticism was made following the implementation of the 'every child matters' agenda and the *Children Act 2004*, but the CRC felt that these measures had not gone far enough in following up its recommendations.

7.3 Developing a rights-based approach to youth justice:

For several years many children's rights organisations have campaigned for the development of a rights-based approach by ensuring that the 1989 UNCRC is incorporated into domestic law (Gray, 2011). Critics from these organisations argue, along with the viewpoint of the CRC cited earlier, that attempts to reform children's and youth justice services through the 'every child matters' agenda and the *Children Act 2004* have not gone

far enough in pursuit of this goal. This critique is particularly applied to the case of young offenders where it was felt that the 'every child matters' vision was never wholeheartedly applied to them because their 'risky' behaviour was deemed to differentiate them from 'other' children, so justifying the denial of their social rights (Kemshall, 2008).

Despite being the 'most violated' international human rights agreement, critics argue that the 1989 *UNCRC* provides a starting point or set of minimum standards to advance the protection of the social rights of young people in conflict with the law and the campaign for its enactment into domestic law continues (Muncie and Goldson, 2013). So how could the protection of the 'best interests' or welfare of young people be strengthened in YOT partnerships through the development of a rights-based approach whereby the social rights of young offenders as envisaged in the *UNCRC* are enacted in law, policy and practice?

A report by the Children's Rights Alliance for England (CRAE, 2011) provides a detailed outline of what a children's rights approach to youth justice might contain. CRAE argues that the Convention grants every child economic, social, cultural and political rights and that in the context of youth justice these should be reformulated as a set of universal 'entitlements' which meet the wider social needs of young offenders, not just their criminogenic needs. The implication of viewing needs as rights or entitlements is that it rebalances the distribution of responsibility whereby young offenders' needs are not seen just as personal deficits or family shortcomings, but equally the responsibility of policymakers and practitioners to satisfy those needs. It follows that this should then place a legal duty on agencies like the Youth Justice Board, YOTs and their partners not simply to monitor performance and broker access, but also to evaluate the quality of services and outcomes necessary to successfully address young offenders' needs.

The Bristol Social Exclusion Matrix (discussed in section 2.2) offers a useful framework for the identification of a set of national indicators of entitlements in the three areas of 'resources' (e.g. adequate standard of living; supportive family/interpersonal environment), 'participation' (e.g. education that develops the fullest potential) and 'quality of life' (e.g. highest attainable health care) that would address the high level of social disadvantage experienced by young people under the supervision of YOTs. Critics argue that the principles set out in the 'every child matters' agenda and the *Children Act 2004* sought to provide a similar framework but these principles are so ambiguously defined in the legislation that they are difficult to legally enforce in individual cases (Hollingsworth, 2012). Along with children's right organisations I would agree that the framework outlined above must be given legal enforceability through its enactment into law.

NOTES

1. As a result of public expenditure reductions in recent years, a significant number of local authorities have restructured their YOTs resulting in mergers with young people's services.
2. These data were originally a subset of broader research to evaluate the effectiveness of programmes to reduce the risk of reoffending by serious and persistent offenders.
3. In order to protect their identities, in the text the term YOT partnership professional is used generically to refer to all YOT personnel and their partners, whether managers or practitioners, interviewed for this research.
4. This refers to the Child and Adolescent Mental Health Service (CAMHS).
5. Since 2010 there have been significant funding cuts to public services (HCJC, 2013:12). At the time of this research the cuts had only just started to kick in so their impact on YOT partnerships was unknown. Respondents in this research had mixed views on the extent to which these cuts would have negative effects on their work with young offenders.

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