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INVESTOR IN PEOPLE

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# Executive summary

## 1 Introduction

The Children in Trouble programme – a joint project supported by the Local Government Association (LGA) and the Howard League for Penal Reform – set out to encourage, develop and showcase different approaches to reducing the use of custodial sentences. This report documents the programme’s achievements and the challenges for its four pilot projects, following an evaluation by the National Foundation for Educational Research (NFER). The pilots took place in three local authorities.

## 2 Floating accommodation support service

This service worked with young people, already involved with the Youth Offending Service (YOS), who were either homeless or at risk of homelessness.

Over the course of the project, **the main challenge was limited suitable accommodation available for young people.** This included a shortage of emergency accommodation, limited supported housing and a lack of local accommodation within the borough where the project was based. This was exacerbated by negative perceptions among some services about young people linked to the YOS. Various protocols, procedures and funding arrangements, including ‘intentionally homeless’ criteria and choice-based lettings procedures, also presented difficulties.

**Despite these challenges, the pilot was able to demonstrate some notable achievements.** Young people reported that the accommodation placements and support they received were key factors in their decisions not to re-offend. The pilot was also perceived to have had an impact on sentencing. The court felt able to impose a community order on a young person rather than a custodial sentence because the person had adequate housing.

Relationships between key partners had improved and housing specifically for young offenders was acquired.

Other outcomes included a more coordinated response to accommodation issues in the YOS; workload relief for case workers; and minimised disruption to the YOS when emergency accommodation cases presented.

## 3 Restorative justice

The restorative justice (RJ) approach was introduced in response to the high numbers of looked-after children (LAC) entering the criminal justice system as a result of incidents that had occurred in residential homes. The YOS LAC team expanded on existing RJ work and interventions taking place in local schools. It arranged accredited training for staff in all the residential homes and professionals from other agencies, including the police.

**The main challenge encountered during the course of the pilot related to the willingness and ability of some residential staff to engage with the RJ approach.** This stemmed from concerns that RJ conferencing may not be appropriate in the residential setting where victims and offenders were likely to be in close contact on a daily basis. As a result of these concerns, the pilot’s focus broadened to include a greater emphasis on the YOS LAC team offering residential staff enhanced support and training on how to intervene early, aimed at preventing the escalation of relatively minor incidents. Throughout the pilot, relationships between the YOS LAC team and workers in residential homes improved, signalling a more partnership-orientated approach to preventing young people from entering the criminal justice system. **Young people and YOS staff both suggested that RJ had a positive impact on reducing young people’s offending.**

## 4 Fusion Fostering and the custody panel

In the local authority concerned, the Children in Trouble project initially took the form of an intensive fostering scheme, known as Fusion Fostering. It offered three-

month placements to young people as a direct alternative to custody. However, the scheme encountered a number of barriers which hindered its full implementation, a lack of funding being the most significant. During its lifetime, three young people experienced the programme, although one for a very short period. In the other two cases, **the experience was positive and a reduction in offending was achieved**. Evaluations of similar schemes suggest that where resources are available, intensive fostering can prove to be effective at turning around the lives of young offenders. Unfortunately, the limited operation of this programme meant that this evaluation was unable to assess the impact of intensive fostering on a large scale.

Because of the problems experienced, this local authority **decided to try a different approach to reducing the use of custody, via a custody panel**. This panel was created to review the pre-sentence reports (PSRs) of any cases receiving a custodial sentence. The panel analysed factors leading to custody and highlighted any problems or gaps in services that might have prevented custody. In the area where the panel operated, **custody rates declined by 42 per cent** (from 78 cases in 2007 to 45 in 2008). Interviewees, in our evaluation, believed this was due to an improvement in the reports submitted to court and they were not aware of any other factors that could explain this drop in the figures. Through the

in-depth examination of pre-sentence reports, Youth Offending Team (YOT) staff were said to have achieved a clearer understanding of what magistrates required and as a result, were able to produce more comprehensive reports.

## 5 Conclusion

The Children in Trouble programme did more than simply pilot different approaches to reducing custody. It established a forum, where experiences could be shared and, in the process, highlighted some of the **wider issues associated with the use of custody** such as a lack of accommodation for young people, conflicting targets within the criminal justice system and issues concerning funding for alternative provision and custody.

Although sharing a common purpose, the projects tackled the issue of children in custody in quite different ways. For example, one offered a direct alternative to custodial sentences (intensive fostering), whilst another worked more strategically to better understand the use of custody in their local authority (custody panel). Despite their differences, all projects demonstrated some success, suggesting it is possible to divert young people from custody through a range of approaches.

# 1 Introduction

In 2005, the LGA's Children and Young Peoples' Board agreed to develop a campaign to reduce youth offending and the use of custody for young people. Statistics show that sending a young person to prison will do little to prevent future offending (Nacro, 2008). A recent study found that even those responsible for handing down a custodial sentence – magistrates, district judges and crown court judges – were sceptical about its use (Youth Justice Board (YJB), 2009). They saw that it fails to tackle the underlying causes of offending behaviour and high re-offending rates. Aside from concerns about its overall effectiveness, custody is also an expensive option. It accounts for nearly 70 per cent of the Youth Justice Board's total budget and costs taxpayers up to £279 million a year. In its position paper, published in 2005, the LGA concluded:

*Many of these children and young people's offending behaviour would be better tackled by sentences and programmes based in the community.*

As part of the campaign, local authorities were invited to contribute to the Children in Trouble programme, a joint project supported by the LGA and the Howard League for Penal Reform. The programme sought to encourage, develop and showcase different approaches to reducing the use of custodial sentences. This included the use of direct alternatives to custody, such as a foster placement, as well as the development of services and procedures which minimise the likelihood of a custodial sentence, for example, a panel to review the quality of pre-sentence reports.

This report documents the achievements and challenges of four such approaches. They are:

- a floating accommodation support service
- a restorative justice project
- an intensive fostering scheme
- a custody panel.

The NFER conducted an evaluation of the Children in Trouble programme over two years and interviews were conducted with project staff, key partners and, where possible, young people. The names of the young people in this report have been changed to retain their anonymity.

The evaluation was asked to measure the progress of projects against six 'global' objectives:

- **Outcome 1 Children in custody:** Has there been a reduction in the number of children and young people in custody?
- **Outcome 2 Offending behaviour:** Has the amount, frequency and seriousness of youth offending and re-offending reduced?
- **Outcome 3 Relationships:** Have relationships between key partners and stakeholders improved?
- **Outcome 4 Communication:** Has there been an improvement in the local authority's capacity to articulate the benefits for the local community from its work in this area?
- **Outcome 5 Value for money:** Has there been an improvement in 'value for money'?
- **Outcome 6 Process:** Have there been any developments or advancements in processes that may impact on the above outcomes, for example, meetings, new panels?

Findings from each project are presented in the following chapters. The fostering scheme and custody panel appear in the same chapter because they operated in the same borough and involved the same organisations.



## 2 Floating accommodation support service

### 2.1 About the project

Accommodation is often a key issue for young people in the youth justice system. One study suggests that 15 per cent of young offenders have some form of housing need (Patel, 2004). Research undertaken by Nacro and Practice Research Group found stakeholders, such as charities, housing associations and family services, in nine of out ten areas believed young offenders lacked sufficient accommodation and, where accommodation was available, there were questions over its suitability. Although housing providers said they offered support for young offenders, only four out of 152 young people surveyed said they received this (YJB, 2009). Other research has shown young people, who are not in suitable accommodation, have a heightened risk of offending and re-offending (Home Office, 2005). One of the reasons for this is the situation in which young people are living often inhibits meaningful prevention and rehabilitation work from being carried out.

A recent report by the Youth Justice Board (YJB, 2009) contends that the availability of age-appropriate accommodation for young people, without a permanent home, could play a significant part in reducing the current resort to custody. It found that along with the nature and seriousness of the offence and previous criminal history, many sentencers identified an offender's personal circumstances, including a lack of permanent accommodation, as increasing the likelihood of custody.

In 2006/7, the local authority which ran this Children in Trouble project had a two per cent custodial sentencing rate, well below the YJB target of five per cent. However, whilst custody rates were not high compared to the national average, the area had a disproportionately high number of remands. Magistrates do not remand young people because they lack accommodation. However, magistrates do take into account the fact that not having suitable accommodation increases the level of risk of offending.

Young people presenting with accommodation issues would normally receive support from their YOS worker. In order to provide a more coherent and consistent approach to managing housing needs, and to contribute to reducing the number of remands and cases of re-offending where accommodation was a factor, a floating accommodation support service (hereafter referred to as the service) was introduced.

### Who the project worked with

Referrals to the service were young people already involved in YOS interventions. Young people receiving support from the YOS were likely to be 16 or 17 years of age; those over 18 could be included if they began receiving support before their 18th birthday.

### What the project involved

Housing-related support was provided for (up to) ten young people at any one time who were either homeless or at risk of homelessness. The floating accommodation support worker specifically targeted young people:

- at risk of being remanded to custody due to a lack of suitable accommodation
- due for release from custody to ensure they have suitable accommodation to go to
- at risk of committing further offences because of a lack of suitable accommodation.

These young people are often vulnerable and unlikely to be able to maintain successful independent living without additional support.

The priority and emphasis of the support provided was to work towards a young person staying in or returning to their family home (if safe to do so). If this is not possible, the role of the support worker was to:

- assist in finding emergency accommodation
- support a young person when they present to the housing options team
- help with the completion of housing applications or referral forms and providing supporting letters
- accompany a young person to housing provider interviews
- support a young person through periods of living in unsuitable accommodation
- monitor housing applications and update key partners on changes in circumstances
- assist a young person in claiming appropriate benefits
- support a young person to develop independence skills so as to maintain suitable accommodation.
- five were supported in the run-up to leaving Young Offenders Institution (YOI) custody, two of these went straight into supported accommodation
- four 'at risk of homelessness' were placed in supported housing, three remained in tenancies
- three were supported with their housing-related appeals
- two with high rent arrears were helped to clear debts
- one was housed in local authority accommodation and continued to receive support from the service.

## How the project was managed and run

The project, funded by the Supporting People programme, was subcontracted to a housing provider. The project consisted of one full-time housing officer working between both the YOS and the housing providers' local project base. The support worker was supervised and line managed by the housing provider and some day-to-day management was provided by the YOS.

The project enabled support to be provided irrespective of where a young person was living (with the exception of supported housing) and was tailored to meet their needs. Floating support could move with the young person,<sup>1</sup> for example, when a young person moves out of supported accommodation and lives independently, the service was able to provide some continued assistance.

## 2.2 Achievements

The support worker worked with 30 young people over the two-year duration of the Children in Trouble pilot:

- 13 were successfully placed in temporary accommodation

### 2.2.1 Has there been a reduction in the number of children and young people in custody?

The service offered the courts an **alternative to custody** where levels of risk associated with the young person's accommodation were contributing to the decision for a remand. There were a few instances where the service had secured accommodation and, as a consequence, the **court felt able to impose community orders rather than a custodial sentence**. The service had either mediated between the young person and their family enabling them to return home, or had acquired emergency accommodation.

Interviewees felt the service had resulted in better **identification, planning and prioritisation of young people with accommodation needs at risk of custody**. Asset (a structured assessment tool used by YOS with all young offenders who come in to the criminal justice system) identified factors that could contribute to an increased likelihood of re-offending and thus an increased possibility of receiving a custodial sentence. Rather than relying on referrals alone, the support worker was able to **highlight cases with potential risk** at the earliest opportunity by reviewing two of the dynamic sections within Asset ('living arrangements' and 'family relationships'). This enabled the support worker to be proactive with case managers, for example, by suggesting family group conferencing to maintain the place within the family home or, if the young person wanted to work towards independence, providing an awareness session about the realities of independent living.

Jaz was identified as being at risk of accommodation issues, and his story shows how an accommodation placement helped him.

## Jaz

### Background

Jaz is male and 18 years old. He received his first conviction at 13 and is currently undertaking a supervision order for criminal damage. His offences were related to his emotional anger, and anger management work was required.

### Accommodation issues

Jaz was at risk of homelessness due to strained family relationships. This risk was not immediate and was minimised by family group conferencing. Despite this, Jaz still expressed a desire for independence. Supported accommodation was found but this offer was withdrawn on the day he was due to sign for the property due to benefit regulations. As he was in full-time training he could not claim housing benefit and he was unable to pay for the property.

### Involvement of the floating accommodation support service

Jaz worked with the service and was assisted while still living in the family home. The support worker helped him to identify accommodation options and when the supported accommodation fell through the support worker worked closely with Jaz to prevent him from withdrawing from his training course in order to be eligible for benefits. The service was finally able to secure him an outreach tenancy with a supported housing provider in the local area.

### Impact

Jaz is making a success of his accommodation placement and is part of the young person interview panel for the YOS. He has not re-offended.

The service also supported young people with accommodation issues due to be **released from custody**. Here, the support worker had a key role in finding appropriate accommodation and ensuring a smooth transition back into the community. Due to the likelihood of re-offending, and being **recalled to custody or awarded another custodial sentence**, an intensive support package was initiated and the service was a vital element.

The service had **onsite accommodation support at court**. Court days had been identified as 'hot spots' for when accommodation problems were likely to arise. As one interviewee noted:

*Predominantly, court days are days where it is very common for parents to say 'no more'. They often save it to the day that they are in court and parents take the opportunity in front of magistrates to say 'I've had enough, he is not coming back'. So court day is a good day to have [name of support worker] on standby and he/she has been used quite thoroughly.*

(YOS representative)

### 2.2.2 Has the amount, frequency and seriousness of youth offending/re-offending reduced?

Interviewees spoke of the following impacts.

- Young people had rejected offers to engage in offending behaviours because either they had secured accommodation or had the service's support.
- There was greater identification, planning and prioritisation of accommodation support to help reduce the number of young people in crisis and likely to re-offend.
- Young people continued their engagement in offending behaviour work.
- The support worker offered greater levels of advocacy for young people.
- Young people were given support to develop their independence skills.

Interviewees were keen to stress that a young offender was likely to be involved in a number of initiatives that

could reduce their offending behaviour. Even so, **supporting their accommodation needs was a key element in the reduction of offending.**

*Safe accommodation plays a huge part in reducing re-offending, in safeguarding for young people and reducing risks [...]. Having an accommodation officer there massively reduces those areas of concern.*

(YOS representative)

**The support worker helped reduce the likelihood that young people would engage in offending behaviours** by finding them either appropriate supported accommodation or supporting them whilst they resided in general let housing.

While many of these may have made the decision not to engage in offending independently of the support provided, the six young people interviewed as part of this evaluation all felt having a safe and secure place to live was something that would prevent their re-offending. Committing a further offence could mean either being removed from their accommodation or becoming ineligible for housing in the future. Being aware of the limited accommodation available to young people in the borough, particularly for those with offending histories, meant these young people were keen to make sure they did not jeopardise their opportunities for either remaining in or securing accommodation. Mathew is testimony to this.

## **Mathew**

### **Background**

Mathew is 19 years old. He received his first conviction at 16 and is currently undertaking a supervision order for domestic burglary and criminal damage. He left school without any qualifications and is currently unemployed.

### **Accommodation issues**

Mathew's YOS case manager made a visit to his home address where he had been living with his mother and siblings. It became apparent that his mother had, in fact, left the property, and Mathew and his siblings were living there despite there being a number of outstanding utility bills and rent arrears. There were serious safeguarding

concerns not least due to his risk of homelessness should the property be repossessed, but also because Mathew was living with his older brother who was heavily involved in substance misuse.

### **Involvement of the floating accommodation support service**

The case worker referred to the service and they worked in partnership. They informed the local authority that the property had been abandoned, and presented Mathew's case, negotiating his rehousing into a six-month introductory single person's tenancy.

*It was good to have floating support because rather than try and manage my caseload and then try and go and find out what he was entitled to and what he could get, floating support had that knowledge. Before there was floating support there probably would have been a less positive outcome.*

(YOS case worker)

### **Impact of the service**

Mathew was rehoused, and both he and his case worker believed that, had he remained in the abandoned property, there would have been an increased likelihood that he would have re-offended due to his brother's negative influence. Now he has responsibility for his own property which has dissuaded him from engaging in re-offending.

*He hasn't re-offended since he has been in his own flat because he has got respect for it. He knows he has to keep out of trouble to keep his accommodation and that if he gets kicked out he is unlikely to get anything else.*

(YOS case worker)

The floating accommodation service continued to provide support for a three-month period, including close liaison with local authority housing representatives. Mathew has not engaged in offending behaviours.

This case resulted in closer partnership working between YOS, the service and the local authority's housing service.

The YOS was keen to share individual examples to show how the service has reduced the amount, frequency and seriousness of youth offending and re-offending. For example, the support worker liaised with the appropriate agencies to ensure continuation of housing benefits for a young person serving a short sentence in custody. This meant the tenancy was not lost and stable accommodation was available upon release. The support worker also facilitated this young person's place on a basic skills course and felt that the combined support had led the young person to refuse offers to engage in offending activities.

*He admitted to me that he has had a few offers to go and do something criminal and he hasn't because he has got his own place, he's going to [basic skills course] and he's got his housing benefit and income support.*

(Accommodation support worker)

There were also examples of young people living in unsuitable accommodation and committing offences due to the negative influences of other residents. This included either living with friends and family members engaging in criminal behaviour and/or misusing drugs and alcohol or living with homeless adults in hostels or 'wet' houses, where residents are permitted to drink alcohol on the premises.

*If you get the right placement it massively, massively reduces offending – if you get a foster placement or supported accommodation it's reduced, but when they're placed in b.&b.s or a wet house it adds more concern and they are more likely to offend.*

(YOS representative)

As mentioned in section 2.1, the **identification, planning and prioritisation element of services has improved**. Individual young offenders were monitored and the service was able to plan timely accommodation support and reduce the number of young people in crisis and likely to re-offend. These improved processes also allowed better planning for young people upon their release from custody, reducing reliance on temporary and unsuitable accommodation, and the risk of re-offending.

A further key aspect of the service was the mediation support provided to young people and their families. The support worker, together with other agencies and services, such as Housing Options, the Drug and Alcohol Service and Connexions, intervened to **help**

**young people remain in or return to the family home**. Parents were made aware of the likely standard of accommodation available for their child, if anything could be found. The support worker made formal written offers to parents reassuring them that they would **continue to work with the young person** over a period of time to assist them to find alternative housing, if still required. It was hoped that this continued support would reduce the likelihood that emergency accommodation would be needed in the future, and lessen the possibility of re-offending.

Similarly, by working directly with young people at risk of homelessness, as well as those with a desire for independent living, the service made sure young people were **realistic about how difficult it was to find accommodation**, and the nature of temporary accommodation.

*There has been a case of a young person where [the support worker] literally spelled out what was available in the local area to give him a reality check and to give the mum and the family a reality check. Their relationship got a bit better after that because they realised that if they kicked him out, he wasn't immediately going to get a flat.*

(YOS representative)

Local housing-related information was shared with YOS staff, so increasing understanding about the scale of the difficulties in placing young people with offending histories and the realities of the options available. YOS staff were able to **work in a more informed way** with parents and young people. As one YOS staff member noted:

*A lot of cases won't ever come to the floating support service because the person might be about to be kicked out, but because the case workers are more aware of how difficult it is to get young people placed, they try harder for them to be kept in the family home.*

(YOS staff member)

The service was able to engage young people in offending behaviour work which helped progress towards achieving this outcome. One YOS representative commented:

*Even though we haven't always had a great outcome, we have actually engaged them and kept them in the system and that has reduced risk, it's reduced re-offending. We are still engaging them and that alone is so valuable. We've*

*still got people talking to us, telling us their problems [...]. Because the young people have been working with [support worker] they become much more pliable, so they are buying into the rest of their supervision.*

(YOS representative)

A reduction in offending was linked to the support worker's **wider role in developing** young people's life skills, supporting them into training or other activities, referring them and their parents, where appropriate, to other agencies, and making sure they receive all entitled benefits. A young person reported that this wider remit had helped him to 'manage things' and 'spread the load', for example, when completing housing forms, paying bills and getting to appointments at the benefits agencies. Jack's story is an example of how a young person was supported by the service in interviews with housing providers.

## Jack

### Background

Jack is 19 years old. He received his first conviction at 15 and is currently undertaking a supervision order for criminal damage and theft. He has been non-compliant with his order and has had several breaches. He suggests that many of his missed appointments were due to his chaotic lifestyle and accommodation issues. Jack had poor school attendance and his parents were fined by the local authority because of his ongoing truancy. He has difficult family relationships, particularly with his stepfather and has had problems with drug and alcohol misuse.

### Accommodation issues

Jack has been periodically homeless since the age of 16. He was suspended from local authority housing lists because of his offending history. He would occasionally stay with his elder sister but mostly slept rough or 'sofa surfed', using friends' homes for their sanitary facilities. His YOS case worker had concerns for his welfare as he presented at appointments looking tired and thin. He was classed as at risk of re-offending because of his unstable accommodation. Despite these issues, he managed to maintain full-time employment for a significant period of time.

### Involvement of the floating accommodation support service

Jack was referred to the service and helped to access a range of different accommodation providers. With support from the service, Jack's suspensions from local authority housing lists were overturned. He received help to complete housing applications and was accompanied to housing provider interviews by the support worker. After three months, Jack acquired an outreach property with a local housing provider.

### Impacts

Jack said the service had been a particular help to him during the interviews with accommodation providers. The support worker motivated him throughout the period of applying for accommodation. He had a long wait for an outreach property, but has since acquired a property of his own. He has lived there for five months and has not re-offended.

### 2.2.3 Have relationships with key partners and stakeholders improved?

The YOS and the housing provider jointly managed the support worker and **the effective relationship between them was felt to be critical to the success of the service**. The support worker spent half of the time at the YOS, which meant case workers were able to receive direct advice and support. Time at the provider's local supported accommodation base meant direct contact with the line manager, and was an opportunity to engage informally with young people who may have previously been users of the service.

When the service was first set up, the support worker delivered an induction for all YOS staff to introduce referral procedures. During the project, there was regular face-to-face contact with YOS staff and joint meetings between the YOS, the housing provider and Supporting People (who funded the service). An interviewee commented that, as a result of the project, there was 'better buy-in' from these agencies and that '**communication is a bit tighter**' as a result of the joint work. There was good open communication between YOS staff and the support worker, and



improved sharing of local housing-related information. The service was able to advise other YOS staff who were supporting young people with accommodation needs, and it was seen as a central point of contact for housing expertise.

Good relationships between the housing provider and other accommodation services were particularly valuable. Interviewees felt that these good relationships were largely due to the **high regard in which the housing provider was held by other agencies:**

*It has helped the relationship with Housing Options because it provides evidence when we are contacting them saying our housing officer has tried everything and there is nothing, so it identifies a suitable way forward quickly.*

(YOS representative)

The housing **knowledge and expertise** of the support worker meant partnership working with housing providers was effective. The support worker attended training run by a housing and homelessness charity. This increased knowledge and understanding of housing law and resulted in more meaningful dialogue with providers.

The service also worked to **build relationships with existing YOS partners**, such as Connexions, the Drug and Alcohol Service, Leaving Care Team, local authority housing services and private/social housing providers. When the Children in Trouble pilot began, the support worker met with YOS workers to identify partners and proactively engage with them, promoting the role and the aims of the service. Meetings were held with key partners at the beginning and end of the project. Improved communication and relationships were said to have led to a better understanding and appreciation of the difficulties and restrictions each partner organisation faces, and what each hopes to achieve in the future.

One significant achievement, as a result of increased partnership working, was the **agreement from one housing provider to allocate a 'trainer flat' to young people receiving support from the service.** The provider agreed to source and manage a general needs tenancy. After a period of six months, if it was deemed that a young person was coping well with independent living and managing the tenancy in a responsible manner, they could keep the property under

a longer-term tenancy agreement. It was hoped that similar agreements could be made with other housing providers in order to build up this portfolio of accommodation.

#### **2.2.4 Has there been an improvement in the local authority's capacity to articulate the benefits for the local community from its work in this area?**

At the start of the project it was recognised that there was a need to **promote the service throughout the local authority.** Literature detailing the aims and objectives of the service was produced for key partners. Similarly, in order to promote the service among young people, the service provider developed a handbook detailing what young people could expect from the service, what the service expected of them, their rights and the complaints procedure.

To further raise the profile of the service, and to highlight the accommodation issues facing young people, **events were held at the beginning and end of the pilot for key partners** including local authority and private housing providers, the chair to the magistrates, a local councillor and LGA representatives. At the final event, young people spoke about their experiences of homelessness and the support they had received from the service. It was felt that one of the main achievements of the project was that it had helped to **highlight the numerous accommodation barriers for young people in the local area** and raised awareness about the wide range of situations that can result in homelessness.

**The project was not publicised in the community.** The majority of interviewees could not foresee any issues associated with this, so long as it was communicated appropriately: 'You have to make sure that any communication about the project didn't look like they were getting priority in accommodation because they're not.' The benefits for community safety and the safeguarding and welfare of young people would have to be suitably explained:

*The message that needs to go out is that this is not the best solution. The ideal solution is to try to get the young person back home. If that fails and we can't get them to go home, regardless of who it is, that person needs a safe stable environment. They [members of the public] need*

*to realise that, in order to live in a safe community and to reduce offending, these people need a stable environment, so it is a big picture that you have to sell.*

(Service provider representative)

### 2.2.5 Has there been an improvement in 'value for money'?

Interviewees were asked if there was any evidence the service was cost-effective in terms of resources invested and outcomes achieved. Improvements in value for money included:

- workload relief for YOS officers in relation to accommodation issues
- less disruption to the YOS service at times of crisis
- the provision of specialist accommodation support 52 weeks of the year
- employment of specialist staff with knowledge of housing and established respect from other housing agencies
- new options for accommodation highlighted and obtained.

The main way in which the service was felt to have provided value for money related to **workload relief**. YOS staff were no longer required to undertake time-consuming accommodation-related tasks such as contacting accommodation providers, completing housing-related documentation, supporting young people to bid for local authority housing, and transporting young people to accommodation outside of the local authority.

Previously, a young person presenting to their case manager with accommodation issues (particularly if homeless) was felt to be disrupting the planned workload. In some cases, appointments and activities with other young people had to be cancelled. One case worker said the support worker had **avoided disruption to the YOS** 'particularly at crisis points' and **a quality service could be upheld**.

*A case manager who has a caseload of 20 young people can be consumed by an issue of homelessness and have to drop everything. Potentially, that case manager can be*

*letting down four or five young people in a day. Because the crisis of homelessness has a massive impact, a case manager can spend three days trying to sort something out and the rest of the caseload disappears. Now we have that resource we don't have to do that. For the employment of one member of staff, we get to regain the quality of service in another area.*

(YOS representative)

Saving case managers' time in this way also meant that staff had **increased capacity to investigate what led to the accommodation issues** and explore possible solutions. This had the potential to save costs, as expensive emergency accommodation could be avoided. Similarly, the support worker was able to offer mediation to try to keep the young person in the family home, again with cost-saving implications. Any results which reduced re-offending and remands to custody had considerable cost benefit.

*Placements in YOIs are substantially more costly than community housing placements so any remands that have been diverted or any young people who have been less likely to re-offend make the service cost-effective.*

(YOS representative)

The service was available 52 weeks a year, and this was felt to be good value for money. Other ways in which the service was felt to be cost-effective related to the employment of **specialist housing staff**. By subcontracting the service to a housing organisation, the support worker and line manager had a wealth of knowledge and expertise and were up to date with current practices and procedures. Interviewees reported that regular changes to housing protocols and procedures had presented individual YOS case workers with difficulties and had incurred additional time and costs.

The service was also felt to be offering value for money by being able to **highlight accommodation options to YOS staff which they had not been previously aware of**. As one interviewee noted: 'We can see the difference in the amount of accommodation we've got.' The service also identified existing accommodation that young offenders were currently not being accepted into, but could be (with some negotiation) accepted into in the future.



### 2.2.6 Have there been any developments in processes?

A **referral procedure** for the service was introduced at the beginning of the project. Initially, the referral form was deemed onerous and responsible for delays. The procedure and forms were subsequently revised and streamlined. By the end of the project, use of the Housing and Resettlement Protocol (HARP), designed to improve offenders' access to accommodation, was being negotiated by key partners in the borough.

The support worker used Asset scores to identify young offenders needing support. Rather than relying on referrals alone, this procedure enabled the support worker to highlight cases with potential risk at the earliest opportunity and be proactive with case managers about offering support. This process gave the support worker greater control over their workload, assisted in the identification of vulnerable young people, and further integrated the service with the YOS.

Having accommodation support available at identified high-risk periods, such as on court days, was seen by interviewees as particularly useful. Interviewees also commented that there were regular **meetings between the YOS, the service provider and Supporting People, who funded the service**. These meetings allowed for discussions about how the service could develop.

## 2.3 Challenges encountered

Meeting the six global objectives of the Children in Trouble pilot was affected by four overarching challenges:

- limited accommodation for young people in the borough (particularly those with offending histories)
- negative perceptions about young people attached to the YOS
- time restrictions and support workers' capacity
- conflicting regulations, procedures and funding arrangements.

### 2.3.1 Limited suitable accommodation

The main challenge throughout the two years of the project related to the **limited accommodation available for young people, particularly those aged 16–17 and those with offending histories**. This included a shortage of emergency accommodation, limited supported housing and a lack of local accommodation within the borough. The limited accommodation which was available to young offenders was often full (utilised by other client groups), subject to long waiting lists and/or outside of the borough. One YOS case worker described the impact of this on the planning and provision:

*You can see a lot of indicators, where accommodation is going to be an issue, you can see it happening, but because of the limited [housing] stock it is hard to plan for, because there is nothing there.*

(YOS case worker)

Limited accommodation for young people was said to stem from a number of issues.

- Few young people below the age of 18 were given their own tenancies.
- Unsupported bed and breakfast accommodation for 16 and 17 year olds was being phased out.
- Private landlords were often unwilling to house a young person under the age of 18.
- The majority of supported and emergency accommodation providers only accept young people who have already submitted benefits claims prior to being accommodated. Young people who have just been made homeless from the family home or who are leading chaotic lifestyles are unlikely to have submitted such a claim.
- Supported housing providers may exclude young people who have committed offences because they are deemed too high risk for the scheme.
- Time lags in the turnover of young people residing in emergency accommodation.
- Poor behaviour in previous accommodation units limits their opportunities for further placements.

While the service facilitated the placement of 16 young people during the project, most were temporary emergency beds. The lack of accommodation was felt to be a **risk to the welfare** of some young people whose options included living in unsuitable accommodation such as:

- 'wet hostels', where residents are permitted to drink alcohol on the premises, as was the case with one young person
- unsupported bed and breakfasts
- 'sofa surfing', sleeping at the homes of wider family members, friends or individuals relatively unknown to them
- sleeping rough on the streets.

Case workers, with responsibilities for safeguarding, were concerned about these situations:

*A lot of the time we have been left with people at 5pm with nowhere to go, which is really hard for a practitioner because it has been on your mind. Sometimes I have rung people eight, nine, ten o'clock at night and they have said 'I've been walking around homeless' at 16-17 years old.*

(YOS representative)

The **potential for re-offending** was felt by interviewees to be significantly heightened when a young person was homeless. There were examples of young people committing offences in order to raise funds to pay for bed and breakfast accommodation. Being placed in unsuitable accommodation was also felt to have a negative impact on offending behaviour. Commenting about a young person who had turned 18, but who was still supported by the YOS, a case worker noted:

*A young person with drug and alcohol issues was placed in a wet house. He came out on licence and that was the only place they could find with six weeks' notice. There was nowhere else for him because of his previous behaviour and he stood up in court and said the reason he breached his order was because he had been placed somewhere which was accessible for drink and drugs and he couldn't comply with his order – he was recalled by the court on risk. I had to reflect on myself and think, did we give him the best chance or did we set him up to fail?*

(YOS representative)

The lack of local accommodation meant some young people being placed out of the borough, which was not seen to be ideal due to the **difficulties in managing potential levels of risk and the distance from family, friends and other support networks**. Interviewees gave an example of one young person, supported by the service, who moved to a hostel in a neighbouring authority, had re-offended shortly after, and is now in custody. The limited temporary housing with support also prevented opportunities to develop an offender's **independence and life skills** and to help resolve issues that could lead to re-offending.

Whilst there was goodwill amongst partners to develop accommodation options for young people attached to the YOS, this presented a challenge for a small local authority with limited resources. A range of agencies were often involved with young people and **coordinating approaches to addressing accommodation shortages was not always easy**. Additionally, building and maintaining partnership working with other agencies, whilst occasionally having to question their accommodation decisions, required careful handling.

Despite the limited availability, the accommodation support worker still invested considerable amounts of time trying to access places for young people. This meant that a lot of the early intervention and planning work was essentially wasted.

*[Support worker] is fighting a losing battle because there's no accommodation. You ring round the b. & b.'s, they don't usually take young people, they don't take people who have been in trouble and they definitely don't take a young person on a tag. So you know before you even begin the process, that it is a waste of time almost.*

(YOS representative)

### 2.3.2 Negative perceptions about young offenders

The perceptions about young people linked to the YOS also presented a number of challenges. Interviewees felt that **housing providers were reluctant to accept young people due to their history of offending behaviour**, despite many young people having relatively minor offending histories.

Many private landlords refused young people on an Intensive Supervision and Surveillance Programme (ISSP) even though an intensive package of support was placed around them. Rather than making a decision to accommodate young people on a case-by-case basis, some landlords made the decision to only accommodate young people from outside the local authority fearing local young people would bring their friends to the property and cause trouble.

Further work with partners was required in order to improve perceptions. As one interviewee noted: 'It's trying to change their attitude. The young people at the YOS are stigmatised and we need to work with providers to change their mind.' Expanding the accommodation in the borough was felt to be difficult due to the perceptions of the local community. As one interviewee noted: 'The local community in general don't want a bail hostel on their estate.' This was one of the reasons why the project was not widely advertised in the local area.

### 2.3.3 Time and capacity

A further challenge was related to the **limited capacity of the support worker**. As one interviewee said: '[The support worker] sometimes just fire fights.' As there was only one support worker, when there was a crisis referral, for example, when a young person presented themselves as homeless, their time was diverted from existing referrals and ongoing prevention work. Supporting emergency homeless situations can be particularly time consuming, dominating the service for several hours or days. On occasion, interviewees felt one member of staff was insufficient to deal with the level of need. In these instances, YOS case workers reported they were still required to undertake some accommodation-related tasks. Alternatively, in quieter periods, it was felt that the **support worker role could be further developed** to provide increased early intervention work, and there could be further proactive work to increase the number of 'at risk' referrals.

In the first year of the project, there was also limited time for communication and relationship building with key partners and expanding the **quantity of suitable accommodation**. Interviewees commented specifically that further partnership working was required between the service and the local authority's

Arms Length Management Organisation (ALMO) housing service.

Many of the young people referred to the floating accommodation support service had short community orders of a few weeks or months, which meant there was **limited time in which to engage with them**. Acquiring accommodation often takes time due to various protocols and procedures such as authorisation of homeless applications, housing waiting lists and bidding procedures for council properties. Consequently, those with short orders presented a particular challenge.

The support worker had capacity to work with up to ten young people at any one time. Although exit strategies were planned, there were a **limited number of agencies to refer young people on to**. For example, most of the local tenancy support services had a remit for young people aged 18 years old and above. A project which did provide tenancy support for 16–17 year olds only worked with young people with low-level issues and, therefore, many young offenders did not meet their referral criteria.

### 2.3.4 Conflicting regulations, procedures, and funding arrangements

There were a number of conflicting regulations, procedures and funding arrangements that resulted in challenges for the service.

The service was funded by the Supporting People programme, and this placed certain restrictions on the support worker. For example, being **unable to work with a young person more than six weeks prior to their release from custody**. As one YOS interviewee noted:

*Six weeks is not long enough to assess them and fill in all the forms. Floating support should be able to work with them all the way through. Recently we had five young people come out within a month of each other, all with housing issues. Hellshe needs time so that hellshe can develop a relationship with them, so hellshe can manage the situation better.*

(YOS interviewee)

The service was unable to provide **continued support** to a young person placed in accommodation funded by Supporting People, due to 'double funding':

*The young people trust [support worker]. They like the continuity of the worker and it is difficult that he can't work with them in other accommodation funded by Supporting People, as this is seen as double funding. For those with high-level needs the double input might be necessary, so long as there wasn't duplication.*

(YOS interviewee)

Another key challenge was the barriers around service **responsibility for young people aged 16–17**. There were often difficulties with the transition from children's services to adult services due to different legislation.

Expanding the accommodation available to young people in the borough was challenging. Many social housing providers would only provide housing to young people where there were guarantees that, should the property become vacant, rent would continue to be paid. Housing providers also required assurance that there would be ongoing tenancy support for the young person housed in a trainer flat. As the service had only **short-term funding**, and engagement with the service is voluntary, support could not always be guaranteed.

Local authority housing was also subject to certain **criteria** which can exclude offenders. A local authority housing representative noted:

*If someone from YOS who was 18 applied to be housed and put down that they had an offending history, the housing section will do a safer estates check and will suspend them for a year [...] unless their offending is very minimal.*

(Local authority housing interviewee)

Local authority housing applications have procedures which are incompatible with **chaotic lifestyles**. For example, letters are sent to confirm continuation on housing waiting lists. Young people with homelessness issues may not receive the letters. If there is no response, they are removed from the list.

Homelessness applications are assessed on whether or not a person has made themselves '**intentionally homeless**'. If an applicant is found to be intentionally

homeless they are not owed a full housing duty. 'Intentionality' is a complex area of the law, open to different interpretations. Judgments of intentionality are based on the same criteria for young people and adults. Assessments are also on a young person's last stable accommodation placement, the challenges of which were noted:

*You could be nearly 18 but what you did when you were 16 has an impact on how they assess you – there are no allowances made for development.*

(YOS representative)

The **choice-based lettings system**, which replaced the traditional way of allocating housing, for example, where housing officers match applicants who have priority on the waiting list to available vacancies, was also seen to be a challenge. The new system allows applicants for social housing to apply for available vacancies which are advertised in the local newspaper or on a website. However, it was felt that this new system, particularly the bidding processes, was inappropriate for young people.

## 2.4 Areas for development

Many of the areas highlighted for development in the first year remained throughout the Children in Trouble pilot, due to the number of crisis emergency homeless referrals to the service. The focus on crisis intervention meant that there was a continued need to build on **preventive work**. This included:

- further work on the early identification and tracking of young people with accommodation issues via Asset
- increased liaison with case managers to highlight issues early
- increased attendance at remand meetings
- preparatory work prior to release from custody
- home visits
- mediation work with families.

Further work to build relationships with partners was also highlighted as an area for development. A **joint**

**workshop** with housing providers to improve understanding and promote opportunities for partnership working was suggested. There was also a need for increased **awareness raising** among various partners. Young people linked to YOS are sometimes unfairly labelled. The service planned to address this by engaging with the local strategic partnership and building understanding amongst other key partners such as the primary care trust and the police.

There was also work required to **expand the housing options** for young people, including general let housing and increased accommodation within the borough. There was a need to promote the agreement from a social landlord to provide a 'trainer flat' and build on that success with other providers. It was suggested that having access to the numbers of young people in the borough who are homeless, in supported accommodation and in tenancies would provide staff with a realistic picture of the needs of young people in the borough. These figures could engage staff in meaningful conversations about the scale of the problem and ways to address it. Further partnership working between the service and the local authority Leaving Care Service, which faces similar issues in finding suitable accommodation for LAC, was noted.

Increasing young people's independent living skills was a key area for development. This includes **independent living training with accreditation** and further support for young people in tenancies. In order to reduce an overdependence on the service, and continue to support those who have needs that last longer than the length of their orders, development of a **peer-mentoring programme was suggested**. Another suggestion was using young people's feedback to further enhance provision and meet their needs more effectively.

Implementing aspects of good practice from a neighbouring authority, regarded as a 'centre for excellence' for accommodation was also suggested. In particular, the development of regular multi-agency meetings to assess and place homeless young people, was mentioned.

## Notes

- 1 Provided that the young person moves into accommodation that is not funded by Supporting People, as this is considered to be 'double funding'.

## 3 Restorative justice

### 3.1 About the project

Prior to the introduction of this project, a significant number of looked after children (LAC) were involved with the YOS because of incidents that had occurred at their residential placement. This local authority also had a high proportion of children living in care, prompting the then head of the YOS to establish a dedicated LAC team within the service. In addition, restorative justice (RJ) approaches were becoming more widely explored, promoted and practised in secondary schools. The YOS LAC team worked alongside victim workers, who undertook training, and the Children in Trouble project evolved to promote the principles of RJ amongst residential home workers and young people.

The disproportionate numbers of LAC in the criminal justice system has been acknowledged at a national level and in 2006, the green paper, *Care Matters* (DfES) made recommendations for using RJ as an alternative form of behaviour management and developing local protocols between residential services and the police to prevent unnecessary call-outs relating to minor offences.

In this particular local authority, funding from Community Safety's Together We Can project enabled a representative from each of the local authority's and partnership residential homes to attend accredited training in RJ in January 2008.

#### What the project involved

RJ interventions and conferences were held and restorative action plans aimed at diverting young people away from prosecution, following an incident of unacceptable behaviour at their placement, or elsewhere. Residential staff received training in the principles of RJ, and, following an incident, a member of the YOS would visit the unit and talk to those involved: residential staff, the young person, and

possibly the victim. RJ would be discussed as an alternative to police involvement. This could entail a full conference, where, if willing, the victim(s) and offender meet, and with the input of a facilitator, the incident discussed. The contexts and circumstances of the incident, as well as its impacts on both victim and offender, would be talked through with a view to generating understandings of why it occurred, recognising the harm caused, and any future work that needed to be done. If a conference was not possible or deemed appropriate, letters of apology could be written by the young person and more informal RJ work, including victim awareness, undertaken. Victim workers, YOS staff and trained residential home staff could all be involved in providing this input.

#### Who the project worked with

The project aimed to work with young people involved in incidents of unacceptable behaviour in residential homes; young people in residential placements already subject to court orders (or in custody); and residential staff. In addition, school staff, members of multi-agency teams, and other agency personnel, such as the police, were also involved and received training.

#### How the project was managed and run

The project was coordinated by the YOS. Across the borough, 65 RJ facilitators were trained to provide interventions in schools, the community and residential homes. These include five police community support officers, two community safety personnel, seven YOS staff, and 11 residential staff, the remainder being from the local authority's Children's Services directorate.

In terms of a management structure, a steering group was established, comprising staff from the YOS and managers from residential services.



## Developments during the course of the evaluation

Throughout the course of the evaluation, the main aims of the project have remained constant, although subject to development and refinement. Chiefly, these changes involved a greater emphasis on the YOS LAC team offering residential staff enhanced support, and early intervention work aimed at prevention, rather than maintaining a focus on delivering RJ conferencing. Such early intervention work included talking informally to young people at the first hint of a potential problem. This expanded focus arose in response to concerns expressed by residential staff. This is discussed in more detail in section 3.3. Such developments also coincided with changes in the wider policy/structural landscapes, notably the introduction of the Crown Prosecution Service's (CPS) 10 Point Protocol which imposed requirements on the residential sector prior to a prosecution being sought or pursued. The protocol states that residential staff must adhere to their behaviour management policy and that a range of stages and actions need to have been put into place prior to the police being brought in.

## 3.2 Achievements

This section documents the achievements of the project, with specific reference to the six global objectives of the Children in Trouble pilot.

### 3.2.1 Has there been a reduction in the number of children and young people in custody?

Over the course of the evaluation, interviewees said the numbers of young people entering the criminal justice (CJ) system had declined. In March 2007, there were 23 LAC subject to a community-based sentence compared to 15 in March 2009 (a 35 per cent drop). The number of young people subject to a custodial sentence remained constant over this time (three young people). In addition, several interviewees suggested there had been significant shifts in the ways in which young people were viewed:

*As a result of RJ, we have less criminalised young people. They didn't wake up and ask to be placed in abusive situations. Being placed into care is traumatic enough. The*

*risk of them being criminalised and imprisoned is huge. We now have far less young people going into the CJ system. This has come about through a change in people's perceptions, staff being better educated, and more training for staff.*

(Senior YOS staff)

As a result of not being criminalised by means of formal court proceedings and court orders, it was also contended that these young people could have far more positive life chances when leaving the care system. The RJ process was seen as giving young people the opportunity to be actively involved in the process of understanding and changing their behaviour, without drawing them into the criminal justice system. YOS staff gave examples of where custody had been avoided and young people who had been labelled as 'unmanageable' had successfully completed orders:

*[Name] used to be really wild and he was probably the most disruptive and difficult child in the whole residential system. In his previous placement, the staff were not dealing with it. He moved to another placement where the staff have been trained in RJ and have put a really tight plan around him, based on the RJ work that we have done with them. The change has been unbelievable and he's not offended since. He's a different kid now.*

(Senior YOS staff)

Interviewees highlighted the following ways in which the project could impact on the use of custodial sentences.

- Focus on early intervention which prevents situations and behaviour from escalating.
- RJ is compatible with other schemes aimed at reducing the numbers of young people in custody.
- Promote the benefits of sentences that do not involve custody.

Early **intervention and preventative work** were seen as underpinning the RJ approach and were deemed to be critical factors in its success:

*It's about employing strategies earlier on in the process – to stop a young person getting arrested and ending up in court. Stop the criminalisation of young people and also make it a better working environment for care home staff.*

(Victim worker)

*There are less issues arising in care homes now, and we need to make certain that when they do arise, we can go over and do the mediation. Is it in the public interest to prosecute a kid in a care home for throwing a toilet roll when we could have gone round and done some mediation work?*

(Senior YOS staff)

Training was provided for residential staff via an introductory day in 2007 and a four-day course in January 2008. Quarterly training sessions facilitated by YOS staff and open to all residential staff took place in 2009. All residential homes now have at least one trained member of staff, and this increased capacity to tackle problem behaviour in a home reduces the likelihood that situations will worsen and instigate formal police intervention:

*Part of the process is to work with the staff more and engage them so that they are trained up, so that they can nip it in the bud, before it actually escalates to a situation whereby they have to prosecute for criminal damage or assault on staff. It's all about diffusing situations rather than allowing them to escalate.*

(Victim worker)

These findings echo those of an earlier study (Littlechild, 2003) which found that training in RJ approaches had changed the way in which most residential staff deal with both criminal behaviour and conflict such as arguments between residents and issues around bullying. Staff generally felt that RJ training had provided them with a better way of dealing with these types of conflicts.

As the project progressed, interviewees suggested closer working relationships and interactions between key partners created clearer understandings of protocols (including the new CPS protocol) and procedures, as well as increased the support available for preventing young people from being arrested. This was said to be especially pertinent to developing clearer understandings of the point at which the police should be called to an incident in a residential home. It also clarified the police's role and subsequent action once on site. A residential manager explained that for non-assault incidents:

*We would really just like the police to come and assist rather than go down the line of arresting them. We need*

*to know from the police whether or not this can happen – to decriminalise their behaviour.*

(Residential manager)

RJ was seen as **compatible with other schemes** aimed at reducing the numbers of young people receiving custodial sentences, notably the Final Warning (FW) scheme. It was suggested that alongside access to all the other interventions and support available through the FW process, (including education welfare service, Child and Adolescent Mental Health Services (CAMHS), psychology and drugs assessments), there would be an element of RJ in each instance. Considerable success was anticipated, especially in cases of low-level offending where a letter of apology, face-to-face apology or full RJ conference could constitute part of the final warning package. The Youth Restorative disposal actioned prior to a reprimand for offences such as shoplifting, was seen by a senior member of the YOS as 'an extra stage that's in place to prevent these young people from getting into the system'.

The RJ project was also said to have reduced the number of children and young people in custody by **promoting the potential benefits of sentences, disposals and outcomes** that did not involve custody. For example, YOS staff were able to go to court and prevent a number of young people from going into custody because the advantages of RJ interventions were discussed in court. As a result: 'The judge has listened to the arguments we have put forward and diverted a custodial sentence' (Senior YOS staff). Sentencers were said to be becoming more supportive and viewing RJ as an appropriate form of disposal. 'We've had cases where we've argued that it isn't in the public interest to prosecute. They're beginning to see it for what it is – that it isn't some easy option' (Senior YOS staff).

Hence, as the pilot progressed, senior staff commented that throughout the criminal justice system, and the education and residential sectors, there was an increasing level of support for the RJ approach for young people already in the system, and perhaps more importantly, for those identified as being at risk:

*There is buy-in to this idea – for kids in the system, but more importantly, for kids on the fringes of the system – it is a more proportionate response to misdemeanours and*



*the whole tranche of behaviours that young people tend to involve themselves in.*

(Senior YOS representative)

*The RJ brand has become more embedded – people, especially the police, have a greater understanding about what RJ means – they have some idea about what it entails. They genuinely believe that it is effective. It is a constructive and positive way to address some of the issues around youth crime.*

(Senior YOS representative)

### 3.2.2 Has the amount, frequency and seriousness of youth offending/re-offending reduced?

A major element of the YOS's approach was to work with young people in a preventative way and the varying levels of RJ interventions can be seen to contribute positively to reducing the young person's potential to commit an offence. In residential settings, assisting young people and staff to identify the contexts and triggers that led to an offence, through dialogue and communication, was seen as a powerful way of preventing reoccurrences. Four of the seven young people who were interviewed had become involved with the criminal justice system as a result of incidents in their placements. Often, the offence for which the young person was prosecuted had stemmed from the escalation of a minor incident. There is a firm belief that the RJ approach can prevent cases from reaching court in the first place, and reduce the likelihood of subsequent prosecutions being brought in the future. The following examples show the contexts, factors and possible outcomes associated with the use of RJ approaches.

#### David

##### Background

David is 14 years old, lives in residential care and is attending a pupil referral unit (PRU). He is currently undertaking a 12-month supervision order resulting from an assault on a staff member at his previous placement. He has previous convictions for criminal damage and assault in another residential placement.

The assault occurred when a staff member intervened in a play fight between David and another resident which 'got out of hand':

*I'd had a bit to drink and it all just kicked off – she [member of staff who was assaulted] just proper gets on my nerves. I was explaining it to her and it just happened. She ended up saying something, and I went to get some crisps out of the bedroom and walked past her and started getting aggressive with her. That's all I can remember.*

#### Impact of RJ

While attending the YOS, David claimed there has been significant improvements in his ability to control his anger and behaviour, underpinned by increased awareness and understandings of the consequences of committing further offences. The RJ approach promoted by the YOS was seen as beneficial in terms of:

*helping me to chill out and to think about how they [victims] might feel. I know now why I did it. A bad idea comes into my head and I just do it. This [RJ approach] makes you think a bit more.*

David had no recollection of writing a letter of apology to the victim of the assault (part of the RJ process), but does acknowledge that he has a greater awareness of how his behaviour can impact on others. Various other factors were also seen to have contributed to David's changing attitudes and behaviour, including the move to a placement where relationships with staff members were better; spending less time with pro-criminal older friends; and spending more time with family members.

## **Gemma**

### **Background**

Gemma is 17 years old, lives in residential care and is attending college. There is a long history of offences, largely involving criminal damage and affray in residential placements:

*It all started with criminal damage when I was about 12. When I was living at the care home, all the public orders were against the care home staff. There was a criminal damage against one of the girls who was living there – I broke her glasses. I used to go missing all the time, then they'd shout at me all the time, then they'd come in my room and see if I was okay, then they'd try to push me into telling them where I'd been and I'd get really wound up and I'd argue with them, then it would be shouting and screaming and they'd call the police and I'd end up getting locked up. It's not right that they got the police involved.*

### **Impact of RJ**

Gemma, and those working with her, suggest she now has a heightened sense of the consequences of her actions for herself, the victims of her behaviour and others involved, notably a family member with whom she is keen to build a relationship:

*Every time I go to court or get locked up, my dad comes down to the police station. He's ill, and it makes me feel dead tight for him. Every time I feel like I'm going to kick off, I think of him, calm down and just walk away.*

As a result of the broad package of support provided by YOS, including victim awareness work, and establishing and building a relationship with her father, Gemma can now see that she has reasons to control her behaviour. In addition, securing a place at a FE college and moving into semi-independent living accommodation has allowed Gemma to move on in her life.

Interviewees were generally positive about the impacts of the RJ approach in terms of tackling the issue of re-offending and suggested that, although longer-term systematic evaluation is required, there was a belief that 'a very low percentage come back on another court order following the RJ process' (ISSP worker). And a victim worker said:

*All I can say is that the processes that I've done in care home settings, the young people who have been involved haven't had any more reports against them.*

A key element of the success of RJ interventions in tackling offending and re-offending is the young person's willingness to genuinely engage in the process and discuss the event or offence. The focus shifts from the individual to the offence, and young people can take on board the consequences of their actions:

*This impact might hopefully make them think twice about offending again. To break the cycle of crime.*

(Victim worker)

*Getting kids to think about their behaviour, and what they've done, can make them think more generally about their behaviour and reduce their risk of offending and risk of becoming a victim themselves.*

(Police representative)

Karl's story highlights the way in which an RJ conference was effective and meaningful for both Karl and the victim of the offence.

## **Karl**

### **Background**

Karl is 16 years old and has been permanently excluded from school. He is currently undertaking a 12-month supervision order resulting from the aggravated taking of a vehicle without consent and failing to stop for the police. Prior to this, Karl had received a final warning for a less serious offence when aged 13.

The offence was committed when he and his friends needed to get home, and found and stole

a car. As part of the supervision order, the victim worker suggested a meeting with the victim. Karl and the victim both agreed to this and a successful meeting took place. 'I met up with her – she's dead nice, a teacher. I felt dead bad for her. Said sorry for taking her car.'

### **Impact of RJ**

The RJ work was seen to have been very useful and effective, making Karl think and understand about the impact of his behaviour:

*We needed to get home so we saw this car and decided to take it. What we didn't think about or notice whose life it had left behind. It ruined her getting to work – we didn't know that, we just took the car. After we got arrested, I was told that it was her gran's car and she had passed away. That made me feel dead bad.*

The face-to-face meeting was seen to have been particularly effective in terms of allowing Karl to apologise; allowing him to explain the reasons for his behaviour; and in giving the victim clarification and closure:

*I thought there would be a lot of tension, but there wasn't – she was dead calm. She just wanted to know why I took it – did I take it for a reason? Did I do it because I wanted to hurt her? She needed to put her mind at rest. She got to know that it was nothing personal.*

In combination with a number of factors, including the development of a stable relationship, securing part-time employment and plans to enrol at college, the RJ approach is seen as having contributed significantly to diverting Karl away from further offending:

*There's no way that I'd ever have taken that car now. It's made such a difference to my life. My life is really different now. I could have been in jail for this now – I could have been put with all the Salford lads. My mates are there. Some are doing 12 years. I need to stay away from all that.*

The project produced several success stories following RJ interventions. However, it was seen to be more effective in particular circumstances. First-time offenders, for example, were identified as being more likely to take part in RJ interventions whilst the more prolific offenders were greater challenges, largely as a result of 'the contexts and settings that they live in – who they associate with, family connections. These are very strong influences on their offending behaviour' (ISSP worker). Hence, for some young people, RJ interventions may have little impact on their patterns of offending. One of the young people interviewed, for example, had participated in at least one conference arising from violent behaviour and causing damage in a school. It was suggested that incidents occurred on a weekly basis and there was 'no point in doing any more conferences because he keeps doing it and doing it' (Senior YOS representative). Despite recognising that his behaviour had a negative impact on those around him, this young person remained unwilling or unable to change his behaviour. One YOS staff said: 'There'll always be those who will act before they think.'

### **3.2.3 Have relationships with key partners and stakeholders improved?**

Considerable progress was highlighted in relation to increased and improved relationships between the key partners involved in the delivery of RJ interventions.

Within the YOS itself, the project was seen to have brought with it increased opportunities for the development of closer working relationships between victim workers, ISSP workers, the police, and those responsible for developing RJ and the LAC team. The project was said to have successfully built on the good communication that already existed, and provided a focus that could help to facilitate the convergence of different professionals' contributions to individual young people's cases. 'Communication in the YOT is excellent and team working is well established. Everyone is empowered and committed to working together' (YOS worker). Increased staffing levels within the YOS LAC team had enhanced the capacity to develop closer working relationships with residential staff.

Relationship building was identified as a strategic priority within the YOS, reflected in the decision to form a dedicated LAC team. The longevity of this team,

combined with the consistency of staffing was said to have provided an effective platform on which to build relationships with the residential sector. The quality of these relationships was also said to be reinforced by the nature of support on offer through the LAC team:

*Relationships have also been helped by the fact that the YOS team can offer them [residential staff] something they need and find useful. It helps them to do their job better. These are the most damaged kids in the system, the most challenging kids. Residential work is tough and under resourced – having this support from the YOS is seen as being really valuable.*

(Senior YOS representative)

The impact of this relationship was evidenced by one interviewee who noted that, as the project progressed, residential staff had become more willing and proactive in contacting the YOS staff: 'When there is a slight problem, they are much more responsive and are quick to get on to us for support' (Senior YOS staff). Senior staff suggested that this working relationship was now operating more on the lines of a partnership, based on increasing communication and mutual understanding:

*As a YOS, we need to be more active in the care homes. We're doing this by visiting more and putting names to faces. YOS workers can now visit homes to see the young people rather than them attending the YOS for appointments. Also, if there are reparations to be done, we try to make sure that these are done in the home rather than elsewhere, but supervised by YOS staff, not residential home staff, so that the home staff are distanced from the process in the young person's eyes.*

(Senior YOS staff)

Residential staff noted and valued the increased contacts they had with the YOS and also highlighted the benefits derived from feeling that YOS staff were increasingly available to offer advice and support. In this context, the potential for pursuing RJ interventions could be increased:

*There are more trusting relationships and residential staff are more willing to explore new ways of working such as RJ because of the high level of interaction with, and input from, YOS staff. Barriers have been broken down.*

(Senior YOS staff)

In a wider sense, the project was also regarded as being associated with increased working relationships across a number of agencies, including 'significant developments in working across all elements of Children's Services department' (Senior YOS staff). As the project progressed, it was noted that a range of professionals working with young people felt able to contact the YOS LAC team to access support:

*We can actually be working with a young person just off an enquiry – a member of staff can be contacted by another professional and we can go and put some work in, prior to it escalating into something more serious.*

(Senior YOS staff)

Another interviewee commented:

*We work with every agency that works with young people – it's all about multi-agency working. Better use of resources, no duplication of effort.*

(YOS worker)

### **3.2.4 Has there been an improvement in the council's capacity to articulate the benefits for the local community from its work in this area?**

Communicating the potential benefits and impacts of RJ interventions was said to have improved through the increase in numbers of the YOS LAC team. All residential homes were visited and an introductory day was held to promote the initiative. In addition, the steering group was seen as a vehicle through which RJ could be promoted within the local authority, especially in relation to the five outcomes of *Every Child Matters* (ECM).

Information about RJ was made available online and in promotional material distributed through the YOS. 'There is a lot of talk about it. People are a lot more aware of it' (YOS staff). In terms of wider promotion, it was suggested RJ could be included in training of police community support officers and Community Safety personnel:

*If RJ is used when the complaint first goes into the housing office, you will cut down a lot of heartache for residents and the kids will get a clearer understanding of*

*how their behaviour is impacting on people. It is all about communication – people don't talk to each other.*

(YOS staff)

It was also noted that RJ was becoming increasingly 'mainstreamed', and its profile increased in other settings such as community conferencing where disputes or differences between local residents can be resolved through dialogue. In this way, the status, appropriateness and effectiveness of RJ was being enhanced in the residential sector.

### 3.2.5 Has there been an improvement in 'value for money'?

Interviewees said there had been no additional funding to support the project and implementation and delivery were achieved through YOS staff modifying the way they worked. A team member suggested that this, however, had not been problematic. Because of the low costs involved, and the potential cost savings associated with preventing young people from going into custody, the project was regarded as being highly cost-effective and good value for money:

*It hasn't cost them anything. It's free. It's part of what we do. The staff in the YOS LAC team have embraced it and have pushed it forward. We don't need any more resources.*

(Senior YOS staff)

Several interviewees suggested that effective use of RJ in residential settings could make significant contributions to reducing the costs associated with police call-outs. An example was given concerning the police being called to one unit approximately 50 times during the course of a year. If RJ had been implemented, the use of the police and the costs incurred would have been vastly reduced.

In addition to the fiscal benefits, it was also suggested that reducing the costs associated with criminalising or emotionally stigmatising young people is of great value:

*If they are treated as offenders, they perceive themselves to be offenders, they think like offenders, they act like offenders. It's a self-fulfilling prophecy. With RJ, there are great benefits.*

(Senior YOS staff)

*What price do you put on the reduction in the numbers of young people going down the criminal route? What value do you put on the benefits to society as a whole? How will that young person then contribute to society in the future rather than taking from society?*

(Victim worker)

### 3.2.6 Have there been any developments in processes?

In terms of effective processes, meetings and communication between all key partners were identified as crucial to the success of the project's development and implementation. As such, there were strategic-level meetings involving multi-agency representatives, as well as increased interaction between YOS and residential practitioners. Interviewees identified various groups, panels and forums where communication and dialogue occurred that could support the promotion and implementation of RJ. These included:

- Senior YOS staff meeting with strategic managers of the residential homes service.
- Involvement with a referral panel (an early intervention youth referral panel focusing on inclusion and support for young people at risk 'so that we don't go down the route of criminalising anyone' (Victim worker).
- A confidential multi-agency forum was set up involving youth agencies, neighbourhood managers, the early intervention referral panel and Children's Services representatives. This forum exists to identify young people causing concern in a community, primarily low-level, anti-social behaviour as well as young offenders. The panel then looks at the agencies working with the family and young person. RJ is an intervention that is promoted through this group.

As the project progressed, the training facilitated by, and through, the YOS was seen as an increasingly important process, in terms of capacity building within the residential sector, and also for consolidating relationships between staff and the YOS.

The steering group was also regarded as an important structure, although it was suggested that a review of

its membership composition may be necessary to increase the level of 'community' representation.

### 3.3 Challenges encountered

Over the course of the project, key challenges for meeting the pilot's global outcomes were identified. These focused on two main areas:

- improving the levels of understanding of RJ approaches and promoting its benefits
- improving consistency of targets across agencies.

The **willingness and ability of staff in residential settings** to engage with RJ was identified as a significant barrier, especially at the beginning of the project. Despite the training provided, efforts to raise the profile of RJ and promote its benefits, there were still serious reservations about using this type of intervention. These stemmed from the perspective that RJ may not be helpful, or appropriate, in the care home setting where the victim and the young person would see each other on a daily basis. There was a common recognition, expressed by residential workers, managers and YOS staff that victims may feel the RJ process made them more vulnerable. In order to be effective, the RJ process requires openness and honesty, but fears were expressed that this could be used against victims (and young people) in the future:

*I've done the RJ training. I don't think that for us it is all that relevant. We have young people involved with the YOT but a lot of them don't show any remorse so I don't think RJ is the right thing to be doing with them. In my case, the YOT phoned and I said I wasn't interested in talking to the girl who had assaulted me. So they asked if I wanted to write a letter to her and explain my feelings so she could understand the impact of what she'd done, but this girl saves things up and if there's another incident she will use everything she has against me.*

(Residential worker)

*I think the feelings stay quite raw – especially if the offence has been personal. Staff will feel that if they get involved, they could be more vulnerable in the future.*

(Residential home manager)

In order to address these concerns, interviewees said there needed to be greater dissemination and explanation of how RJ works. Workers need to ensure

that there is remorse from the young person and that the young person is not engaging in RJ only because they feel they can get something out of it.

In addition, it was suggested that RJ needs to be actioned at a much earlier stage, before the problem escalates and becomes more serious. Combined with awareness raising and training, an increased commitment from those responsible for the strategic management of residential services to RJ could support increased take-up:

*[Residential staff] need that clear guidance from above. They've had training from us – they need guidance. They need to take RJ on board fully so that they see that if they take it on board, they will see the benefits.*

(YOS staff)

Although residential staff's lack of support for RJ conferencing was identified as a significant challenge throughout the course of the project, interviewees said considerable progress was being made in terms of encouraging and securing their support. It was also suggested that the introduction of the CPS protocol for LAC would, in time, increase commitment to this approach, in appropriate situations:

*If we get that protocol up and running and embedded, then I'm confident that all the training we've done within the residential sector will slot into place.*

(Senior YOS staff)

However, RJ conferencing was not the sole component of the approach. As the pilot progressed, the YOS LAC team were able to offer residential homes a package of restorative options, involving varying degrees of informality; 'sometimes a letter, sometimes it's a mediation':

*Once we got over the initial idea and decided that it wasn't all about conferencing, staff became more receptive to taking it on board. The staff are welcoming it now.*

(Senior YOS staff)

*RJ will not be an answer to all situations and is most suited to dealing with incidents that have not escalated to a critical point. RJ thus has a critical role to play in preventative work.*

(Senior YOS staff)

Agencies working in the criminal justice sector have different targets and this was identified as posing particular challenges to the effectiveness of the RJ



approach. Most notably, it was suggested that the police are focused on achieving sanctioned detections, whereas the YOS is orientated towards prevention. The situation whereby RJ interventions are not recognised as a sanctioned detection was seen to 'act as a deterrent' in pursuing this approach. According to one interviewee:

*There is a lot of work involved in RJ, especially full conference, when the outcome will not count towards the individual police officer's targets for sanction detection. There is a need to get the police hierarchy on board and have RJ as a recognised outcome.*

(Police representative)

### 3.4 Areas for development

Interviewees were satisfied with the progress made by the project and felt that many of the challenges identified, especially those associated with the early stages of the project, had been overcome. A number of conclusions can be drawn from the project.

- Residential staff require a more systematic approach to understanding the concepts of restorative practices.
- Young people are more receptive to engagement when given positive, realistic opportunities for dealing with issues.

- The full benefits of restorative practices continue to be misunderstood, particularly by repeat victims who work in the residential units.
- New working practices need to be implemented in partnership and through training and dialogue.

Interviewees made their own suggestions for how the project could be advanced.

- Capitalise on young people's and residential personnel's growing receptive attitude towards the effectiveness of the RJ approach, in appropriate situations.
- Continue to provide ongoing input and training opportunities for residential staff so that RJ approaches are embedded into their practices.
- Support residential staff to promote RJ to colleagues in the sector.
- Support YOS staff to promote the RJ approach used in residential settings to wider audiences.
- Collect and monitor data in order to measure the success of RJ, possibly through examining the incidence of recidivism amongst those who have engaged with the RJ process.

## 4 Fusion Fostering and the custody panel

### 4.1 About the projects

This chapter focuses on the work of two projects, because they were piloted in the same borough. In terms of time-scale, Fusion Fostering was established first, but for reasons described, attention was switched towards setting up and operating a custody panel.

Before the Children in Trouble pilot began, the local authority was identified as a pilot area for the Youth Justice Board Intensive Fostering Programme. Good relationships had already been developed between the YOS and the foster carer provider, Action for Children. When the local authority was asked to contribute to the pilot, it was decided to build on the progress made through the Intensive Fostering scheme and offer a similar, but shorter-term foster placement known as Fusion Fostering. Placements would last three months compared to the 9–12 month Intensive Fostering programme. However, the new scheme struggled to get off the ground, mainly due to a shortage of funding. As a result, it was decided that the pilot should take a new direction in the form of a custody panel (on the advice of the Children in Trouble consultant). This panel was created to review the pre-sentence reports (PSRs) of any cases that resulted in a custodial sentence. For each case, the panel analysed the factors leading to custody and highlighted any problems or gaps in services that might have prevented custody.

#### **Fusion Fostering: who the project worked with**

Fusion Fostering catered for young people in the following circumstances:

- facing a short period of custody (four to six months)
- aged between 10 and 16 years
- home life believed to contribute to offending

- showing signs of wanting to change their offending behaviour
- not considered suitable or eligible for ISSP.

#### **Fusion Fostering: what the project involved**

Fusion Fostering was based on the core principles of an American programme in Oregon, the Multi-dimensional Treatment Foster Care programme, which offers placements of up to 12 months. It was modified to fit shorter-term placements in the UK of three months. The programme ‘fused’ together elements and best practice of Action for Children’s other fostering options with behaviour management tools.

#### **Pre-placement**

The YOT officer made a written recommendation within the PSR for the Fusion Fostering programme. The coordinator, an Action for Children worker, would then visit the young person and explain the programme.

#### **During the placement**

Once the programme commenced, the Action for Children individual worker had weekly contact with the young person and reported back to the YOT.

The ‘points and levels’ system is a behaviour management programme designed to teach pro-social skills, reinforce appropriate behaviour and discourage problem behaviours. By meeting certain behavioural expectations, the young person could earn points and move through different levels. The three levels are distinguished by a gradual reduction in structure and an increase in privileges for the young person, for example, telephone calls home, computer time and later bedtime. It was expected that the young person



would progress through level one in three weeks, level two in five weeks, reaching level three after another four weeks.

The foster carers provided information in a Parent Daily Record. They were called every weekday and asked how many times the child demonstrated certain behaviours. This made it easier to catch problems before they became serious, and it also helped to keep a record of progress.

Once a young person was sentenced to a supervision order with a Fusion Fostering placement attached, they became a LAC, if they were not already. The young person was therefore allocated a social worker and there would be a LAC review meeting during the placement.

### **Completion of placement**

At the end of a placement, an exit strategy meeting would be arranged by the Fusion Fostering coordinator to agree after-care arrangements. The young person, their parents, social worker, YOT officer and the Action for Children worker would attend.

The Fusion Fostering team continued to support the young person in their move-on accommodation for one month after the programme was completed. This included weekly contact with the individual worker.

### **Fusion Fostering: how the project was managed and run**

This project was a joint venture between the YOS and the foster care provider, Action for Children. The Fusion Fostering coordinator (an Action for Children employee) oversaw the programme and worked with all members of the team including the foster carers, the YOT, education providers, the family worker and the individual workers.

The individual worker's role was to support the young person's adjustment and progress through the programme on a one-to-one basis. The worker acted as the child's advocate and support person. They also helped the child become involved in appropriate activities in the community and provided opportunities for practising pro-social and problem-solving skills.

The family worker, where appropriate, worked with the young person's family to help them prepare for their child's return home. An education worker ensured the young person's educational needs were being catered for and could offer one-to-one tuition.

The foster carer was responsible for completing the points and levels process as well as the daily behaviour record.

### **Custody panel: who the project worked with**

Unlike Fusion Fostering, the custody panel did not work directly with any young people, nor did it offer a direct alternative to custody. Instead, the focus was on bringing together professionals to discuss PSRs of any cases, which resulted in a custodial sentence of up to 12 months. In this way, the panel sought to influence the 'processes' associated with a custodial sentence, for example, by enhancing the quality of PSRs and identifying gaps in service provision. In summary, the main aims of the panel were to:

- identify gaps in services for children at risk of custody
- identify trends and features of children going into custody
- enable a strategic view of the use of children's custody
- reduce the number of children sent to custody.

At the time of the evaluation, the panel concentrated on children who were sentenced (rather than remanded) to custody, but the remit has since widened to include remands.

### **Custody panel: what the project involved**

The custody panel met on a monthly basis for two hours and reviewed each case to see if action could have been taken to avoid custody and to give feedback to those working on the case. The panel also sought to inform and improve practice amongst all agencies and aggregate data relating to the use of youth custody.

Ahead of the meetings, a trainer would annotate each PSR with comments. The reports were then returned to the report writer and their manager. At the meeting, copies of the unmarked reports were circulated to everyone for review and discussion. The reports were graded for quality as either inadequate, adequate, good or excellent.

### **Custody panel: how the project was managed and who was involved**

The panel was chaired by the YOT manager and involved staff from the YOS, Children's Services and Fusion Fostering. A particular, but not exclusive, focus of the panel was to improve PSRs and so a trainer with expertise in this area contributed to the panels. To assist in establishing the panel, a Howard League representative was at early meetings.

## **4.2 Achievements**

This section chronicles the achievements of both projects, with specific reference to the six global objectives of the Children in Trouble pilot.

### **4.2.1 Has there been a reduction in the number of children and young people in custody?**

Comparing figures for 2007 with 2008, custody rates declined by 42 per cent in the borough where the panel operates (from 78 cases down to 45). Interviewees highlighted a number of factors that could explain this dramatic reduction:

- significant increase in the quality of PSRs for children appearing before the court who were at risk of custody
- better analysis of service gaps and how they could be filled
- closer alignment of goals and approaches between the YOT services and Children's Services
- more strategic approach to children's custody in the local authority.

PSRs reviewed by the custody panel resulted in a 'dramatic increase in overall [report] quality' (YOS trainer). The scrutiny process enabled staff to understand what made a good PSR and helped them refine and develop their report-writing skills. Other interviewees confirmed that, since the panel, standards had risen: 'I get PSRs from other YOTs and the difference is incredible' (Action for Children representative). The monthly meeting was said to be extremely popular with YOT staff. Indeed, the enhanced interest in, and enthusiasm for addressing, custody issues amongst staff may have contributed to the success of the initiative.

The trainer responsible for annotating reports explained that when they first started the panel, most reports were graded as 'adequate' or 'good'. At the time of the evaluation, reports were generally receiving 'good' or 'excellent' ratings. YOT staff achieved a better understanding of what magistrates required in a PSR and, as a consequence, they were able to write much fuller and better reports. The input of an expert trainer was seen as vital to the process – they brought with them a wealth of professional knowledge on effective report writing and they were able to keep staff updated on current legislation.

Fusion Fostering resulted in **three young people being diverted from custody** and placed with a foster carer. Unfortunately, a lack of funding meant that the scheme did not develop as anticipated and its potential as a custody diversion scheme was not fully tested. However, magistrates were said to be receptive to the idea and, should places become available, a reduction in the use of custody could feasibly follow.

### **4.2.2 Has the amount, frequency and seriousness of youth offending/re-offending reduced?**

The custody panel focused on improving the quality of PSRs and could not be expected to impact on levels of youth offending. We can therefore only discuss this outcome in relation to Fusion Fostering. Unfortunately, the small-scale nature of Fusion Fostering provided just a few examples with which to assess its impact. One young person completed the full three-month placement, another stayed for six weeks and the third young person was with a foster carer for just a few days<sup>2</sup>. In the first two cases, no or very little, offending has been evident since their time with Fusion

Fostering. Thus, whilst the evidence is minimal, it is possible to say that for those who experienced Fusion Fostering, a **reduction in offending was achieved**.

The following provide more detailed accounts of these young people's lives and their time in a placement.

## David

### Family background

David comes from a large family and has two brothers and two sisters. His family has moved many times around the borough but since the age of 14 he has not lived at home, but stayed with friends. Within the family, there is a belief that once you reach a certain age you can look after yourself. At one point, he returned home, but there was no bed for him and he slept in a cupboard under the stairs.

### Education

David had poor attendance at school. However, he has a positive attitude to work and a desire to earn money. His mother said: 'Oh, he loves working, he always has done, if he hears of anyone wanting a job done, then he'd be the first to say I'll do that.'

### Offending history

David first entered the youth justice system in 2005. His YOT worker reported that he did not have a huge offending history and offences were mostly for thefts and one assault. David's mother believed that his offending was partly linked to the death of his grandparents. She explained that his granddad, in particular, was a strong influence on the family and kept the boys under control. However, when he died, she took a more relaxed approach and she found it difficult to retain control of the children.

### Impact of the placement: offending

Since Fusion Fostering, there has been just one offending incident: an opportunistic crime where David tried to get into a builder's cabin (with a friend) as they were walking by. However, his YOT

worker had detected a change in his attitude towards offending: 'There is certainly a difference in how he sees his offending impact on other people.' Someone contacted David and asked him to smuggle drugs into the local prison. He was given a pack of heroin but, after an hour, he took it to the police station. Again, this behaviour suggests that David had a new perspective on offending and was less likely to follow that path. His mum felt that in the past he had been easily led, but now associates with a different circle of friends and had stopped walking around the streets at night. Generally, she reported that he had quietened down a lot and she did not think he would re-offend again: 'He doesn't get in crowds no more, because he doesn't want to end up in prison. So he's trying to stay out, now he's got a girlfriend.'

### Impact of the placement: improved communication skills

His YOT worker described how, previously, David said very little and kept hidden under 'a hood'. Meanwhile, his mother spoke of how, 'he was bad tempered, didn't respect anything and now he's changed a lot'. In particular, she noticed an improvement in his language, from 'literally swearing all the time' to 'now he doesn't swear'. In fact, he complains if he hears his brother using bad language. His foster carer felt that the consistency of the placement had boosted David's confidence. He also responded well to the 'points and levels' system. This was confirmed by his mother:

*He was proud of himself, that he got to that next level because he'd ring me up and say, I've earned my points today and then he was so pleased to show me his certificate, which I've still got on my wall.*

His mother recognised that he probably benefited from the discipline and structure of the placement because 'if he wanted something he had to earn it, but in my house, you want something, I've got it, you have it'.

### Now

David is currently living with his girlfriend and 'seems more settled than he ever has been' (YOT worker).

## **Mathew**

### **Family background**

Mathew comes from a violent family background, particularly on the part of his father. For a while, he and his siblings lived with their grandparents. At the age of six, he was put into local authority care, although his siblings remained with their grandparents.

### **Offending history**

According to his YOT worker, Mathew is very immature for his age and can exhibit violent and aggressive behaviour. Previous offences included assaults on staff at the children's home and stealing cars. Often, he offended with other young people from the children's home and he admitted to having a tendency to be led astray:

*I'd hang around with the wrong crowd. I'd be alright during the day, when I was on my own or with mates at school. But after school, I'd hang out with the wrong people, my attitude changed and my anger would change and I'd always be up for a fight.*

### **The placement**

Mathew was in Fusion Fostering for five weeks. Unfortunately, the placement had to end after his father visited him with his siblings and then assaulted one of them in the carer's home. While in the placement, Mathew received 2.5 hours of education a week, which was considered an achievement given that he had been expelled from a special education unit. His foster carer commented on how the tutor successfully engaged Mathew by capitalising on his sport interests: splitting the time between playing football and doing maths.

### **Impact of the placement**

Both his YOT worker and the foster carer expressed concern about Mathew's general future, because of his anger management issues. His foster carer hoped that one day he would receive counselling to address this problem.

However, in terms of offending, his foster carer concluded that Fusion Fostering had been a success. She explained that the two other boys who were charged with the same offence as Mathew, were given an ISSP and eventually ended up in custody. Mathew, however, has managed to stay out of prison. During the placement, she and Mathew met these two friends in town and they asked if Mathew could go with them. Because of the conditions of the placement, however, Mathew had to remain in the presence of his carer. In this way, the placement had enabled Mathew to distance himself from negative influences:

*It was positive for Mathew, because it kept him out of prison, which would have been a disaster and he's very pleased he's not in trouble any more. If the main aim [of Fusion Fostering] is to divert them out of offending behaviour, we've achieved that, without a doubt.*

Mathew himself rejected the idea of future offending. When asked: 'Do you think you would ever go back to prison now?' He replied: 'No! I don't want to, there's no point. Been there, done that.'

When asked why not, he spoke of his desire for a more stable future and the importance of providing for his family: 'I had a bad childhood and I don't want to bring a baby into the world where I go out and rob. I want to bring it into a world where I've got money, a house and can put clothes on its back.'

### **Now**

Straight after Fusion Fostering, Mathew moved to supported accommodation in a different borough. At the time of interview, he was back in his home area and living with a girlfriend. When asked about his aspirations for the future, Mathew spoke of wanting to pursue a career in the army: 'What I need is a lot of discipline and the army will do that for me.'

### **4.2.3 Have relationships with key partners and stakeholders improved?**

Both projects led to notable progress in inter-agency relationships, especially between the YOS and Action for Children. An employee from Action for Children took on a lead role in the development of Fusion Fostering and also sat on the custody panel. This close collaboration strengthened links between the two organisations: 'The relationship between our project and the YOT has improved so much, its unbelievable' (Action for Children worker). Furthermore, the presence of Action for Children on the panel provided an opportunity to promote the benefits of fostering for young people and, generally, agencies were said to have a better understanding of how it worked and were more willing to consider it as a sentencing option.

Within the YOS itself, the panel process was positive for working relationships. The service manager commented that reviewing each other's practice in an open forum had cultivated a team ethos and helped improve morale. Indeed, as well as highlighting areas for improvement, the panel process was used to praise examples of excellent report writing.

Through the panel, Children's Services have been made more aware of the fostering schemes offered by Action for Children. Recently, the two services met to discuss a protocol for working together, ensuring that when a young person leaves a placement there is a continuum of care available.

### **4.2.4 Has there been an improvement in the council's capacity to articulate the benefits for the local community from its work in this area?**

The success of the custody panel has been promoted through articles in *Community Care* journal and a Howard League publication. In the early days of Fusion Fostering, the project was publicised to court personnel, making them aware of it as a sentencing option. As part of this publicity, the negative impact of custody on children was highlighted and that, in itself, may have had a positive effect on custody rates (in addition to what had been achieved through the panel). This initial publicity appeared to spread the message, as one interviewee expressed surprise at how

well-known Fusion Fostering was across departments, especially the courts. A memorable brand name may have facilitated this communication.

Generally, it was felt that professionals in the local authority had been made aware of the two projects through, for example, strategic management boards. This did not, however, extend to the wider community. Although promoting the successes of initiatives like Fusion Fostering was recognised as important, there was doubt about whether the media or the public actually had an appetite for 'good news' stories, particularly where crime and young people are concerned.

### **4.2.5 Has there been an improvement in 'value for money'?**

There was a sense that both projects represented value for money based on the principle that 'anything that stops children going to custody must be good value for money' (YOS manager).

Speaking about Fusion Fostering, one interviewee considered that where it was effective, savings would be made in terms of future offending, reduced court costs, police resources and input from Children's Services. They also referred to studies in the US which have found that intensive fostering is cost effective. One such study (Aos *et al.*, 2001) looked at the comparative cost-effectiveness of 13 different treatment programmes for young offenders. Intensive fostering had the largest effect. Overall, the analysis of costs and benefits revealed that, for every dollar spent on intensive fostering, 40 dollars was saved in taxpayer and crime victim benefits.

Meanwhile, the time invested in the custody panels was deemed 'well worth it', based on the outcomes achieved: a 42 per cent drop in custody rates. It is notable that initially, the service manager was not entirely convinced about the value of the panel as it seemed to involve a lot of work. However, on reflection, they felt that the input of time was more than justified by the benefits generated.

#### 4.2.6 Have there been any developments in processes?

In this local authority, the Children in Trouble pilot evolved from a direct alternative to custody (in the form of Fusion Fostering) to an approach which focused more on processes (the custody panel). As stated, the custody panel directs the spotlight onto pre-sentence court reports which can ultimately influence a sentencer's decision about whether or not to send a young person to prison. More broadly, discussions at the panel served to highlight gaps in service provision or where intervention could have steered young people away from a custodial destination. Based on recent custody figures, this 'process' strategy appears to have been very successful. The experience of this local authority suggests that, as well as increasing the availability of community sentences as an alternative custody, there are also considerable benefits to examining the processes involved in custodial decisions.

### 4.3 Challenges encountered

The custody panel did not experience any major difficulties and it was generally regarded in a positive light. Just two issues were raised.

- YOT staff were initially uncomfortable about PSRs being scrutinised.
- The involvement of other agencies in the panel had not been fully achieved.

When staff spoke of the custody panel process, some admitted that they felt slightly threatened and defensive when receiving feedback on their report writing. The comments, even if constructive, made some writers feel that their professional practice was being openly criticised. However, as staff started to see improvements, they were more able to accept the process and recognise the benefits:

*I took it quite personally, the first one I got back [...]. Now I've been through the process three or four times and I've warmed to it – for me, it has helped my report writing. I looked at one I wrote four years ago and it was completely different.*

(YOT worker)

Mindful of how staff were feeling, the process by which comments were given was amended. Initially, the annotated version of the report was circulated to all members of the panel. This was then changed so that only the writer and their manager received the copy with comments. At the meeting, panel members were given the original unmarked copy to review and discuss.

The second challenge faced by the panel related to the contribution of other agencies. At the outset, it was hoped that a broad representation of partners would attend. In this way, the panel could look beyond the YOS to see what other agencies could do to avoid a custodial outcome. Although other agencies were invited, membership of the panel was still largely confined to YOS staff (with input from Action for Children and a Children's Services representative). A poor uptake was attributed to agencies simply not having the time to commit to the panel.

With regards to the involvement of court personnel, there was another complicating factor. A legal advisor and magistrate were asked to contribute but declined because of the potential impact on their judicial independence. They may, for example, have discussed cases they have dealt with in court, or would be doing so in the future. Some interviewees were disappointed by this, as they felt it would have enhanced the review process. For example, they could consult with them about whether any specific piece of information in the court report would have prevented custody. It was suggested that the involvement of court representatives could be possible if cases were anonymised. However, in a neighbouring local authority where a magistrate had attended a similar panel, he was still able to recognise the cases, despite steps taken to anonymise the paperwork and the discussion. As a result, magistrates in this local authority opted not to attend future panels.

Fusion Fostering, for various reasons, did not operate at full capacity and, as would be expected, the pilot experienced some significant challenges:

- a lack of funding
- initial reservations amongst YOT staff
- young people declining the offer of a placement.



The most significant hurdle for this project concerned the availability of funding. Children's Services were initially asked to resource the scheme, but as local authorities do not generally fund sentencing options, they turned down the request. The scheme was then funded from an under-spend at the Youth Justice Board. However, when this money ran out it was no longer possible to offer placements. The Youth Justice Board was already committed (and contracted) to running intensive fostering and understandably wanted to concentrate their efforts on this, rather than a second scheme.

A second obstacle was the unwillingness of staff to consider and promote its use. A YOS manager believed that some staff were not convinced of its value – for instance, whether or not a three-month placement could make a significant difference to a young person's life. In addition, a very heavy workload and changes in the workplace meant staff may have found it difficult to accommodate a new initiative. The point was made that any new project takes a while to establish itself and importantly: 'You have to persuade the staff it can be useful before you can get the staff to persuade the young people that it can be a goer for them' (YOS manager). Unfortunately, as staff became more aware and open to Fusion Fostering, placements were in short supply due to the lack of funding.

It may be surprising, but the third barrier for this project was young people's preference for a custodial sentence, over a foster placement. For some individuals, time 'inside' imbues them with a certain status. As one interviewee said: 'There is street cred. in being sent down.' By contrast, three months in a foster placement is perceived as less 'glamorous'. YOT workers also felt that in some cases, you have to wait until someone is ready for change. One YOT worker recounted how one child clearly stated she would rather go to custody and the worker felt that this person simply could not see the value in changing their life. Unfortunately, this particular sentencing option requires the consent of the young person and a magistrate described the frustration when young people refuse to take up the offer:

*They know that if they don't agree we can't do anything, they know the system. On other orders they don't have to agree. It really does tie the hands of any sentencers,*

*because if they say they won't do it, you either give them a less onerous sentence or you send them to custody.*

(Magistrate)

Young people may also reject a foster placement because they believe it will actually be tougher than going to prison. To successfully complete a fostering placement, they must abide by certain rules and conditions. In prison, however, they just 'do the time'. There could also be some apprehension associated with having to move in with a different family and spend time in someone else's house. All these factors can lead a young person to decide that a foster placement is not for them.

## 4.4 Areas for development

### The custody panel

The success of the panel has already led to it being **replicated in other parts of the county**. Meanwhile, the original panel is now looking to widen in scope. Recent figures showed an increase in remand cases and the panel will be **examining the reasons why young people are being remanded to custody** and whether anything can be done to reverse this trend. In order to fully understand all the factors linked to custodial outcomes, generally, a **very detailed analysis of cases** that go to custody is also planned. It will look at issues such as gender, ethnicity and socio-economic class.

Interviews suggested other ways in which the panel could be modified. One interviewee thought it would be revealing to examine cases where custody was anticipated, but, for some reason, did not happen (rather than only looking at reports that were linked to a custodial outcome). Reviewing reports before they went to court was also proposed, although it was conceded that with the time-scales involved, this might not be practical. The value of scoring each report was queried by some staff, who said they found this difficult to do within the time allotted. They believed that the most helpful part of the panel was discussing the report, rather than awarding them a grade.

As alluded to earlier, the lack of involvement of other agencies was identified as an area of concern. Interviewees believed that the panel would be more

effective if members included representatives from schools, the youth service, a service level manager from Children's Services and the courts. By **expanding its membership**, it was felt that the panel could look more holistically at each case and review all the factors that influence sentencing outcomes.

Contact with court personnel via the panel was also welcomed as it could provide an opportunity to **increase their awareness of alternatives to custody** (such as Fusion Fostering) and also inform them about the successes of such approaches. Indeed, one court interviewee confirmed that once a sentence or order is given, they rarely receive any feedback as to whether it has been effective. A recent national survey of 62 sentencers reported a desire for feedback from YOTs about community sentence outcomes, especially where they felt they had taken a sentencing risk (YJB, 2009). This kind of information may help strengthen the case for alternatives to custody, by illustrating their effectiveness and persuading the courts to use them where appropriate. It was proposed that the LGA could, at a local level, encourage involvement and input from the court sector. At a national level, the Youth Crime Action Plan (2008) has already identified information flow between the courts and the YOS as an area for improvement.

## Fusion Fostering

Fusion Fostering is no longer in operation and it may therefore seem redundant to consider areas for development. However, some lessons were learnt which will be pertinent to fostering provision generally.

The experience of Fusion Fostering demonstrated that there is a need to offer **different lengths of placement** for young people (rather than sticking to a single option of 12 months under the current intensive fostering scheme). The duration needs to reflect the length of the custodial sentence which would have been given. By being more flexible about the length of placements, more young people would be eligible for fostering and may wish to take advantage of it. At the time of our interviews, it was said that it might be possible for Intensive Fostering to offer different length placements in the future. In this way, the principles of

Fusion Fostering, a three-month foster placement, will live on through this related scheme.

A greater variety of time-scales may also offer advantages in terms of the availability of foster carers. It was said that some foster carers would prefer to be involved over shorter periods of time and could be more likely to participate in such a scheme.

The **assessment of young people prior to placement** was raised as a critical part of the process by one foster carer who said agencies did not provide or share enough background information on the young people's circumstances and needs. This was a factor in the breakdown of placements when the young people concerned had much more serious difficulties than had been communicated, such as being quite damaged with significant behavioural problems.

For Fusion Fostering, the lack of funding curtailed its operation. When asked about the role of the LGA in relation to the project, it was suggested that discussion was needed about **the contribution of local authorities** and who actually pays for alternatives to custody, such as Fusion. Although Fusion Fostering did not have a chance to fully prove itself, interviewees were confident about the potential of this approach, based on the results of the very similar Intensive Fostering scheme (re-offending rates for the Hampshire pilot stand at 28 per cent compared with a national average of around 80 per cent). Additionally, research into a remand fostering programme demonstrated the potential success of short-term foster placements (Lipscombe, 2007). If there is evidence that fostering works, then it is important to achieve some clarity over funding in order that the approach can be fully used and made available to young people, where appropriate.

## Notes

- 2 This individual could not cope being in a fostering environment and opted to take her chances and possibly face custody – the outcome was a different community-based order which she ended up breaching and finally found herself in custody.



## 5 The Children in Trouble pilot: achievements and next steps

In this final chapter, we take a step back from the individual projects to consider the Children in Trouble programme as a whole. Drawing on interviews with members of the steering group, as well as feedback from the projects themselves, this chapter presents the main achievements at the programme level and considers how the work could be advanced.

### 5.1 The achievements of the overall programme

In some respects, the creation of the Children in Trouble pilot did more than simply test three individual approaches to reducing custody. It created a forum, where experiences were shared, and, as a result, some of the **wider issues associated with the use of custody began to surface**.

For example, the success of the floating accommodation support service hinged largely on housing for young offenders being available. Unfortunately, there was simply not enough: a fact which has been corroborated by research at a national level. The custody panel also reported the lack of stable accommodation as an influential factor in the use of custody. It is unfortunate that a young person's fate should be determined (or at least partly determined) by their living arrangements. To reduce the resort to custody, more attention should be given to meeting the basic accommodation needs of young people.

The RJ project illustrated the existence of targets which could potentially propel young people towards a custodial destination. It was set up because of the high numbers of LAC entering the criminal justice system, following incidents in residential homes. However, it was noted that once police are called out, they have the same duty to pursue a minor incident in a children's home, as they would a more serious offence (in order to meet targets for 'offences brought to justice'). Hence, whilst some sectors of the criminal justice system are working to steer young people away from the prison, other professionals operate under

requirements which could potentially increase the flow to custody.

The lack of funding was a major stumbling block for the intensive fostering scheme, Fusion Fostering, especially when the local authority chose not to fund placements. Nationally, there is a growing debate about the role of local authorities and how they can be encouraged to invest in alternatives to custody. Local authorities are responsible for a range of prevention and early intervention work to divert young people from offending, yet if a young person goes to custody, they no longer have to fund, for example, their education. Some say local authorities are 'essentially being rewarded for their failures' (Chandiramani, 2009). The Youth Justice Board is currently consulting on devolving the costs of custody to local authorities. The argument is that support for community alternatives could increase, if they have to foot the bill. Whatever the decision, the contribution of local authorities is clearly under the spotlight and the LGA could have an important role to play in providing advice and guidance.

### 5.2 Spreading the message

Two years on from the start of the pilot, the projects have had time to evolve and learn from their experiences. What matters now is how this knowledge can be built upon and disseminated to others. Interviewees stressed the importance of communicating several different aspects of the programme.

- There are success stories and, where approaches have worked, they should be widely publicised to encourage the use of alternatives to custody.
- At an operational level, challenges also need to be understood. If the approaches are to be replicated, potential pitfalls and ways to avoid them need to be realised.

- There has to be firm financial commitment at either a local or national level before time and effort is invested in coordinating and supporting a programme. Whilst the LGA was able to support this work through lobbying and convening meetings of a steering group, there was no additional funding for the projects. For one project, a lack of identified funding effectively curtailed its operation.
- Interviewees spoke of other considerations when running a pilot such as Children in Trouble. It was deemed important to get pilots up and running as soon as possible, otherwise inertia can set in. Having sufficient staff and time to dedicate to the pilot was also viewed as critical – if staff are overloaded then they will find it difficult to accommodate a new venture, and, if it is left to one person, there is a risk that activity may stop should they leave.
- The pilot drew attention to some deeper and more fundamental issues, which need to be addressed at a national level, such as the lack of suitable accommodation for offenders; magistrates requesting more feedback on the outcomes of alternatives to custody; funding responsibilities for alternatives to custody; and the need for consistency in targets across the criminal justice system.

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## Recently published reports

The Local Government Education and Children's Services Research Programme is carried out by the NFER. The research projects cover topics and perspectives that are of special interest to local authorities. All the reports are published and disseminated by the NFER, with separate executive summaries. The summaries, and more information about this series, are available free of charge at [www.nfer.ac.uk/research-areas/local-government-association/local-government-association\\_home.cfm](http://www.nfer.ac.uk/research-areas/local-government-association/local-government-association_home.cfm).



### Supporting local authorities to develop their research capacity

This report sets out the findings from an LGA-funded project that complements Local Authority Research Consortium (LARC) research by examining staff views on the perceived benefits and challenges of being involved in practitioner-led research.

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### Provision of mental health services for care leavers: transition to adult services

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The Children in Trouble programme is a joint project supported by LGA and the Howard League for Penal Reform and sets out to encourage, develop and showcase different approaches to reducing the use of custodial sentences for young people. The three approaches included:

- a floating accommodation support service
- restorative justice
- a custody panel (and fusion fostering).

This evaluation documents the programme's achievements and challenges through interviews with project staff, key partners and young people. These findings and the wider issues associated with the use of custody for young people are discussed in detail in this report.

The report is important reading for local authority staff, housing providers and the Youth Offending Service.