

Youth Justice Board (YJB)

History:

The Youth Justice Board for England and Wales is an executive non-departmental public body established under the Crime and Disorder Act 1998 to monitor the operation and performance of the youth justice system. It advises the Secretary of State on how the system can operate most effectively and identifies and disseminates good practice to prevent offending by children and young people. It is also responsible for commissioning services for young people under 18 who are sentenced or remanded to secure facilities, a power it gained in 2000. The Board was established alongside multi-agency Youth Offending Teams, reforms which together were 'amongst the most significant [reforms] ever made to the criminal justice system' (Straw, March 2010). The Board is composed of 10 to 12 members appointed by the Secretary of State who have extensive recent experience of the youth justice system. It has thus far had three chairs; Norman (now Lord) Warner, Rod Morgan and Frances Done.

In 2009 the Labour Government commissioned a review of the Youth Justice Board which reported in March 2010. This was conducted by Dame Sue Street in collaboration with the YJB and involved a number of interviews. In her report Dame Street argued:

'In the twelve years since it was set up, as the landscape in which it was established has changed, so has the YJB itself, evolving from an organisation that took a top-down approach to establishing a distinct focus on youth justice, to one that enabled local innovation and a diverse approach. But along the way its role became uncertain, its voice fragmented and its role within government and with stakeholders strained. The YJB was established by the Crime and Disorder Act 1998, Section 41

4. To make future progress, build on its success, and adapt to the changing world in which it operates, the YJB needs to take a firm grip of its responsibilities, provide clearer leadership and direction on the delivery of youth justice and prioritise public protection alongside the welfare of young people. This means having a strong YJB with clarity of role and relationships, delivering better outcomes for young people and their communities, using its unique position between central and local government to provide trusted and expert advice to Ministers. The current leadership of the YJB is well placed to rise to this challenge' (Street, 2010, pp.3-4).

.... 'Cost effectiveness has been one of the principles governing the review and, assuming the numbers of first time entrants to the system, reoffending rates and the number of young people in custody all continue to fall, we are confident that the YJB should be able to operate at a significantly lower cost.

Conclusion

13. Overall, the YJB earns its place as a crucial part of a system which aims to tackle one of the most serious social policy issues in this country. The report's recommendations are aimed at offering affordable

and significant ways for it to contribute even more effectively to reducing youth crime.

The consultation process undertaken around this review did see some negative responses as Catch 22 expressed 'concern that the Board has vastly expanded in terms of size and scope since its formation, losing some of its flexibility and discrete focus. There is also some confusion over the roles of YJB and the Joint Youth Justice Unit¹ in terms of directing policy. We believe the Board needs to get back to original aims and to focus on what is required to prevent offending by children and young people' (Catch 22). However, in response to the report Jack Straw commented that

'progress is encouraging. The Youth Justice Board has played an important part, for which it deserves credit. However, we want to achieve a further step change: fewer victims, less re-offending, the best outcomes delivered across the country. That is why we commissioned a review of the Youth Justice Board in September 2009, and why we accept the review's message that the YJB needs to achieve a stronger grip on performance, provide clearer direction, and give the best value for public money. The current leadership have shown themselves to be ready to rise to this challenge. We accept the review's recommendation that the Board should build on its strengths and reinvigorate its role' (Straw, 2010).

Whilst there were clearly improvements to be made at the Youth Justice Board it was therefore apparent that Labour intended to continue in its support towards the organisation.

Public Bodies Bill

In October 2010, following the government's review of public bodies, it was announced that the YJB would be placed in schedule 1 and was hence due for abolition. In a press release Parliamentary Under-secretary of State Jonathan Djanogly argued that the YJB had 'helped to transform the delivery of youth justice and has fulfilled an important role in reducing offending and re-offending by young people. Now is the right time to look more radically at the arrangement of youth justice, including the role of the YJB, ensuring that a dedicated focus on rehabilitation needs of young people is driven forward in the future' (Ministry of Justice, 14th October 2010). Interviews revealed perceptions that Crispin Blunt was particularly enthusiastic for the abolition of the YJB, and that the YJB was seen as a 'Labour' quango even though it had been created with cross party support. Interviewees also speculated that civil servants had historic reasons for desiring the abolition of the YJB (given initial resistance at its establishment and a desire to re-integrate after a poor period between 2004-2007) – in this context one interviewee described how 'Christmas had come' for the Ministry of Justice as the Public Bodies Bill gave them the opportunity to scrap the body.

The YJB itself had heard rumours of the possibility of closure before the announcement but they found out officially by being called for a meeting with the Secretary of State, Ken Clarke. It was

¹ This unit brought together the expertise of the Ministry of Justice and the Department for Children, Schools and Families in relation to Youth Justice.

rumoured that the abolition proposal did not stem from Clarke himself but was a product of political pressure from figures within the Conservative Party who were keen to advance the public bodies reform agenda. The YJB itself did not agree with the decision as the body has been very effective at achieving results since its creation, and felt that its arms length status was crucial for these results (Interview Data). However, the body decided not to formally oppose this decision as such action was felt to be unconstitutional and counterproductive and was likely to damage the body's relationship with government. Accordingly no formal strategy was developed as the government were seen to have a perfect right to reform. However, the YJB had strong relationships with stakeholders (which had been strengthened since 2005) and did feel able to provide information when requested. Stakeholders such as ACPO, the Magistrates Association, the Prison Reform Trust and a range of charities and pressure groups were willing to lobby on the YJB's behalf.²

In the aftermath of the decision the YJB cooperated fully with the process of planning for abolition with the chief executive working extensively with the department. The continuation of the body's function meant that they were determined to ensure that the area of youth justice was well addressed through whichever medium decided by the government. Accordingly the body itself focused upon influencing government to ensure that these functions were addressed as fully as possible. Throughout the process the YJB maintained good relationships with the Ministry of Justice, this ensured that if/when the threat of abolition was withdrawn the YJB could swiftly return to normality.

In the Lords considerable opposition was voiced with much of the support unanticipated. Respected figures such as Lord Woolf (Chair of the Prison Reform Trust and a previous Lord Chief Justice) voiced concern at the move, directing attention to the case. A strategy was developed by a number of Lords to create a coalition of opponents across the benches. The cross bench peers were seen to provide a solid base of support and Labour was opposing, however in order to win a vote they had to support from the Liberal Democrats as if they supported the government then the amendment would not pass. Accordingly links were made and lobbying was conducted within parties, this was particularly focused on the Liberal Democrats as they had previously voiced support for the YJB and were hence likely to be unhappy at the decision. Lords with a history of working in the area were targeted, aiming to gain their support by appealing to their past experiences rather than to party affiliations. In this way the lobbying process was not 'party political' but rather focused on the importance of the YJB to the youth justice system. Lord Elton delivered a few Conservative votes, and an attempt was made to get other Lords to abstain. A huge whipping operation was therefore conducted in the Lords around the vote. There were also numerous meetings with ministers in an attempt to persuade them of the folly of their proposals. Letters from stakeholders were also copied to Lords to ensure that they were able to raise stakeholder concerns in debates. This strategy was not conducted in direct co-ordination with the YJB but they were aware that the YJB wanted to be saved if possible and therefore there was a feeling that such activity would be welcome, particularly as there was an awareness that the YJB itself could not oppose the decision itself.

In committee stage Lord Warner tabled an amendment to remove the YJB from schedule 1 citing a range of different sources, including the National Audit Office and the 2010 review to support

² It is important to note that not all stakeholders were supportive. The Howard League for Penal Reform, for example, had reservations about the body.

his case (7th March 2011, Column 1373). This amendment was supported by, amongst others, Lord Ramsbotham, Baroness Butler-Sloss and the Earl of Listowel. Many of the Lords who spoke declared interests in the case but also indicated that they had been heavily lobbied, for example Baroness Linklater of Butterstone indicated that she had had 'recent contact with the YJB and the many other agencies that work with children who offend' (7th March, 2011, Column 1385). After a lengthy debate the amendment was withdrawn. At report stage Lord Warner again tabled his amendment. This was not expected to succeed but after another lengthy debate it was agreed 225 to 162, overturning the Government's position (28th March 2011 Column 956). However, despite this victory Ken Clarke pledged to table a government amendment re-introducing the body into schedule 1.

The media coverage of the case was limited in the first instance however there was a focus on opposition to the change and the eventual outcome. The tone of much of the media coverage is sceptical with comment pieces from Rod Morgan (a previous chair of the YJB) arguing that 'the YJB's abolition could be part of a radical, positive change of policy direction' (The Guardian, 27th October, 2010), elsewhere Alasdair Palmer in the *Sunday Telegraph* arguing that abolition was 'an eminently sensible step'. (27th November 2011).

A wider campaign amongst stakeholders was also evident. There was initial concern from stakeholders at voicing opposition because the Government were new and they were afraid of damaging relationships (Interview Data). However, the House of Lords solved the problem by allowing a passage of time to elapse between the initial announcement and the final decision (due to the scrutiny given to the Bill). In this period stakeholders were able to establish relationships with government and felt more comfortable about voicing concerns. In lobbying stakeholders used a range of techniques, for example a survey was conducted by 'Children and Young People Now' which found that 87% of youth justice chiefs did not want the YJB to be abolished whilst only 13% did (3rd October 2011). Other bodies such as IARS and the Prison Reform Trust wrote responses to the consultation opposing the proposed abolition. PCS also opposed the plans, arguing that 'at a time when opportunities for young people are being closed off because of recession and cuts the YJB prevention work is crucial in ensuring that young people do not fall into a cycle of offending and re-offending' (PCS, a). The PCS Ministry of Justice Group lobbied MPs and Lords and produced briefing documents showing how the YJB had helped to cut youth offending (PCS, b).

Interest in the Government's proposals was also evident from Select Committees. The Public Accounts Select Committee (drawing on an NAO report on this topic) report raised 'some concerns that reorganization at this time could impact on building on the progress achieved to date' and hence put pressure on the Government by emphasising the success of the organisation (House of Commons Public Accounts Committee, 2011). The Justice Committee also wrote a report published on the day of the final vote which raised the profile of the decision. The report itself did not argue for or against the abolition of the YJB, instead it highlighted 'those parts of its work which need to be continued, whether they are undertaken by the Board or the Ministry of Justice; note some concerns which need to be addressed if the work is to be undertaken by a division of the Ministry of Justice; and make recommendations about governance and transparency arrangements' (House of Commons Justice Committee, 22nd November 2011, p.5).

Despite having publically announced their proposals and subjected them to scrutiny in both Houses of Parliament the Ministry of Justice launched a consultation to collectively examine

their proposals for reform on the 12th of July 2011 (it ran until the 11th of October 2011). 70 responses were received in relation to the YJB; '20 from youth offending teams/services (YOTs) and the secure estate; 13 from professional bodies; 11 from individuals; eight from representatives of the voluntary sector; four from magistrates and the judiciary; two from arm's length bodies (ALB); one from a private sector provider; one from the Mayor of London and one from the Welsh Government. The department also received nine anonymous responses (Ministry of Justice, 2011, p.55). 'Overall most respondents were opposed to the abolition of the YJB. These responses emphasised the need for the independent leadership of the youth justice system provided by the board' (ibid.). For example, Justice argued that 'reforms to the governance of the youth justice system are necessary to ensure that children's rights are protected, whether or not the Youth Justice Board is abolished' (2011, p.2). However, some respondents did favour abolition.

Ahead of a vote on the Bill in the Lords a further whipping process occurred and crossbenchers, Liberal Democrat and Conservative Lords attempted to encourage support for the YJB at party meetings. One interviewee expressed relief that they did not have to vote against the government and greeted the Ministry of Justice spokesperson's announcement with relief. This statement asserted: '[f]ollowing careful consideration we have decided not to pursue the abolition of the YJB as part of the public bodies bill. "However, we still believe that youth justice system should be reformed to make it more efficient and directly accountable to ministers. Further details will be announced in due course' (Guardian, 24th November 2011). The YJB itself found out about this decision two hours before the proposed vote, it was felt that the government were withdrawing the proposal because they realised that they were likely to lose the forthcoming vote in the Lords. It is reported that many Liberal Democrat peers had made it clear to the Deputy Leader of the House of Lords that they were planning to abstain/vote against the government (Interview Data).

Key Documents

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