On 15 April 1999, I attended a public debate on the subject of Young Men and Crime. The meeting was organised by Young Minds and took place at the City University. The meeting was chaired by Baroness Helena Kennedy QC, and was addressed by Lord Warner of Brockley, Chair of the Youth Justice Board, and by Dr Sebastian Kraemer, Consultant Child and Adolescent Psychiatrist at the Tavistock Clinic. Lord Warner kindly gave permission for the text of his address to be published in Points of Law. Guinevere Tufnell

Young Minds Debate on Young Men and Crime

Norman Warner

Our debate this evening is about what can be done about young men and crime. I was asked to approach this from the perspective of the Youth Justice Board, which I chair. For those of you unfamiliar with the Board, it was set up under the 1998 Crime and Disorder Act and came into being on 30 September 1998. I will say more later about the Board's role. But first, I want to say a little about what we know about young men and crime and some of the contributory factors.

Each year about 180,000 young people aged 10–17 are convicted or cautioned for offending. Over 80% of these are young men. We know from research that this seriously under-reports youth crime. Many of the property offences, commonly committed by young men—burglary and thefts from and of cars—rose significantly in the 1980s and early 1990s. But the majority of these offences remain undetected by the police. We know something of young people's participation in crime from a study published in 1996 by the Home Office. This self-reporting study of 14-25-year-olds revealed that one in two males and one in three females admitted that they had committed an offence at some time. Most commit only one or two minor offences but one in four males admitted committing an offence in a single year, and a quarter of these offenders said they committed more than five offences in a single year.

Many of you will be familiar with media stories of Ratboy, Spiderboy, Boomerang Boy and many others, who have committed literally hundreds of offences in a matter of months. We know from the Home Office study I have quoted that about 3% of young offenders account for a quarter of all the offences committed by juveniles. It is these prolific and persistent young offenders who have created the public perception of large amounts of serious youth crime.

I want now to say a little about what we know about some of the more serious young offenders who end up in custody. They are overwhelmingly male—over 95%. Over 50% of young prisoners on remand and some 30% of convicted young offenders are considered to have a diagnosable mental disorder. Their rates of alcohol and drugs use are much higher than normal, as is the occurrence of self-harm and suicide. Many of the factors associated with social exclusions—lack of educational qualifications, exclusion from school and unemployment—are commonly found among young prisoners. One of the most staggering statistics is that about two-thirds of all prisoners—young and old combined—have literacy and numeracy levels so low that they are ineligible for 96% of jobs.

Although something needs to be done about young prisoners, we also have to consider the broader perspective of young men in today's society. Without in any way labelling all young men as troublemakers, we have some problems in that many young men face new barriers to fulfilling their potential. For example, relative to the rising educational attainments of girls, boys seem to be doing less well in school. I recognise that some of these problems are caused by poverty and social deprivation, and that affects girls in those circumstances as well. But it is boys who make up the great majority of truanting and excluded school children, which drives down their educational attainments further.

Boys who have no contact with their fathers are statistically more likely to be violent, get hurt, get into trouble and do less well at school. In the U.K., parenting is often seen as the mother's domain and British men work longer hours than elsewhere in Europe so are out of the home longer. However hard single mothers try, the statistical odds are against them as far as their sons are concerned in terms of development if the father or a father figure is totally absent. There are particular problems for many young men from Black households who are disproportionately represented in the criminal justice system and feature prominently in school exclusions. Underneath all the machismo and laddism, many of the young men who have offended or are likely to also have low self-esteem, a difficult family background, and detachment from the education system.

Before I turn to the Youth Justice Board, I want to say a few words about mental health. There seem to be striking differences in the prevalence of mental health problems among boys and girls. As I understand the data, suicide and substance abuse are very high for boys but depression,
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The Board’s key initiatives so far are:

- Child Psychology & Psychiatry Review
- A new set of grants for better bail supervision and support to reduce remands to custody. £13 million has been allocated so far.

This is the context within which the Youth Justice Board has started to work. The Board’s central aim is to prevent offending by young people. That is the principle for all those working in youth justice, laid down by the Crime and Disorder Act. If we are to succeed, we will have to address the issues I have outlined.

The Board’s job is to help set up a new local infrastructure for tackling youth offending and to exercise national leadership in the reformed youth justice system. The key changes we are overseeing are as follows:

- Seeing that the new statutory requirement for multi-agency youth offending teams in all areas is carried out. Each team must contain people from social services, health, police, probation and education. The team will plan and co-ordinate the provision of youth justice services, including assessing the needs of each young offender.
- Each area will be required to have a youth justice plan. The Board will be setting out the structure and requirements for these plans and will be monitoring them.
- We are drawing on the work of nine pilot areas in taking forward work on YOTs and youth justice plans. At present, there are about 60 YOT Managers appointed and about 40 teams in place. There will be 150–160 YOTs eventually in England and Wales and the plan is to have them operational everywhere by April 2000.
- Giving strong encouragement to the participating agencies to pool information and resources to tackle youth offending in a more holistic way.
- We have an £85 million Development Fund to spend over the next 3 years to stimulate the provision of a new range of intervention programmes to underpin the new court orders brought in by the Crime and Disorder Act. These new orders are Action Plan Orders (to ensure a programme is put together); Reparation Orders (to make reparation to victims); Parenting Orders (to require parents to co-operate where they are unwilling to do so); and new Detention and Training Orders for those sentenced to custody—these provide for half the sentence to be in detention and half in the community, under supervision.

The Board’s key initiatives so far are:

- Encouraging by mid-June proposals for up to £50 million worth of new intervention programmes to support the new orders and final warning system at the pre-court stage. These programmes will involve family support, reparation, parenting skills, cognitive behaviour therapy, education and training support, literacy and numeracy, supervised leisure, and drug treatment.
- Encouraging health and education to bring more of these young people back into education and to give them access to the new child and adolescent mental health services that the Government is funding.
- Developing a standardised assessment system for use by all YOTs with young offenders. This will assess them against offending risk factors; score their position; and identify programme needs. The assessment will be repeated at the end of their involvement in the youth justice system. We will check on re-offending a year after court orders lapse. This assessment system will be piloted in the second half of this year and we hope to go national in April 2000.
- A national training system for YOT Managers which will start in October 1999 and the development of national training for YOT members.
- The advising of the Home Secretary on national standards. We have already sent him new national standards for the detention part of the new DTO to radically improve the care and regimes of young offenders when they are detained.
- Devising a strategy for preventative activity before offending starts that takes account of many social initiatives started by this Government.

The Board has the power to call for information, monitor performance and publish information on unsatisfactory performance, inspect, advise the Home Secretary on standards and performance, identify and disseminate good practice, and carry out research. The Home Secretary has decided in principle to give us responsibility for commissioning and purchasing services for the 3000 or so young offenders in custody in order to drive up the lamentable standards in many juvenile facilities, as demonstrated in the recent report on Feltham.

To sum up what these changes are all about are:

- Improving the speed at which we engage with young offenders.
- Confronting them with the consequences of their offending.
- Developing planned interventions that tackle the particular factors that put them at risk of offending and which strengthen protective factors.
- Reinforcing the responsibilities of parents.
- Encouraging reparation to victims.
- Significantly improving the treatment of the more serious young offenders detained in custody.

This is a serious social change agenda that will be difficult to deliver but which has a lot of Government support.
Punishment is still an important part of dealing with young offenders but the punishment should be focused on changing behaviour and preventing offending in the future.


Jean Harris-Hendriks

This paper was published jointly in July 1998 by the Department of Health, Home Office, Lord Chancellor’s Department, and Welsh Office. It was open for consultation until mid-November 1998 (Court Welfare Services Review, Room 440, Home Office, 50 Queen Anne’s Gate, London SW1H 9AT; responses relevant to Wales were forwarded to the appropriate Office) but will continue to be a fruitful source of debate, together with the results of consultation, which may be made public.

The aim is to provide advice and guidance to ministers concerning a prospective restructuring of the Court Welfare Services. Key questions concern the aims of a unified service, its management, administration, staffing and accountability, and the representation of children in proceedings, with particular reference to the currently limited facilities for such representation in private law.

Currently, private law services in the main are provided by the Family Court Welfare Service, staffed, managed, and trained via the Home Office (but, in the opinion of many, overshadowed by the criminal justice responsibilities of the department). Public law services depend on guardians ad litem and reporting officers who operate within a statutory framework most recently reviewed in 1991 and administered via panels (54 in England and 5 in Wales). There are considerable variations regionally in how such panels are staffed, administered, and trained. National guidelines, however, were published in 1995. The Official Solicitor to the Supreme Court (whose office was established in 1875 and is an associated office of the Lord Chancellor’s Department) provides confidential advice to civil courts and represents minors ‘where there are issues of legal or moral complexity central to their welfare’. His representation of children is restricted to High and County Court levels in the Family Courts structure.

This complex arrangement is unsatisfactory administratively, in terms of staff training, probably in terms of cost and, from the point of view of children within the family justice system, particularly in cases of private law disputes where issues of family violence or parental mental incompetence are in question but where children remain unrepresented. Family Court Welfare Officers have a duty to assist the court rather than to represent the child and have no budget for expert or other independent advice.

The consultation document seeks advice as to whether any of the three current lead agencies (Home Office, Lord Chancellor’s Department, and the Department of Health) appropriately may take responsibility for a new unified service and considers the pros and cons of these options, plus the possibility that a separate ‘arm’s length’ agency may be preferable. It seeks advice on the representation of children in private and public family proceedings and on monitoring and evaluating a future service, staff training needs, costs, and future funding.

Comment

Although the discussion period was brief, agencies concerned with the representation of or preparation of expert evidence in relation to children within the family justice system are recommended to obtain copies of this consultation paper for their library. It is admirably clear and detailed and will provide a useful starting point for continuing debate about proposed changes in legislation, staffing, and funding of this essential service for children caught up in disputes about who will care for them and who may have contact with them, or who are victims of abuse, neglect and family violence. Recommended!

The editor of Points of Law welcomes articles on topics concerned with the legal context of work related to child mental health, news about recent developments (new laws, official codes of practice, important judicial decisions), commentaries on these, and suggestions of topics for coverage in future issues.