

Standards for children in the youth justice system 2019:

Consultation response

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Introduction

The YJB is a non-departmental public body established by the Crime and Disorder Act (1998) ¹. It monitors the operation of the youth justice system and the provision of youth justice services². It advises the Secretary of State on matters relating to the youth justice system, identifies and shares examples of good practice and publishes information about the system: reporting on how it is operating and how the statutory aim of the system ('to prevent offending by children and young people') can best be achieved.

The YJB is the only official body to have oversight of the whole youth justice system and so is uniquely placed to guide and advise on the provision of youth justice services.

The *standards for children in the youth justice system* define the minimum expectation for all agencies that provide statutory services to ensure good outcomes for children in the youth justice system. They are set by the Secretary of State for Justice on the advice of the Youth Justice Board (YJB).

Details can be found here:

<https://www.gov.uk/government/consultations/revised-national-standards-for-children-in-the-youth-justice-system-2019>

About the consultation

The consultation sought responses from those strategic and operational services delivering youth justice in the community and in the secure estate.

The consultation document can be seen here:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/754383/Standards for children in the justice system 2019 consultation document.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/754383/Standards_for_children_in_the_justice_system_2019_consultation_document.pdf)

and the full list of questions is at Annex A of this document.

¹ The YJB's unique functions are set out in section 41, part III of the Crime and Disorder Act 1998

² As defined by section 38, part III of the Crime and Disorder Act 1998

Method

The YJB launched a consultation of the proposed standards on the YJB website on 29 October 2018. The consultation ran for four weeks until 26 November 2018. The information published on GOV.UK contained the draft standards for children in the youth justice system 2019, a consultation document outlining the background to the changes, consultation plans, next steps and a questionnaire response template. Respondents were invited to answer the questions by email to CBU@yjb.gov.uk

The standards



The Youth Justice Board (YJB) has reviewed the effectiveness of the current National Standards for Youth Justice (2013) and considered how they can be revised to better support services to deliver the aims of the youth justice system. The standards for children in the youth justice system were proposed to replace the 2013 standards.

The standards are for strategic and operational services delivering youth justice in the community and in the secure estate. They are intended to guide what is expected and to influence how services are designed and delivered. The standards address the functions of youth justice (not process, nor practice) and intended to give youth justice services the freedom and flexibility to improve outcomes for children in the youth justice system.

The standards specify the minimum expectations for managing justice services for children across five functions:

- out of court
- at court
- in communities
- in secure settings
- on transition and resettlement.

Summary of responses

The consultation included both multiple-choice questions and the opportunity to provide comments (see Annex A).

We received a total of 61 responses to the multiple-choice questions, many of which included comments. A further nine responses were incomplete.

The analysis below is based on the 61 responses to the multiple-choice questions.

The proposed national standards for children in the youth justice system have been designed to give local authorities the flexibility to provide quality services to children to best meet their needs. To what extent do they achieve this?

Partially	11.5%
mostly	31.5%
fully	21%
don't know	8%
no response	28%

Do you consider that the standards for children in the youth justice system 2019 address the minimum youth justice functions?

Partially	18%
Mostly	31%
Fully	30%
Don't Know	1%
No response	20%

The standards are intended to move away from processes management to an outcomes focus, to what extent has this been achieved?

partially	21%
mostly	23%
fully	23%
don't know	5%
no response	28%

The standards are intended to achieve a better understanding of accountability between youth offending team (YOT) Management Boards and YOTS, to what extent has this been realised?

partially	15%
mostly	43%
fully	20%
don't know	0
no response	22%

Do you consider that children with protected characteristics under the Equalities Act 2010 will be impacted by the YJB's proposal to change National Standards?

not at all	21%
partially	11%
mostly	10%
fully	13%
don't know	13%
no response	32%

The standards specify the minimum expectations for managing justice services for children and young people across five functions. Please explain any views that point to any obvious gaps or omissions.

Comprehensive comments were received from a wide range of organisations and individuals (see Annex B).

Comments mainly focused on the following areas:

- less prescription, more flexibility
- further emphasis on our child-first principle, including active participation of the child
- safety, particularly in secure settings
- ensure diversion is prioritised and seen as a distinct area of work
- supporting victims, particularly through restorative justice
- further clarity on tackling disproportionality
- education, training and employment needs
- implementation, including monitoring and case management guidance.

YJB response

The responses to this consultation have been helpful in shaping the final standards for children in the youth justice system 2019. The consideration and attention to detail given to the consultation by respondents reflects both the importance of the standards and the commitment of professionals and organisations within the youth justice system.

The need for more flexibility and less prescription

We were pleased to read several responses which welcome the greater focus on outcomes and flexibility for practitioners that the standards bring. Respondents said this would allow practitioners to better use their professional judgement.

Some respondents did raise concerns over no longer having processes prescribed and mandated. All standards are underpinned by statutory guidelines. The decision to focus the standards on good standard outcomes in each of the function areas reflects a system that now has two decades of experience and local determination of service type and differing models. These variations require freedom and flexibility to innovate and create tailored solutions.

The consultation responses were clear that if services needed to know how to deliver certain aspects of youth justice then the standards should state these. The YJB were clear that guidance would follow - we have included a section called "how to apply" in each area of the standards which will assist practitioners to apply legislation and guidance. In addition, the case management guidance exists to support youth offending teams who, for any reason, need additional support to establish effective processes ([case management guidance](#)).

We believe that this will address many of the issues respondents raised around a lack of prescription. Where we believe there is a need for more prescription, which is not already covered by policy and legislation, we will seek to build an evidence base for this and exert our influence as necessary to remedy any gaps.

Child first

The term "child first" describes a child-focussed and strengths-based approach to working with children in the youth justice system. This prioritises the best interests of children, recognising their needs, capacities, rights and potential.

Building on children's individual strengths and capabilities is a means of developing their pro-social identity for sustainable desistance and is required for longer term protection for victims and communities.

We were pleased to read several responses which praised the standards for this child-focus, highlighting that the standards will allow a more personalised approach to each child and that there is a focus on minimising harm that children might experience from contact with the youth justice system.

Wherever possible, we have made changes to the standards that reflect our child-first approach – reflecting the need to work to the best interests of the child. This includes changing the language we use to reflect our principles to make sure those under 18 are always treated as children.

The standards are also written in plain English, avoiding jargon wherever possible, to aid accessibility for practitioners, children and their parents/carers.

Keeping children safe

The safety of children, particularly in a secure setting, was raised by respondents. Some respondents requested the standards include timeframes to assist in safeguarding. The Youth Justice Board (YJB) no longer has responsibility for commissioning or operations within the youth secure estate, so it would not be appropriate for the standards to include these timeframes. However, there are extensive oversight and improvement mechanisms in place across the youth estate. The YJB continues to have a statutory role in overseeing these metrics, providing support, challenge and focus through oversight and the priority programme structure.

The standards expect the commissioned service providers to manage safety in line with service delivery requirements and existing legislation. The commissioners have an improved comprehensive assurance system in place.

Respondents also requested that the standards include information on behaviour management in the youth secure estate, including removing pain-inducing restraint. The Ministry of Justice has commissioned a review of the authorisation of pain-inducing restraint on children and we will update these standards, if appropriate, following that review.

Victims and victim-safety

Respondents raised the need to more explicitly state the expectations for addressing victims and victim safety, particularly encouraging the use of restorative justice. The YJB do not have additional expectations to those expected in the code of practice for victims of crime published by the Ministry of Justice. This code is comprehensive and covers restorative justice and guidance for young people and is a requirement in the standards see *systems and policies*.

Prioritising diversion

The YJB is determined to ensure we use every opportunity to divert children away from the criminal justice system.

Respondents requested that the standards more strongly reflect diversion as a priority and a distinct focus for work in the youth justice system. We have amended section one to reflect the difference and strengthened the expectations for diversion at point-of-arrest, and formal out-of-court disposals.

Tackling disproportionality

It was suggested that addressing disproportionality for children from a black, Asian or minority ethnic background should be added within each of the five standard areas. We have purposefully chosen to highlight the two areas: *out of court*, and *at court*. The thematic oversight of National Standards 2013 and partner consultation shows these pose the biggest challenge for disproportionality for children in the youth justice system. We have explicitly raised disproportionality here to maximise impact and have set out explicit expectations for services to identify, analyse and act to tackle any disproportionality.

There were some responses highlighting the need for Welsh language information. The *how to apply* and statutory guidance section covers the Welsh language versions, where these exist.

Education, training and employment needs

Responses outlined the need to have a specific statement on meeting the educational, training and employment needs of the child, particularly due to the close relationship between this and desistance. We have made sure standards two, four and five now all explicitly ask practitioners to consider these needs and offer relevant support.

Effective partnerships

Several responses highlighted the complexities and interdependencies of partnership working within the youth justice system. Some responses requested the standards go further and state the responsibilities and standards for partner agencies. This is beyond the statutory powers of the YJB. We do, however, work closely with other government departments and others to push for parity in the support children can expect from all agencies and organisations.

We were pleased that some respondents welcomed the clarity around Youth Justice Management Boards.

Implementation, monitoring and case management guidance

Under this theme, respondents raised both practical questions over how the standards will be implemented with the use of existing tools (such as AssetPlus) and how the YJB will monitor adherence to these standards.

We will release frequently asked questions (FAQs) prior to implementation of the standards. This will address the practical considerations and the oversight of standards

The YJB will continue to use youth offending team (YOT) and Youth Custody Service self-assessment results. Exact timings and themes of these assessments will be prescribed when the standards are published. Methodology will include input from the sector as was the case in previous oversight models. The YJB will

retain the validation and assurance visits in a selection of services to test challenge and confirm self-assessments in a small proportion of cases.

In addition to the FAQs we regularly update the case management guidance which sits alongside these standards. Many of the suggestions we received from respondents advocated including statements or guidelines that already exist within the case management guidance. For ease we have added specific sections in the *how to apply* sections.

Annex A

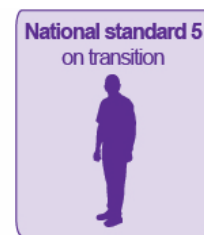
Proposals for standards for children in the youth justice system 2019

This document should be read in conjunction with the draft *standards for children in the youth justice system* and accompanying consultation paper, which explains the background to the consultation, proposals for the new standards and next steps.

You are invited to respond to the review using this template. Responses must be received by the YJB by **26 November 2018**.

Responses should be sent by email to CBU@yjb.gov.uk

Your name	
If responding on behalf of an organisation, name of the organisation for which you are responding	
Your telephone number	
Your email address	



1. The proposed national standards for children in the youth justice system have been designed to give local authorities the flexibility to provide quality services to children to best meet their needs. To what extent do they achieve this?

Not at all	Partially	Mostly	Fully	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional comments:

2. Do you consider that the national standards for children in the youth justice system 2019 address the minimum youth justice functions?

These are:

- out of court
- at court
- in communities
- in secure settings
- on transition and resettlement

Not at all	Partially	Mostly	Fully	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional comments:

3. The standards are intended to move away from processes management to an outcomes focus, to what extent has this been achieved?

Not at all	Partially	Mostly	Fully	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional comments:

4. The standards are intended to achieve a better understanding of accountability between YOT Management Boards and YOTS, to what extent has this been realised?

Not at all	Partially	Mostly	Fully	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional comments:

5. Do you consider that children with protected characteristics under the Equalities Act 2010 will be impacted by the YJB's proposal to change National Standards?

Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion or belief, sex and sexual orientation.

Not at all	Partially	Mostly	Fully	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional comments:

6. The standards specify the minimum expectations for managing justice services for children and young people across five functions. Please explain any obvious gaps or omissions.

7. Any other comments

Annex B (full list of respondents)

Association of YOT Managers
Derby (specialist service)
Bath and North-East Somerset Council
Centre for Justice Innovation
Clinks
Conwy and Denbighshire YJB
Cornwall and Isles of Scilly YOS
Criminal Justice Board Northumbria
Cymru YOT Managers
Devon and Cornwall Police
Dave Wraight West Berks YOT
Derby Children's services
Dorset combined YOT
East Riding of Yorkshire
Further consultation from Norfolk head of Service
Gloucester YOT Management Board
Harrow YOT
Hartlepool Borough Council
Herts Youth Justice Policy and Strategy

Her Majesty's Inspectorate of Probation
HMPPS
Howard League FPR
Hull YOS
Jonathon Eley
Kent County Council
Lambeth Youth Justice Partnership Board
Lancashire YOT
Lewisham Youth Justice Management Board
London YOT AD Network
Magistrates Association
Media Academy Cardiff
NACRO report
NHS England CYP Programme
Norfolk Constabulary
Norfolk VC
Norfolk YOT
Norwich
Nottinghamshire YOT
Ofsted
Prison Reform Trust

Prof Kathryn Hollingsworth NU
Rainsbrook STC
Raymond Arthur Northumbria UC
Reading Borough Council
Rotherham YOT
St Helens
Sefton
Slough YOT
Southampton YOS
Standing Committee for Youth Justice
Steven Waters South Gloucestershire
Stockton YOS
Sunderland YOT Board
T2A
The Essex Community Rehabilitation
Vale of Glamorgan
Wakefield YOT
West Mercia YJS
Youth Custody Service