

Youth Crime in England and Wales

Youth Crime in Context

The minimum age of criminal responsibility is set at 10 in England, Wales and Northern Ireland¹. Scotland since 2011 will not prosecute below 12.² In Europe 14 or 15 is more usual, with Belgium and Luxembourg as high as 18.³ In the USA, not all states have even specified a minimum age and in North Carolina, Maryland, New York and Massachusetts it is as low as 6 or 7.⁴

England and Wales have particularly high rates of youth custody, second in absolute number only to Turkey in Europe³. After a period of higher levels around the turn of the century, the overall juvenile prison population in 2011 was close to the level of the early 1990s. There has been a shift from detainees on remand to sentenced prisoners.⁵ Numbers in local authority secure accommodation have also fallen.⁶

Key Facts

Average number of under-18s in Custody in 2010/11: 2,040 (2,807 in 2000/2001)⁷

Total number of proven offences committed by youth in 2010/11: 176,511⁷

Total cost to the country of police and justice for young offenders in 2007-8: approximately £4 billion annually.⁸

¹United Nations, Committee on the Rights of the Child, report CRC/C/GBR/CO/4, 2008, <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.GBR.CO.4.pdf>

² Criminal Justice and Licensing (Scotland) Act 2010, provision 52, <http://www.legislation.gov.uk/asp/2010/13/section/52/enacted>

³ Marcelo F. Aebi and Natalia Delgrande, Council of Europe Annual Penal Statistics – SPACE I – 2009, Table 2, http://www3.unil.ch/wpmu/space/files/2011/02/SPACE-1_2009_English2.pdf

⁴ National Center for Juvenile Justice, State Profiles, Juvenile Transfer Laws, http://www.ncjj.org/Research_Resources/State_Profiles.aspx

⁵ Table 6, Nacro Youth Crime Section Factsheet, www.nacro.org.uk/data/files/nacro-2004120242-483.doc; Table 3.4, Home Office, Prison Statistics England and Wales 2002, <http://www.archive2.official-documents.co.uk/document/cm59/5996/5996.pdf>, Table 1.3a, Ministry of Justice, Prison Population Tables, Offender Management Statistics Quarterly Bulletin, <http://www.justice.gov.uk/publications/statistics-and-data/prisons-and-probation/oms-quarterly-editions.htm>

⁶ Department for Education, Children Accommodated in Secure Children's Homes at 31 March 2011: England and Wales, <http://www.education.gov.uk/rsgateway/DB/SFR/s001027/index.shtml>

⁷ Chapter 7, Youth Justice Board and Ministry of Justice, Youth Justice Statistics 2010/11 <http://www.justice.gov.uk/downloads/statistics/youth-justice/yjb-statistics-10-11.pdf>

⁸ Youth Crime Commission- *Responding to Youth Crime and Antisocial Behaviour*, Costs, Page 40, http://www.youthcrimecommission.org.uk/attachments/075_Youth%20Crime%20Commission%20Consultation.pdf

Numbers In Custody⁹

TOTAL in Custody (includes some 18-year-olds)		2,040	
Boys (under 18)		1,787	
Girls		104	
Population by Legal basis	Remands	408	
	Detention and Training Orders	1,149	
	Section 226 (Indeterminate Sentence)	26	
	Section 228 (Extended Sentence)	26	
	Section 90	16	
	Section 91	266	
Population by type of facility	Secure Training Centres (STCs)	273	Small centres with tailored programmes, constructive, education/rehabilitation focused. Include input from health and social-care professionals. Run by private operators on Home Office contracts.
	Local Authority Secure Children's Homes (LASCHs)	160	Small homes for boys age 12-14 or girls up to age 16 with a high ratio of staff to young people focusing on physical, emotional and behavioural needs. Run by local authority social services departments.
	Youth Offenders' Institutions (YOIs)	1,458	Larger capacity centres for 15-21 year olds already known to the police and the courts, YOI's primary aim is to prevent offending and reduce re-offending. Run by the Prison Service.

Public Expenditure

Bringing young offenders in England and Wales to justice costs an estimated annual total of around **£4 billion**. In 2009, it was split roughly

- 70 per cent on policing,
- 17 per cent on punishment
- 13 per cent on trials.¹⁰

Youth Justice Board expenditure: £455 million for 2010/11. The Youth Justice Board was formed in 1997. A plan to abolish it in 2011 was rescinded.

⁹ Youth Justice Board- Youth Justice System Custody Figures including 18-year-olds near the end of their sentences, December 2011 <http://www.justice.gov.uk/statistics/youth-justice/custody-data>

¹⁰ Approximately £14 billion was spent on police services (excluding immigration and citizenship) in 2008/09, with a further £2.4 million on courts and lawyers for both sides. Allowing that youth offences are on average less serious than adult ones but that cases can require special handling at greater expense, a first estimate for the money spent on bringing young offenders to justice is a one fifth proportion, by number of offences, making £3.3 billion. The Youth Justice Board and youth offending services cost an extra £0.4 billion and prison adds £0.3 billion. Derived from 'Responding to Youth Crime and Anti-Social Behaviour', page 39, Independent Commission on Youth Crime and Antisocial Behaviour, http://www.youthcrimecommission.org.uk/attachments/075_Youth%20Crime%20Commission%20Consultation.pdf

Major programmes¹¹:

£176 million	Young Offender Institutes
£39 million	Secure Children's Homes
£54 million	Secure Training Centres
£55 million	Youth Offending Teams (direct funding)
£33 million	Intensive Supervision and Surveillance Programme
£36 million	Crime Prevention
£16 million	Substance Misuse

Estimated cost of jailing one young offender to the state in 2009:

£55,000 in Young Offender Institute

£206,000 in Secure Children's Home

£76,000 average across all accommodation¹²

- These figures are disputed. The Foyer institute consider that extra costs attributed to Secure Training centres and Secure Children's Homes would, if charged to Young Offenders Institutes, raise the lowest costs to £100,000 a year.¹³
- Costs and benefits from incapacitation, future criminal and employment prospects are also the subject of debate.¹⁴

Youth Crime Action Plan¹⁵

Begun in 2008 with a budget of £100 million over 2½ years.

Target to reduce number of young people entering the criminal justice system by 20 per cent by 2020.

Has many aspects, with their own scheme names. E.g.

- Family Intervention Projects

¹¹ Youth Justice Board, annual Report and Accounts 2010/11,

<http://yjbpublications.justice.gov.uk/Scripts/prodView.asp?idproduct=498>

¹² 'Local Accountability for Youth Custody' presented to the Children and Young People Board of the Local Government Association, November 2009, temporarily available at

<http://webcache.googleusercontent.com/search?q=cache:kBCcGqig0bkJ:www.lga.gov.uk/lga/aio/5160497&hl=en&gl=uk>

¹³ Young Offenders: a Secure Foundation, page 59, Foyer Foundation, 2009,

http://www.foyer.net/pdf/Young_Offenders_A_Secure_Foundation.pdf Costs are complicated by the need to add 'unseen' costs such as 'escort costs, advocacy and other programmes.

<http://www.foyer.net/pdf/truecostofyouthcustodybriefingnote.pdf>

¹⁴ Punishing Costs, page 3, New Economics Foundation, 2010,

http://www.neweconomics.org/sites/neweconomics.org/files/Punishing_Costs.pdf

¹⁵ Youth Crime Action Plan, 2008 <https://www.education.gov.uk/publications/eOrderingDownload/YouthCrimeActionPlan.pdf>

- Emphasis on working with problem families (Family Intervention Projects) to prevent offending
- Common Assessment Framework
- Permanent exclusion from school treated as a trigger for preventative action
- Safer Schools Partnership
- Increased police-school liaison

Employment

- In 2011, the permanent and seconded headcount at the Youth Justice Board fell from 286 to 271¹⁶
- In the same year, average temporary staff numbers were reduced from 106 to 49.¹⁶
- In 2004, Youth Offending Teams employed 10,000 paid staff, and a further 5,000 volunteers.¹⁷
- Volunteers also staff Referral Orders, with approximately 7,000 on panels and in other roles in 2011.¹⁶

Regulation

Youth Justice Board: 'an executive non-departmental public body. Its board members are appointed by the Secretary of State for Justice. The YJB oversees the youth justice system in England and Wales, working to prevent offending and re-offending by children and young people under the age of 18, and ensuring that custody for them is safe, secure, and addresses the causes of their offending behaviour.'¹⁸

They are responsible for the implementation and overseeing of:

- Accommodation and resettlement
- Alternatives to custody
- Custody
- Diversity
- Education, training and employment
- Health
- Monitoring and improving practice
- Prevention
- Research
- Work with victims

¹⁶ Youth Justice Board Annual Report and Accounts 2010/11, <http://www.official-documents.gov.uk/document/hc1012/hc13/1354/1354.asp>

¹⁷ Youth Justice Board, *Sustaining the Success* p7
<http://www.yjb.gov.uk/publications/Resources/Downloads/Sustaining%20the%20Success.pdf>

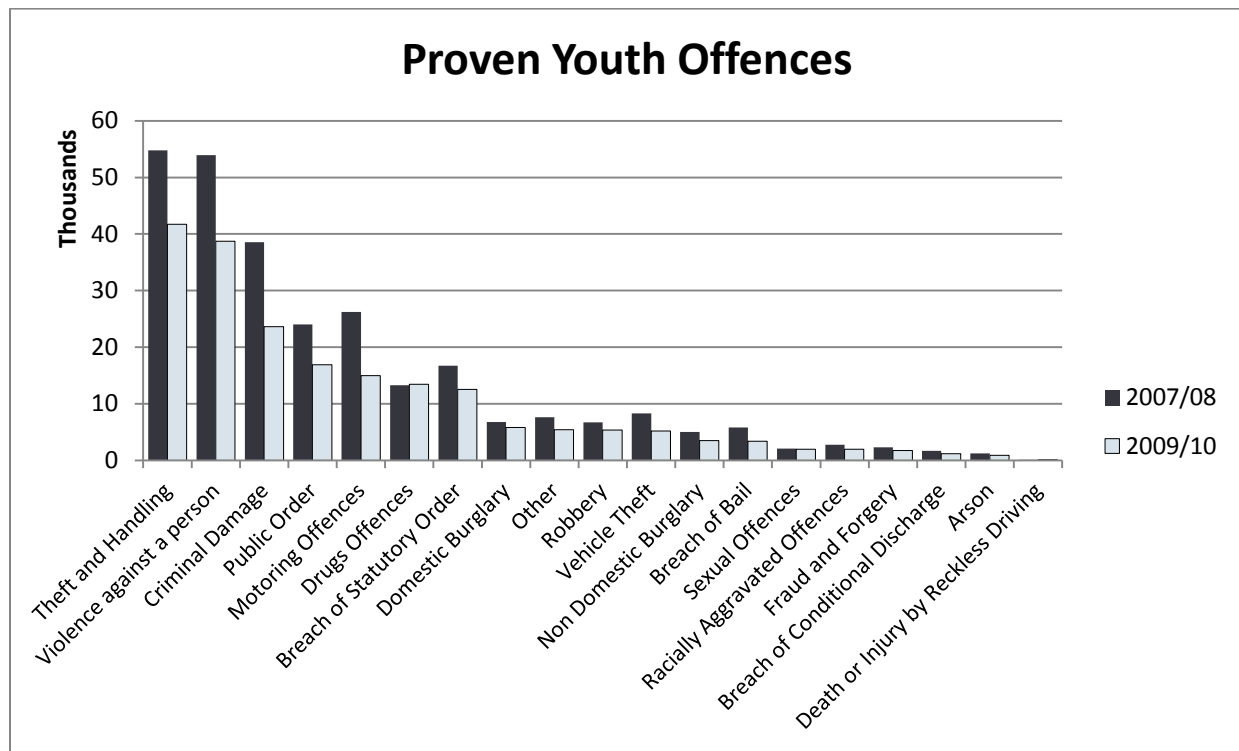
¹⁸ About the Youth Justice Board, Ministry of Justice, <http://www.justice.gov.uk/about/yjb/>

Proven Offences By Type¹⁹

Offence type	2007/08	2009/10	Percentage of total proven offences 2009/10
Arson	1,232	913	0.5%
Breach of Bail	5,821	3,371	1.7%
Breach of Conditional Discharge	1,683	1,172	0.6%
Breach of Statutory Order	16,751	12,544	6.3%
Criminal Damage	38,524	23,611	11.9%
Death or Injury by Reckless Driving	122	95	0.0%
Domestic Burglary	6,784	5,813	2.9%
Drugs Offences	13,268	13,461	6.8%
Fraud and Forgery	2,325	1,768	0.9%
Motoring Offences	26,225	14,992	7.6%
Non Domestic Burglary	5,016	3,515	1.8%
Other	7,607	5,411	2.7%
Public Order	24,045	16,886	8.5%
Racially Aggravated Offences	2,784	1,945	1.0%
Robbery	6,699	5,384	2.7%
Sexual Offences	2,088	1,952	1.0%

¹⁹ Youth Justice Board Annual Workload Data 2009/10, <http://www.justice.gov.uk/downloads/statistics/mojstats/yjb-annual-workload-data-0910.pdf> and 2007/08, <http://www.yjb.gov.uk/Publications/Resources/Downloads/Youth%20Justice%20Annual%20Workload%20Data%20200708.pdf>

Theft and Handling	54,802	41,702	21.0%
Vehicle Theft	8,280	5,170	2.6%
Violence against a person	53,930	38,744	19.5%
TOTAL Proven Offences	277,986	198,449	100.0%



Almost all offence types fell in frequency between 2007 and 2010, with drug offences being the notable exception. The highest-volume categories of offence remain theft and handling, violence against a person and criminal damage.

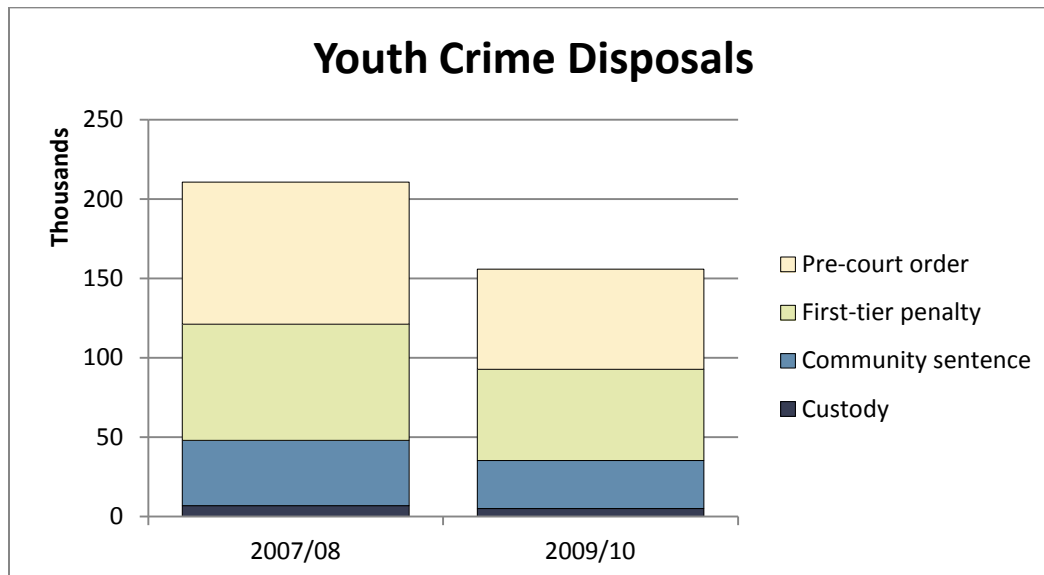
Disposal Types ²⁰

Disposals given to 10-17 year olds

Disposal type	Definition	Number given 2007/08	Number given 2009/10
Pre-court order	First-time or minor offences and/or anti-social behaviour can be dealt with outside the court system by a pre-court order which will see the offender either formally reprimanded or warned by a police officer. This will be recorded as a criminal record, and someone from the Youth Offending Team may be in contact for support or advice. It is not a sentence.	89,554	63,152
First-tier penalty	Fines, discharges, referral, reparation and compensation orders, deferred sentences and binding over.	73,021	57,356
Community sentence*	Allows offenders to undertake rehabilitative programmes and work in the community whilst under the supervision of the probation service. Supervision includes certain punitive measures such as curfews, exclusions and prohibitions. Includes Intensive Supervision and Surveillance Programmes (ISSPs)	41,242	30,218
Custody	An offender can be sentenced under a Detention and Training Order, or for serious offences in which an adult would be given 14 years in custody or more, under Section 90/91. Both mean the youth is sent to a Secure Training House (STH), a Local Authority Secure Children's Home (LASCH) or a Youth Offenders' Institution (YOI).	6,853	5,130
TOTAL		210,670	155,856
Males		164,459 (78%)	120,942 (78%)
Females		46,211 (22%)	34,887 (22%) (27 not known)

*For any offence committed after 30th November 2009, the Community Sentence has been replaced by a Youth Rehabilitation Order (YRO), a generic community sentence for children and young people who offend. Replacing nine existing sentences, it combined 18 requirements into one generic sentence.

²⁰ Youth Justice Board- Disposals 2007-8, Table 1 <http://www.yjb.gov.uk/en-gb/practitioners/MonitoringPerformance/WorkloadData/>



Electronic Monitoring (tagging)

Nearly 20,000 young people were electronically tagged in 2008 - a 40 per cent increase in three years²¹. Breaches exceeded 50 per cent, either by breaking the tag or ignoring a curfew.

Electronic monitoring can be used as an alternative to a custodial sentence or to strengthen the public protection element of a community based sentence. It also includes the monitoring of prisoners who qualify for supervised early release programmes. This service supports and monitors prisoners making the transition back into the community.

Tagging is used as part of an Intensive Supervision and Surveillance Programme (ISSP), which is usually a condition of bail, or remand in local authority accommodation. ISSP is the most rigorous non-custodial intervention available for young offenders, combining community-based surveillance with a comprehensive and sustained focus on tackling the factors that contribute to the young person's offending behaviour.

Electronic monitoring works by way of a transmitter and monitoring unit installed in a subject's home. The transmitter is a tag the size of a large wristwatch securely fitted to the subject's ankle and can be monitored either by a unit connected to a telephone line at the offenders home or via satellite and GPS. The subject is then monitored to ensure they adhere to the restrictions of their particular **curfew order**.

Court Orders can insist an offender remains away from certain areas or buildings and the systems can be set up only to record infringements of these orders and to sound alarms when they are broken.

²¹²¹ http://news.bbc.co.uk/1/hi/uk_politics/8413148.stm

Home Detention Curfews (HDC) issued by prison governors to monitor prisoners on early release. An HDC is available to prisoners serving between three months to under four years and each curfew can last up to four months. Early release from a Detention and Training Order for offenders under 18 is also enabled by electronic monitoring.

Voice Verification to monitor the compliance of a community order, bail or early release licence. Offenders are required to 'check in' by calling and registering with the control centre, via intelligent voice recognition software, on a regular basis. If the rules are breached, the tag is connected to the probation services who are alerted immediately. They call the police. Offenders can be given a second chance but there is no legal reason to do so.

First-Time Offenders

Numbers of first time juvenile entrants to the criminal justice system have fallen every year since a peak in 2007. Penalty notices for disorder ('on-the-spot fines') do not count as entry to the system.²²

Year	First-time juvenile entrants
2007	110,879
2008	88,945
2009	72,651
2010	52,091
2011	40,717

Since 2000, the proportion of first-time entrants that were female has been consistently between a quarter and a third. Of those sentenced to custody, the female proportion is far lower: 8 per cent in 2009/10.

Penalty notices for disorder were served to juveniles in England and Wales on 3,793 occasions in 2004. The number is low compared to the juvenile justice system as a whole.²³

First Offences²⁴

Offence Type	Frequency, 2010/11
Summary offences excluding motoring	17,158
Theft and handling stolen goods	11,824
Violence against the person	4,718
Drug offences	4,539
Burglary	1,795
Criminal damage	1,508
Robbery	1,293
Other indictable offences	1,179
Sexual offences	618
Fraud and forgery	420
Summary motoring offences	414
Indictable motoring offences	53

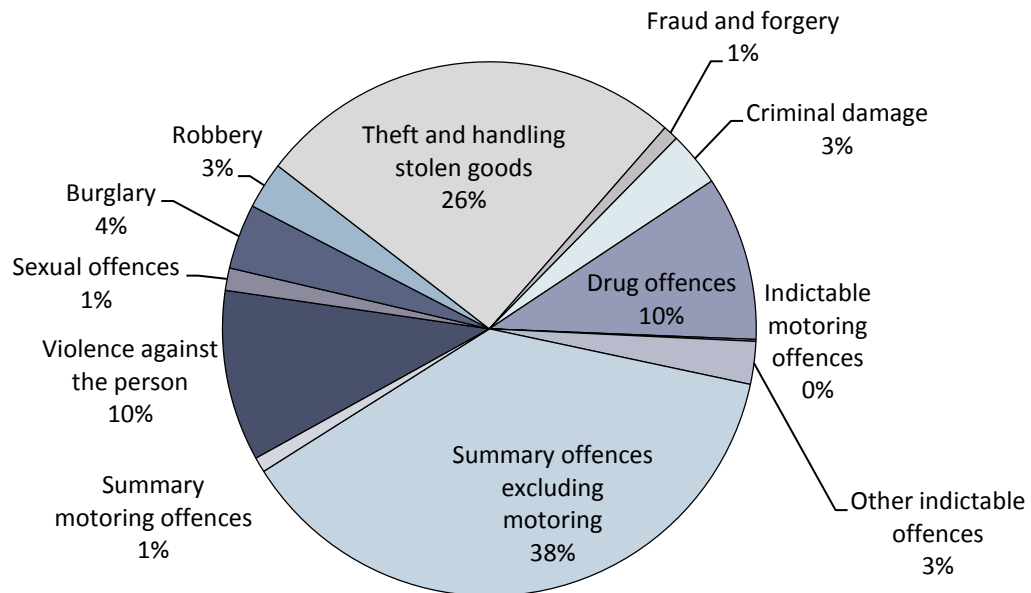
Theft and handling represents the most numerous specific category for first-time juvenile entrants to the criminal justice system, though outnumbered by combined summary offences. Criminal damage and drug offences each account for around one in ten new entrants. Other types of offence, however serious, are less numerous.

²² Offending histories tables, table Q7.2 from September 2011, Ministry of Justice, <http://www.justice.gov.uk/statistics/criminal-justice/criminal-justice-statistics>. Totals are for the year to the end of September.

²³ Penalty Notice for Disorder Statistics 2004, England and Wales, Home Office <http://webarchive.nationalarchives.gov.uk/20110218135832/http://rds.homeoffice.gov.uk/rds/pdfs05/rdsolr3505tables.xls>

²⁴ Youth Justice Statistics, Supplementary Tables, 2010/11, Ministry of Justice, table Ch2.2, <http://www.justice.gov.uk/downloads/statistics/youth-justice/yjs-tables-10-11.zip>

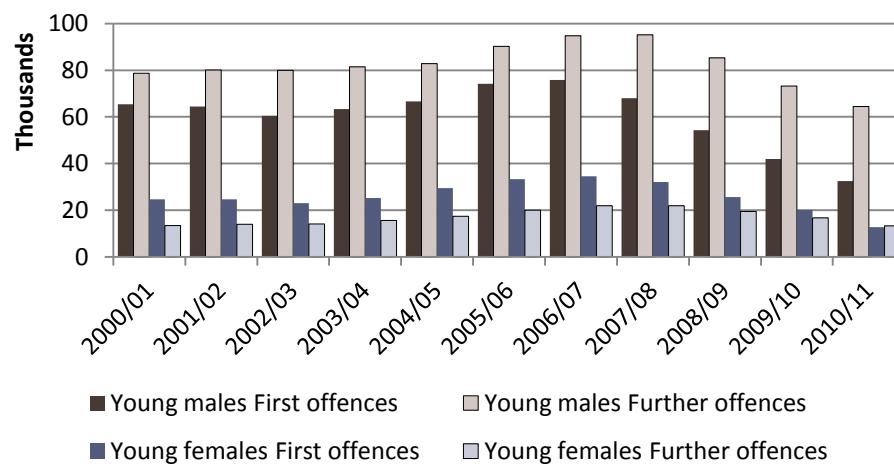
First Time Offences 2010/11



Re-offending: Statistics²⁵

Numbers of juvenile first offences peaked around 2006. Understandably, the decline in further offences followed some years later. For girls, first offences are generally the most numerous, whereas the reverse is true for boys.

First and Further Offences



²⁵ Youth Justice Statistics, Supplementary Tables, 2010/11, Ministry of Justice, table Ch2.2, <http://www.justice.gov.uk/downloads/statistics/youth-justice/yjs-tables-10-11.zip>

Ministry of Justice guidance is that

'Frequency rates by disposal (sentence type) should not be compared to assess the effectiveness of sentences, as there is no control for known differences in offender characteristics or other factors that may affect both re-offending and the type of sentence given.'

Most important is the number of previous offences, as shown in the following table:²⁶

Previous offences	Number of offenders in Q1 cohort	Proven re-offending rate, per cent	Proven offences per re-offender in one year	Total re-offences
0	17,737	21	2.1	7,509
1 or 2	9,949	38	2.6	9,858
3 to 6	5,343	57	3.1	9,432
7 to 10	1,831	70	3.7	4,693
Over 10	2,612	79	4.8	9,899
Total	37,472	37	3.0	41,399

Although the largest group of juvenile offenders, almost half the cohort, were first-time, barely one in five of them re-offended within a year. More offences were committed by the few thousand with more than ten convictions. Barely one in five did not re-offend within a year, while the remainder each committed a high number of offences.

Until 2009, re-offending rates were reckoned over two years instead of the current one year. For the 2004 cohort of offenders released from prison, 75 per cent of 18 to 20 year-old men had re-offended within two years.²⁷ Repeat offences, by people known already to the police, are likely to be more easily detected than first offences. Even so, a re-offending rate does not include repeat offences committed but not detected.

Anti-Social Behaviour

The Offence Type in recorded crime statistics tables which would include incidences of Anti-Social Behaviour is Public Order.

- In 2010/11, there were 15,499 recorded crimes of public order committed by 10-17 year olds.²⁸
- 4,138 young offenders in 2009/10 were within a year of their last disposal for public order.²⁹

²⁶ Ministry of Justice Statistics Bulletin- *Reoffending of juveniles: results from the 2009 cohort* Table A4

<http://www.justice.gov.uk/downloads/statistics/mojstats/juvenile-reoffending-statistics-09.pdf>

²⁷ Re-offending of Adults, Results from the 2004 cohort, Home Office Reconviction Analysis Team, Table A5,

<http://webarchive.nationalarchives.gov.uk/20110218135832/http://rds.homeoffice.gov.uk/rds/pdfs07/hosb0607.pdf>

²⁸ Table Ch4, Youth justice statistics supplementary tables, Ministry of Justice. <http://www.justice.gov.uk/statistics/youth-justice/statistics>

²⁹ Calculated from Table Ch9.5, Youth justice statistics supplementary tables, Ministry of Justice.

<http://www.justice.gov.uk/statistics/youth-justice/statistics>

- 20,335 ASBOs were issued to all ages from 1999 to the end of December 2010 (Gender split= 86 per cent male, 14 per cent female).³⁰ 7,785 were to juveniles (91 per cent male).³¹
- High level of breaching. In 2010, there were 404 breaches and 536 new juvenile ASBOs.³²

Anti-social behaviour includes vandalism, graffiti, intimidation and nuisance neighbours. The police, local authorities and housing associations have new powers to tackle young offenders who cause damage to properties or individuals. If the police or a local authority has evidence that a youth's behaviour is causing problems for the community, they can ask them to sign an acceptable behaviour contract (ABC). ABCs can be given to anyone, no matter how old they are: as it is not a criminal record, the minimum age of criminal responsibility does not apply.

Government approaches to anti-social behaviour have been heavily criticised; even Labour Home Secretary Alan Johnson said the police are too intent on issuing ASBOs.³³

Analysis: How serious is the situation today?

Under control:

- Overall crime levels have fallen substantially since the mid-1990s. The British Crime Survey suggests that the risk of being an adult victim of crime in 2008 was at its lowest level since measurements began in 1982.³⁴
- Association of Chief Police Officers lead for Children and Young People and Chief Constable of Norfolk Constabulary, Ian McPherson, said 'We must remember that the vast majority of young people will never commit a crime.'³⁵
- Genuine concerns remain about trends in some categories of serious offending involving young people – notably an association between the use of weapons, gang membership and drug dealing in major cities. There is, however, no evidence from self-report surveys of any increase overall in youth crime in the first decade of the twenty-first century – or in the proportion of serious or frequent young offenders.
- Children and young people are generally law-abiding. The 2006 Home Office Offending Crime and Justice Survey (completed in confidence by 5,000 10 to 25-year olds) found that three out of four had not committed any among a list of 20 'core' offences in the past year. However, one in 10 had committed a 'serious' offence, such as robbery, burglary, assault causing injury, or selling Class A drugs and 6 per cent had committed more than six offences in the last year.³⁶

³⁰ Home Office Anti-Social Behaviour Order Statistics

<http://209.85.229.132/search?q=cache:VwXi9m4Lm0MJ:www.crimereduction.homeoffice.gov.uk/asbos2.htm+ASBOs+14972&cd=2&hl=en&ct=clnk&gl=uk>

³¹ Table 2, Anti-Social Behaviour Order Statistics - England and Wales 2010, Home Office,

<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/asbo-stats-england-wales-2010/>

³² Table 8, Anti-Social Behaviour Order Statistics - England and Wales 2010, Home Office,

<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/asbo-stats-england-wales-2010/>

³³ <http://www.guardian.co.uk/politics/2009/oct/13/alan-johnson-police-antisocial-behaviour>

³⁴ 2008 British Crime Survey, Who is at risk of crime? <http://www.homeoffice.gov.uk/rds/pdfs09/hosb1109vol1.pdf>

³⁵ <http://www.gos.gov.uk/gose/news/newsarchive/825771/>

³⁶ Home Office 2006 Offending, Crime and Justice Survey, Summary: <http://www.homeoffice.gov.uk/rds/pdfs08/hosb0908.pdf>

- There are encouraging signs that the Government's recent interventions are making a difference to youth crime. *'Fewer young people re-offend and those who do commit fewer crimes.'* Between 2000 and 2007, the percentage of young offenders who re-offended within 12 months fell by 2.7 per cent and the frequency of re-offending fell by 23.6 per cent. *'The number of young people coming into the criminal justice system in the first place has also gone down, by 9% from 2006/7 to 2007/8.'*³⁷
- Juliet Lyon, director of the Prison Reform Trust, said that there are currently many children who are not a threat to public safety that are put into custody.
- *'Some young offenders, such as those from socially disadvantaged families, are more likely to be caught than others. Evidence from a confidential survey where young people self-reported their offending showed that once young people had been warned or charged they were much more likely to be arrested again than those who committed similar offences, but were still unknown to the police.'*³⁸
- The Ministry of Justice spokesperson has said that those under 18 *'should only be held in custody as a last resort and for the protection of the public.'*

Very serious:

- Our low minimum criminal responsibility bucks the worldwide trend, which is to raise the age, generally to at least 14. *'Those countries that have an age of less than 14 tend to be Commonwealth countries or those that have an early association with the British legal system and reasons for retaining such a low age are thus, more connected with historical tradition than with consideration of children's best interests.'*³⁹
- *'Victimisation and offending are closely linked. Children and young people who are victimised are more likely than others to break the criminal law, and young offenders are also more likely to have been victims of crime.'*⁴⁰
- Locking up young offenders also makes them more likely to commit further crimes and be unemployed later in life, according to the New Economics Foundation.⁴¹
- Even criminal legislation has acknowledged the need to reduce the use of custody for youth offenders: the new Youth Rehabilitation Order encourages people passing sentence to use robust alternatives to custody where they are available. They are required to give reasons when choosing custody. The following community sentences have been replaced by the YRO: Action Plan Order, Curfew Order, Supervision Order (and conditions), Community Punishment Order, Community Punishment and Rehabilitation Order, Attendance Centre Order, Drug Treatment and Testing Order, Exclusion Order and Community Rehabilitation Order (and conditions).⁴²
- Sending an adult to prison is, by unit of time, 12 times more expensive than a Probation or Community Service Order, measures that cost about £6 per offender per day in 2002. Because

³⁷ <http://www.homeoffice.gov.uk/documents/youth-crime-action-plan/one-year-on2835.pdf?view=Binary>

³⁸ McAra, L. and McVie, S. (2005) The usual suspects? Street life, young people and the police. Criminal Justice, Vol. 5 (1) pp. 5-36, cited in Responding to Youth Crime and Anti-Social Behaviour,

http://www.youthcrimecommission.org.uk/attachments/075_Youth%20Crime%20Commission%20Consultation.pdf

³⁹ Dr. Katja Filipič The Legal Construction of Childhood, University of Ljubljana, 2004,

http://www.oijj.org/doc/doc/2004/documental_1227_en.pdf

⁴⁰ Mentor, Achieve, Learn, Support, (M.A.L.S) Victim Support resources, <http://sites.google.com/site/malstestsight/about-us/find-out-more-about-victim-support>

⁴¹ Punishing Costs, New Economics Foundation, <http://neweconomics.org/publications/punishing-costs>

⁴² Ministry of Justice, Youth Rehabilitation Order guidelines, <http://www.justice.gov.uk/youth-justice/courts-and-orders/disposals/youth-rehabilitation-order>

prison is deemed more severe, prison sentences are often shorter than community sentences for similar offences.⁴³

- Community sentences are less disruptive to an offender's life and this is all the more important in a person's formative years: *'2/3 of those in prison lose their jobs, 1/3 lose their homes and most crucially 40% lose contact with their families. Each of these factors increases the likelihood of a person re-offending'*.⁴⁴
- Recidivism rates amongst youth who have been released from short-term prison sentences (under 12 months) are among the highest.⁴⁵

⁴³ 'Alternatives to Prison' report, Rethinking Crime and Punishment, 2002, http://www.rethinking.org.uk/informed/pdf/alternatives_to_prison.pdf,

⁴⁴ Rethinking Crime and Punishment, 'Pros and Cons', <http://www.rethinking.org.uk/facts/rethink/procons.html>

⁴⁵ Quoted in Social Market Foundation, 'Prison Break: Tackling Recidivism, Reducing Costs' <http://www.smf.co.uk/prison-break.html>

APPENDIX

Wales⁴⁶

The All-Wales Youth Offending Strategy (2004) was developed between the Welsh Assembly Government and the Youth Justice Board as a joint statement of intent in relation to Youth Justice. Wales has ten entitlements and seven core aims for children and young people aged 11-25 years which resonate with, but are not the same as the five Every Child Matters outcomes in England. The Welsh language is an important consideration in delivering services to children and young people who speak or learn Welsh in schools and who are more frequently first and second language Welsh speakers. They state a 'compelling case' for devolving juvenile secure accommodation as it would give the assembly government the power to 'change and tailor its structure' more to the needs of Wales.

In total, the committee made 28 recommendations in its report.

These included:

- Reviewing the use of custody and ensuring it is only used when appropriate
- Reviewing the availability and suitability of bail accommodation for young people
- Considering the potential implications of raising the criminal age of responsibility

The committee said that one of the main findings was that already, the assembly government's 'rights-based' approach for children in Wales was considered by witnesses as being 'more developed' than that taken by counterparts at Whitehall.

The 2009 to 2011 delivery plan⁴⁷ kept many of the existing priorities, stating as the top six:

- Prevention of first-time offending
- Reducing re-offending
- Safe custody where required, leading to effective resettlement
- Increasing engagement in learning and employment
- Increasing access to suitable accommodation
- Timely access to substance misuse screening, assessment and treatment

⁴⁶ The All Wales Youth Offending Strategy, Welsh Government, 2004

<http://wales.gov.uk/topics/childrenyoungpeople/publications/youthoffending/?lang=en>

⁴⁷ The All Wales Youth Offending Strategy, Delivery Plan 2009-11, Welsh Government, 2009,

<http://wales.gov.uk/topics/childrenyoungpeople/publications/youthoffendingdeliveryplan/?skip=1&lang=en>