The Importance of Youth Justice Journey Problems and Absence

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Response to the interim review report on youth justice services

The interim review of the Youth Justice System makes many important recommendations and represents a positive step forward in terms of its prioritising of educational need within the youth justice population. However, there is a current lack of detail in policy and practice relating to youth justice service access, and the broader extent of absence problems and absence-based breach from activities such as education. Annual workload statistics describe the number of orders that have reached formal breach proceedings, but this figure includes absence-based breach along with other causes of order breakdown.

Because absence is considered to be non-serious non-compliance, it is likely to have repeatedly taken place before formal proceedings are enacted. Practitioners' vital, informal service access support is also likely to mask the extent to which young people struggle to access youth justice services including education. This research report presents new empirical evidence to demonstrate the complexities of young peoples' youth justice journey making and attendance, while also describing its significant impact on young people, practice and overarching youth justice aims.

Rationale for this submission

The majority of young people with a criminal conviction engage with holistic, community-based youth justice orders. Broad engagement with a wide variety of services (including education) can be essential when responding to a range of risks and needs in young people's lives - and can be compulsory. But associated with *service breadth* is an *increasing volume of complex journeys*.

Transport, journey making and service accessibility are very important for youth justice policy, the delivery of practice and for young people's successful order completion. If young people are absent they are simply unable to engage with interventions and become supported, reprimanded or reintegrated - however well refined and delivered policies and practices may be. Young people also risk becoming more entrenched in the youth justice system through sentence escalation, heightening their chance of adverse long term outcomes. Practitioners provide crucial service access support but in the current economic climate, resourcing for these informal activities has become increasingly difficult.

This submission describes some important issues that have a high impact on the delivery and effectiveness of youth justice policy and practice, and which are currently under-represented. In particular, an emphasis is placed on the context of community-based youth justice delivery through multiple practice sites. Specific points will be made in connection with young people's absence and order completion, youth justice journey making problems, supporting access in practice, the local youth justice infrastructure, and national policy. All of these points are important to consider when examining community based youth justice and its associated services - including education.

Evidence base

For the last five years, ESRC supported research (grant 1014139) has been taking place into local youth justice journey making, service access and its treatment. The three main strands to this work were:

- Youth justice infrastructures and operational norms

- Practitioner treatment of young people's service access problems

- An examination of young people's youth justice journey making experiences

Research took place at three youth offending teams, comprising of one pilot study and two main case study locations. In total, 28 young people and 33 practitioners participated in 9 focus groups and 24 interviews. Use of visual research methods (including maps, icons and cameras) meant 'hard to reach' groups (such as those with limited literacy or ability to concentrate) could become engaged. The two main case study locations were characterised by their above average breach rates and high levels of neighbourhood deprivation. As such, the young people in this research were found to be experiencing multiple and complex needs, and had an ongoing involvement with a variety of agencies, such as those connected with education, employment, health, substance use, and social services.

1. Young people's youth justice absence and order completion

For young people to adhere with order requirements, it is essential to attend appointments, involving the regular and successful completion of local journeys. This research found:

1.1 Similarities with youth justice inspection data, with just half of some appointments attended:

> *'At one time when I was really busy, it was running at just over, just under fifty per cent not attending'* (Reparation Coordinator, Location 1).

1.2 Young people escalating through the youth justice system because of appointment absence. In some cases, a variety of order engagement problems were present but in others, absence was found to be the key driver for breach:

> *'*[When young people are absent] *it's written warnings. The case worker will take on written warnings and that - then there'll be a final warning and the third missed appointment and they'll be getting set to breach them'* (Reparation Coordinator, Location 1).

1.3 This meant that some young people were escalating through the system and even entering custody because they hadn't adhered to order attendance requirements, and not due to prolific or serious offending behaviours. Such a finding contravenes agreements such as the United Nations Convention on the Rights of a Child, where custody for children is described as an absolute last resort:

Interviewer:	*Have you ever breached for not turning up, then?*
All voices:	*Yeah. Loads of times*
Young Person 2:	*I were at court for it last week, me - I nearly got sent back down.*

1.4 Young people's absence could result in ongoing unmet needs in a variety of areas including education and health, as well as a limited capacity to rehabilitate, reintegrate, reprimand or review order progress. Subsequently, the additional access support of Youth Justice Practitioners' became crucial:

> *'If they have to go and see a social worker, or if they're made homeless, we take them to the social services area that they're in and obviously sit with them and then we may have to look at taking them to housing and financial'* (Youth Justice Practitioner, Location 1)

2. Youth justice journey making problems

Young people residing in low income households can face significant difficulties when accessing essential local services due to factors such as a lack of access to a family car, inadequate public transport funds or service coverage. This research found that:

2.1 Young people were not equally well placed to access youth justice services. Nearly all of the young people did not have access to a family car. Factors such as journey distance meant that some young people could walk, whereas others had to use some sort of vehicle. Some young people had no money for transport and others could not access safe routes to cycle or walk:

> *'Some have it easy because they can get lifts places. Some have it hard because they have to catch buses and that. And some of the time they don't have enough money'* (16 year old female on Intensive Supervision and Surveillance, Location 1)

> [A youth justice appointment in a city 17 miles away] *can be quite a scary place to go for our young people* [...] *it might mean getting on the train rather than getting on a bus. Obviously they're not used to that idea - going over that bridge doesn't seem like a big deal maybe to us, but just going over that bridge to the train station to buy a ticket to go on that train to* [city 17 miles away] *is quite a big deal for some of them'* (Court Officer, Location 1).

> *'When they ring up and say they have no money to get on the bus, that's a very valid excuse. Because you can't get on a bus without the money'* (Youth Justice Practitioner, Location 1).

2.2 Youth justice absence can be symptom of many different things. When absence is a consequence of journey making incapacity, higher journey making requirements (through sentence escalation) can *exacerbate young peoples' capacity* to meet order requirements:

'They've only done one offence and they've ended up escalating - the boy I've got on Intensive supervision now, is because he didn't do his attendance centre, and he was at the attendance centre because he didn't do his [reparation order]*'* (Youth Justice Practitioner, Location 2).

2.3 Service access was impacted by young people's journey making skills and experience. For example, young people experiencing long term educational exclusion had limited regular experience and confidence to make journeys and be punctual for scheduled activities:

'I think if we could perform everything at the end of his street, he'd come and he'd engage with it and he'd do all right, and there's been an element of that in carrying out home visits and setting up reparation in his village. But there are certain aspects of an order that you can't take to his door. We think it's about attachment to his area and just being too afraid to go outside his front garden… we've gone as far as we can. There has to be an element of him coming to us. You know, with the attendance centre for example, we can't move the whole group to the end of his street' (Court Officer, Location 1)

2.4 Young people's family context could impact their capacity to access youth justice services. For example, living in a low income household could significantly limit access to convenient door-to-door transport using a family car. Limited family income or parental literacy could also make unaccompanied travel more likely. Long term parental worklessness could make it normal for young people to remain in their neighbourhoods and rarely undertake local travel, thus heightening service access problems and heightening the need for flexible service delivery:

'They're locally grounded. They don't come out of their own area very easily, you know. A trip to town is a big event to some of these people […] *they don't come out of these villages very easily, so fortunately I have a good team of supervisors in* [outlying villages with high levels of deprivation] *we meet those young people outside the school* [in their village]. *Because that is a focal point of the community'* (Reparation Coordinator, Location 1).

2.5 The nature, size and usage of locality settings and roads were all found to impact young peoples' capacity to navigate their way to youth justice appointments:

'We've had one young person who used to cycle from [village six miles away] *which is quite - about ten or fifteen minutes in a car. So that's quite a distance. But further out, like* [village ten miles away] *or out that kind of way - yeah, it would be too far to cycle'* (Court Officer, Location 1).

'I'd have to start off [walking] *at nine if I had an appointment at one'* (16 year old male on Intensive Supervision and Surveillance, Location 1).

'When you're going towards traffic on the side of the road it's daunting, you know, when you see a big lorry or when you're on a scooter even. 'Cause you don't know - when they're high up in the carriages - you don't know whether they can see you or not. So you've got to take extra caution' (16 year old male on a Youth Rehabilitation Order, Location 1).

2.6 For those living further from youth justice services, the transport infrastructure was crucial in facilitating access, while also presenting unforeseen and unpredictable access barriers such as when attempting to coordinate multiple buses. Sometimes public transport use became more complicated as a consequence of young people's order requirements:

> *'That is actually one of the worst things possible. That's the reason why I breached last time to be honest, because I just couldn't get here. Sometimes I don't have money for the train, or something like that'* (Young Male, Location 2).

> *'I've got one at the moment who, she committed an offence in a railway station […] so she's not allowed in that particular station, but she's allowed on railways and she can get on the next stop […] So the next one's only couple of miles away, so we just made it clear that there's obviously buses into town as well'* (Youth Justice Practitioner, Location 1)

2.7 When young people travelled independently they described experiencing the burden of cost (such as through bus fares), compared with family car travel where payment at the point of transport access was less likely. Young people described the impact of transport affordability on their mobility:

> *'Before I did have my bus pass I used to just stay near enough in my area, or just go to school'* (Young Person on a Referral Order, Location 2)

> *I don't pay bus fares. I haven't got a bus pass, I don't pay bus fares. I walk - its £1.70 for me to get on the bus […] I don't get no money at all'* (17 year old male on a Detention and Training Order, Location 1).

3. Supporting access in practice

A variety and volume of approaches were found to support young people's youth justice journey making in order to undertake the commitment to brokering service access. Youth justice practice was found to be highly flexible and responsive to young people's service access problems. Practitioners moved young people or appointments by providing lifts and bus fares, or by moving appointment times or locations. Such activities were important because well designed and delivered policies and practices were rendered completely ineffective by absence, with overarching youth justice aims then remaining unmet. This research found:

3.1 A tapering of service access support, meaning that youth justice services informally provided service access training and skills for young people - something likely to be very helpful in the long term. This meant that more intensive support was found at the start of a youth justice order when undertaking unfamiliar journeys to activities with new groups of young people:

> *'The elasticity between any sort of tensions in the service has to be provided by the case worker - bad provision would expect the young person to be the thing that stretches and adapts to changes and good provision, I think, is the thing that initially expects the case manager to make that flexible engagement, and perhaps in a planned and controlled way, so the young person becomes more flexible and responsible as they improve their*

engagement and their general skills for managing. So it's a very long way round of saying if there's transport barrier to engagement, I would expect the case manager to go and see the young person, not expect the young person to come and see the case manager' (Youth Justice Manager, Location 1).

3.2 For young people with more complex needs, service access support was found to be more intensive or prolonged, requiring higher levels of resourcing and a broader set of practitioner skills and resources such as having a car and being able to drive:

> *'If* [an appointment is within the large rural catchment area] *then it just means jumping in a car, which obviously young people don't drive, so it's jumping on a bus or being supported by parents, which sometimes they haven't got and it might require us going and picking them up. I'm waiting to find out if a young person needs that kind of support, actually, for Thursday. He's been invited for a police interview in* [a village] *but he lives* [6 miles away]*. So for mum who's, bless her, she doesn't have basic literacy so it needs for her then to get herself on the bus into town and find herself a bus from town out to* [village] *then deal with the interview and what's going to come from that and then go the same journey back - and that's going to be quite hard. So I've at least, with my diary, I've offered to take them. But I'm not sure about them getting back, so that's partly on my mind a little bit'* (Youth Justice Practitioner, Location 1)

4. The local youth justice infrastructure

This research found an unintended consequence of broad and holistic service provision through the youth justice sector to be a *high journey making burden* for young people. Furthermore, services involved in the delivery of youth justice (including education) had varied levels of accessibility. This raises questions about the legitimacy of an overarching instance-based punishment system for the management of young peoples' attendance, with three instances of non-serious non-compliance triggering formal proceedings and a return to court, potentially for resentencing. When accessing different services (including education) as part of a youth justice order the following issues were found:

4.1 Some services were easily accessed by short, walked journeys. However, in other cases journeys were long and complicated, such as when attending pupil referral units on compulsory education requirements:

> *'The biggest barrier for us is having a client who has got to catch two buses and a two hour journey just to get to school, to be put on a three hour timetable. And then a two hour journey home. It's one of the biggest barriers we've got about the units'* (Education Practitioner, Location 1).

4.2 Some services (such as those designed for convicted young people) were found to be highly malleable, meaning young people's disrupted and unpredictable journey making could be better accommodated:

> *'If it's 'I've missed the bus!' and I think it's genuine, 'right, I'll make you an appointment for tomorrow then'* (Youth Justice Practitioner, Location 1).

4.3 Access problems were exacerbated by rigid institutional practices within some local services (such as mainstream education, employment and housing services). This was particularly the case for services that were not exclusively designed for young people, again making flexible practitioner service access support crucial.   Personal safety risks could also arise as a consequence of institutional inflexibility and subsequent journey contexts:

> *'If I knew I were going to housing, I wouldn't book anything in* [for the rest of the day]. *But the thing is, sometimes on a Friday, it often happens on a Friday that a young person's made homeless. So they come here to the YOT and we have to take them through to either housing or social services and sit with them until they sort it out'* (Youth Justice Practitioner, Location 1).

> *'I'm under 18 and* [the police] *let me out at one in the morning with just my t-shirt on! They took my jumper off me and the lot! It were freezing and all - I didn't stop running until I got home'* (Male aged 17 on a Detention and Training Order, Location 1).

4.4 Problems with the structure of local practice communications could result in adverse youth justice outcomes for young people. For example, despite advance telephone notification of lateness being viewed favourably by practitioners, a lack of contact phone numbers in connection with some sectors (such as weekend reparation) made communication impossible:

> *'On a weekend it's a case of you're here or you're not basically. They can ring* [the empty YOT Office] *but the young people haven't got supervisors' telephone numbers to ring and say 'I've missed my bus' and 'I'm stood at the bus stop waiting' you know - they can't do that'* (Reparation Coordinator, Location 1).

4.5 Timekeeping treatment was not always consistent, meaning that young people received mixed messages about the extent to which lateness would be acceptable:

> *Some of my supervisors are ex-military, ex-police. If you're not there at that time, you know, we're going - we're going without you. And it's a missed appointment, you know, so... I'll tend to be a bit soft and I'll wait while twenty past, or I'll wait while twenty five past'* (Reparation Coordinator, Location 1).

4.6 Young people faced compounded consequences for some types of absence. For example, absence from education resulted in consequences for parents through the education sector, and at the same time, consequences for young people through the youth justice system. This treatment of educational absence is disproportionate compared with other areas of young peoples' orders, and it sends out confusing messages about who should be responsible for absence.

6. Research recommendations: Limiting adverse absence outcomes in practice delivery and for young people

6.1 More statistical data to establish the extent of the service access problem

Currently before formal breach proceedings are enacted, there is an abundance of informal practitioner journey support as well as three instances of informal non-compliance. This suggests the youth justice absence problem is far greater than currently understood. Establishing the extent of the problem is important because absence can impede young peoples' long term outcomes as a consequence of sentence escalation and entrenched service engagement. It can also impede the fulfilment of order requirements and overarching youth justice sector aims, while leading to young people' ongoing unmet needs. Subsequently, the extent of youth justice absence, and the outcomes that young people face as a consequence (such as custodial sentences for repeated appointment absence in the context of journey making difficulties) is in urgent need of attention.

6.2 Protected resourcing for informal service access support

Because youth justice access and absence is so problematic and of such high impact, a significant volume and variety of informal activities already permeate youth justice practice. It is crucial that resourcing for these lifts, bus fares and alternative meeting sites continues. Such provision should be for young people who are diverted from youth justice as well as those entering the system, because service signposting is unlikely to address many of the service access problems found in this research. Importantly, service access training for young people by youth justice practitioners was described as having long term benefits in terms of young peoples' ongoing effective service engagement more broadly, so urgently requires more policy attention and resourcing provision.

6.3 Devolved decision making in the context of absence, its causes and consequences

Local youth justice practitioners have expert knowledge in terms of which local services are most difficult to access and why. In this research, practitioner discretion and informal support were very important. However, it was also apparent that policy guidance eventually had to be prioritised, with multiple instances of absence resulting in formal breach procedures. Because the youth justice access landscape is so varied, it is crucial that practitioners are empowered to make their own decisions about the appropriateness of informal and formal responses to youth justice absence. Ultimately, many of the causes of absence are beyond the scope of young people and local youth justice services to resolve (such as residing in a low income household and not having a car), meaning that repeated absence does not necessarily represent 'non-compliant' behaviour, but can also be a symptom of the difficulties within some young people's lives.

6.4 An increased focus on the ways that different services coordinate

This research found an overarching, instance-based youth justice absence management system difficult to justify in the context of different local services and their highly varied levels of accessibility. Within this context, education was found to be especially problematic. For example, mainstream schools were rigid in terms of attendance expectations in time and place,

yet young people experiencing long term educational exclusion were given mandatory requirements to attend (and then breached for non-attendance). Although the accessing of pupil referral units was more inclusive and flexible, young people with complex needs were still required to undertake long and complicated journeys, again making it difficult to fulfil mandatory requirements. The ways in which education and youth justice orders interact is in need of urgent attention in the context of attendance and absence management. It remains confusing that the education sector punishes parents for absence whereas the youth justice sector punishes young people. This research suggests that compulsory educational requirements are no longer justifiable in the context of risk and protective factors, and that young peoples' educational attendance and engagement capacities need to be better prioritised.

6.5 **A renewed focus on needs rather than deeds**

In the current context of youth justice absence, young peoples' journey making needs are underemphasised, with sparse policy detail on 'non-serious non-compliance' ultimately guiding interpretations. This research instead highlights the importance of young peoples' capabilities and circumstances in the context of journey making access and attendance. An abundance of factors can give rise to absence, and these factors largely relate to adults personally or professionally connected with young peoples' lives, and *their* capabilities or skills.

Sarah Brooks-Wilson is a Research Associate in the Department of Social Policy and Social Work at the University of York. Research involvement has primarily related to community-based youth justice and sustainability in schools, as well as shorter projects on fuel poverty and child sexual exploitation. Most of these research activities have involved 'hard to reach' groups of children and young people, with innovative, visual methods used in order to facilitate research engagement.

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