

A fresh start to tackling youth crime

A briefing for Police and
Crime Commissioners



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Two decades of falling crime have presented Police and Crime Commissioners (PCCs) with an unprecedented window of opportunity to secure a low-crime future for children and young people in England and Wales. This briefing identifies ways that PCCs can play a leading part in reducing crime and antisocial behaviour by children and young people while helping them grow into successful adults and law-abiding citizens.

It is published by the Independent Commission on Youth Crime and Antisocial Behaviour. In 2010, the Commission, chaired by Sir Anthony Salz, published *Time for a fresh start*, its influential blueprint for reform, based on three underlying 'pillars of principle':

- **Prevention** – tackling antisocial behaviour, crime and reoffending through families, schools, communities and knowledge of children's underlying needs.
- **Restoration** – ensuring children and young people who break the law face meaningful consequences that hold them accountable for the harm caused to victims and the wider community.
- **Integration** – striving to retain young people who offend within mainstream society or re-connect them wherever possible.

Positive policy and practice developments in the past three years have demonstrated the central importance of these guiding principles. Their value is also apparent in guiding

responses to crime issues affecting children and young people that are especially challenging today. These range from 'smart' phone thefts and online 'cyber-bullying' to sexual exploitation and organised gang cultures.

This briefing describes how PCCs, working with police forces and their partners in local government and the youth justice system, can apply the principles to take cost-effective, local action to reduce antisocial behaviour and young people's involvement in crime.

It concludes that PCCs are well placed to:

- Lead and facilitate a change of culture in implementing evidence-based strategies for early intervention; building prevention alliances between the police, local government, health services and local people.
- Plan for a future in which community resolutions, youth conferencing and other restorative approaches provide the default response to crime and antisocial behaviour committed by children and young people.
- Press for greater efforts to make sure young people who risk becoming serious, violent and prolific adult offenders are 'gripped' by timely interventions that tackle the full range of problems that they face.
- Engage with children and young people as future citizens, acknowledging that policing cannot successfully combat crime alone, and that it needs their support to make neighbourhoods safe.

Background

Reporting after the 2010 General Election, the Salz Commission¹ argued that falling crime levels and altered economic circumstances were creating a pivotal opportunity to make a fresh start in responding to crime and antisocial behaviour committed by children and young people under-18.

Pressures on public spending were making it imperative to eliminate waste and switch investment to services where value for money could be demonstrated. There was no justification for a continued waste of taxpayers' money on ineffective sanctions that were doing little to prevent reoffending and failing to offer children timely help in turning away from a life of crime.

The Commission also demanded an end to the expensive 'arms race' among political leaders. Determined to out-tough each other in their rhetoric about youth crime, they were investing in the wrong 'solutions', while doing little to assuage public fears, or improve confidence that sensible measures were in place.

Three years on there have been welcome improvements that accord with the Commission's long-term agenda for change:

- Politicians and the media have finally acknowledged that overall crime levels have been falling for the past 20 years.
- Local and national enthusiasm for cost-effective action to tackle the root causes of problem behaviour in children's lives has been recognised by the creation of an Early Intervention Foundation.
- Police forces across England and Wales have widely adopted restorative approaches for dealing informally with antisocial behaviour and the least serious offences, and as a formal, diversionary alternative to prosecution.
- The government has published an action plan for restorative justice that envisages it

becoming accessible at every stage of the criminal justice process².

- Police, Youth Offending Teams (YOTs) and the Crown Prosecution Service have applied continuing downward pressure on the number of children and young people being brought to court for the first time.
- Legislation has contributed to a reduction in the number of young people remanded in custody to await trial, while the number of under-18s in custody has fallen rapidly³.

To sustain this progress the Commission's blueprint for transforming the response to youth crime requires strong, imaginative local leadership backed by a commitment to prevention strategies that carry convincing evidence of their effectiveness. Police and Crime Commissioners are uniquely placed to provide this leadership.

The Commission

The Independent Commission on Youth Crime and Antisocial Behaviour was chaired by Sir Anthony Salz, Executive Vice-Chairman of Rothschild and a leading commercial lawyer. Its members included a former Director of Public Prosecutions, a Chief Constable, a Youth Offending Team Manager and a Director of Children's Services as well other distinguished figures from the local government, industry, academic research, the media and the voluntary sector.

The Commission's work was funded by the Nuffield Foundation and housed at the Police Foundation, an independent think-tank. The Nuffield Foundation has also provided funding for this briefing.

For further information visit
www.police-foundation.org.uk/publications/inquiries.

The changing nature of crime

A striking feature of the first election campaign for PCCs in 2012 was the way it drew public attention to evidence that crime in England and Wales has reached its lowest levels for more than 30 years. Specific youth crime trends are harder to assess, but a detailed analysis by the Youth Crime Commission concluded that crime committed by children and young people aged under-18 is likely to have fallen in line with the overall trend⁴.

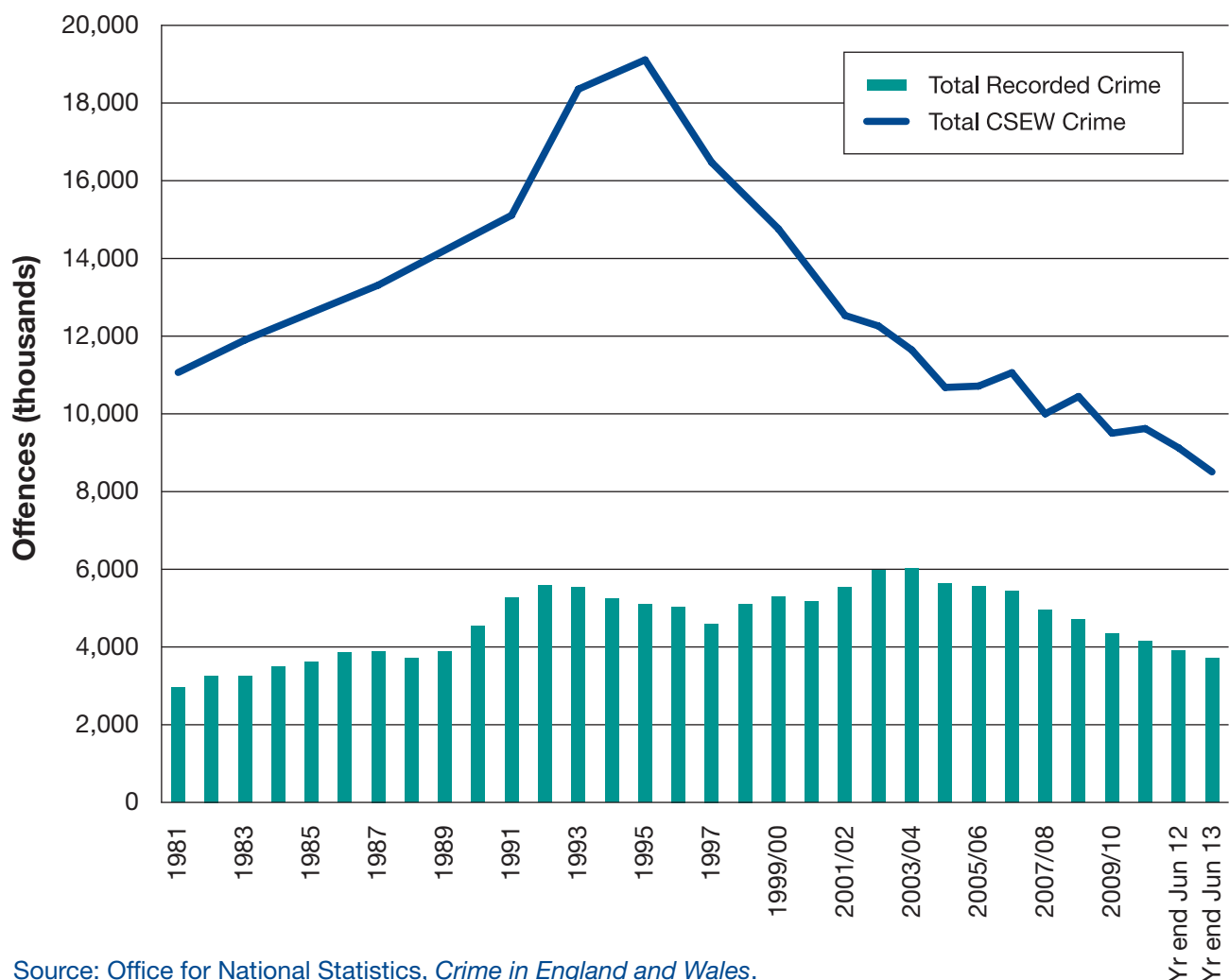
But although volume (or traditional) crime has been falling for nearly two decades, police statistics and crime as measured by the Crime Survey for

England and Wales (CSEW) do not capture its full extent – or the extent of antisocial behaviour. It is also apparent that ‘new’ crimes, including offences relating to information technology and the internet, are under-represented in the figures. IT-related crimes affecting children and young people include ‘cyber-bullying’ on social media, online sexual exploitation and street robberies for ‘smart’ phones.

Crime overall

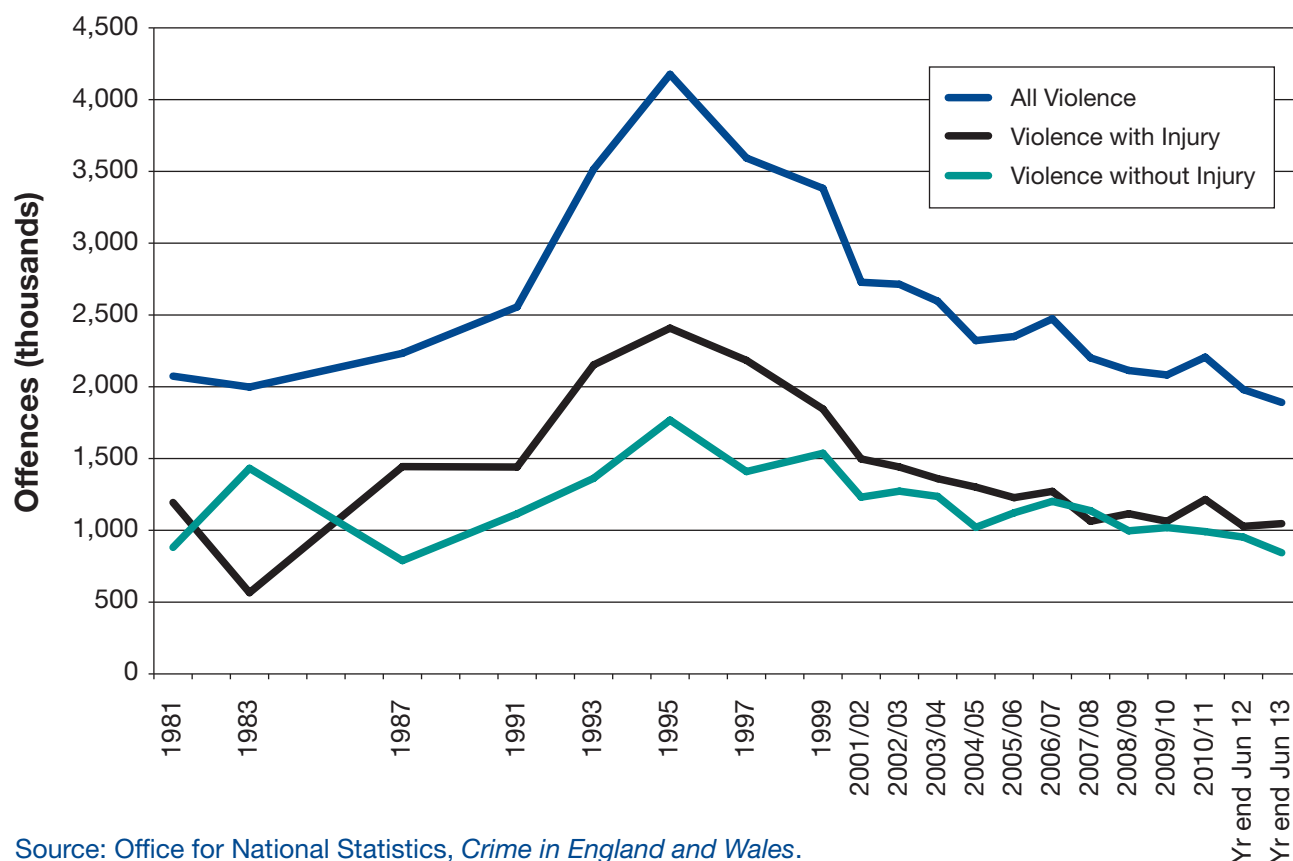
As reported by victims through the Crime Survey for England and Wales, overall crime is at half the level when figures peaked in 1995. A

Figure 1: Trends in recorded crime and CSEW, 1981 to June 2013



Source: Office for National Statistics, *Crime in England and Wales*.

Figure 2: Violent crime, 1981 to June 2013



Source: Office for National Statistics, *Crime in England and Wales*.

much lower number of offences are reported to the police and then officially recorded, but these too have declined consistently in the past ten years⁵ (see Figure 1).

Levels of violent crime as well as property crime have fallen. Figure 2 shows that since 1995, the number of people who say they have been victims of violence with injury in the past year has declined more steeply than less serious violence. Although knife crime remains a serious concern in London and other urban areas, recent police figures show a decline in recorded offences involving a knife or sharp instrument nationally – including a 12 per cent decline in the year to June 2013⁶. Offences involving firearms have also fallen, including an eight per cent drop in the past year⁷.

Youth crime and victimisation

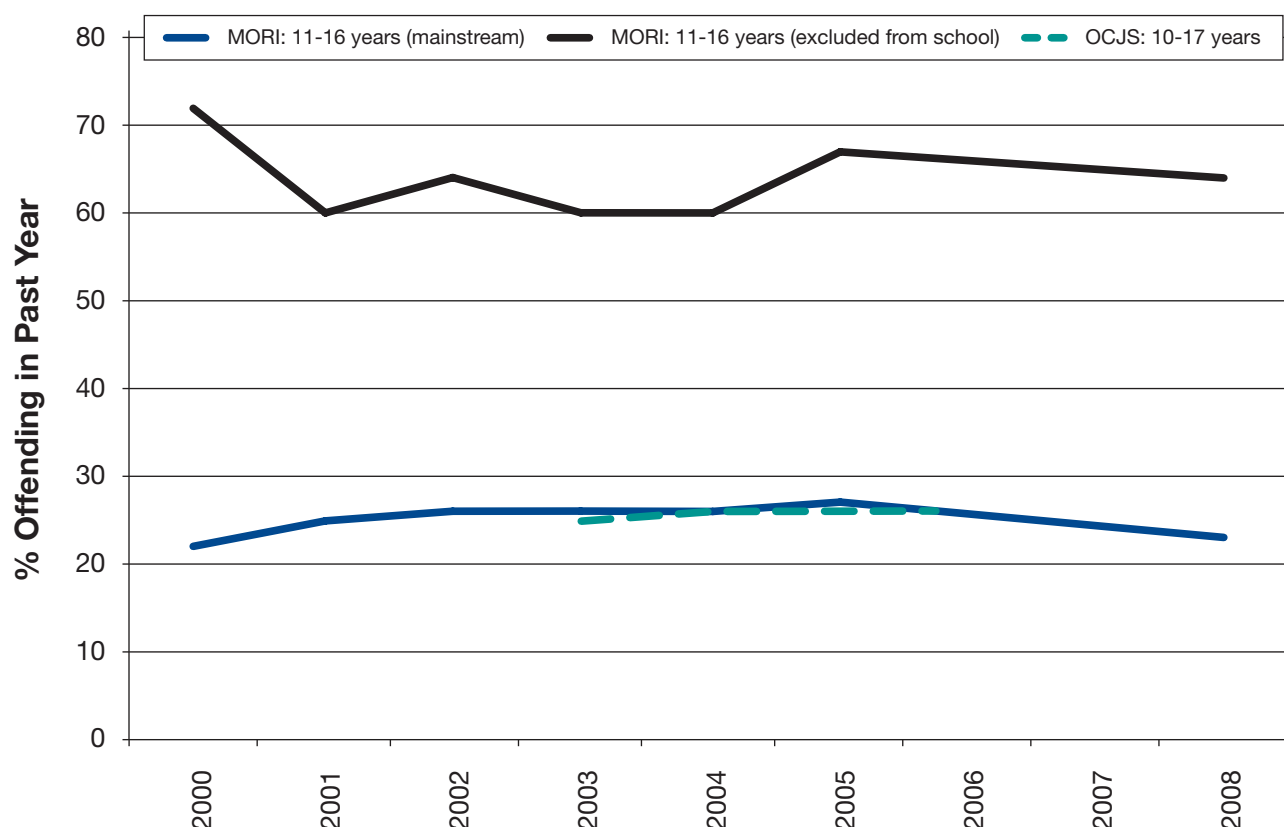
Attributing a share of overall offending to children and young people is complicated.

Victim surveys like the Crime Survey for England and Wales include many offences that are never reported to the police, but omit ‘victimless’ crimes such as drug misuse. Not surprisingly, victims seldom know the perpetrator’s age.

Surveys where children and young people are asked, confidentially, to report on their involvement in crime and antisocial behaviour can give a fuller picture of youth offending. These suggest that between 2000 and 2008 (see Figure 3), when self-report survey data was being collected annually, the proportion of young people committing offences did not change even though the overall crime rate continued to fall. However, no survey of this kind has been carried out in the last five years.

Given the fall in the overall crime rate and in the number of ‘proven offences’ for which young people have been cautioned or convicted, it is plausible that young people

Figure 3: Trends in self-reported offending, England and Wales



Sources: Youth Justice Board (2009) *Youth Survey 2008: Young people in mainstream education*, figure 2.1; Youth Justice Board (2009) *MORI Youth Survey 2008: Young people in pupil referral units*, figure 2.1; and Roe and Ashe (2008) *Young people and crime: findings from the 2006 Offending, Crime and Justice Survey*, table 2.6

are committing fewer and less serious offences than 15 years ago.

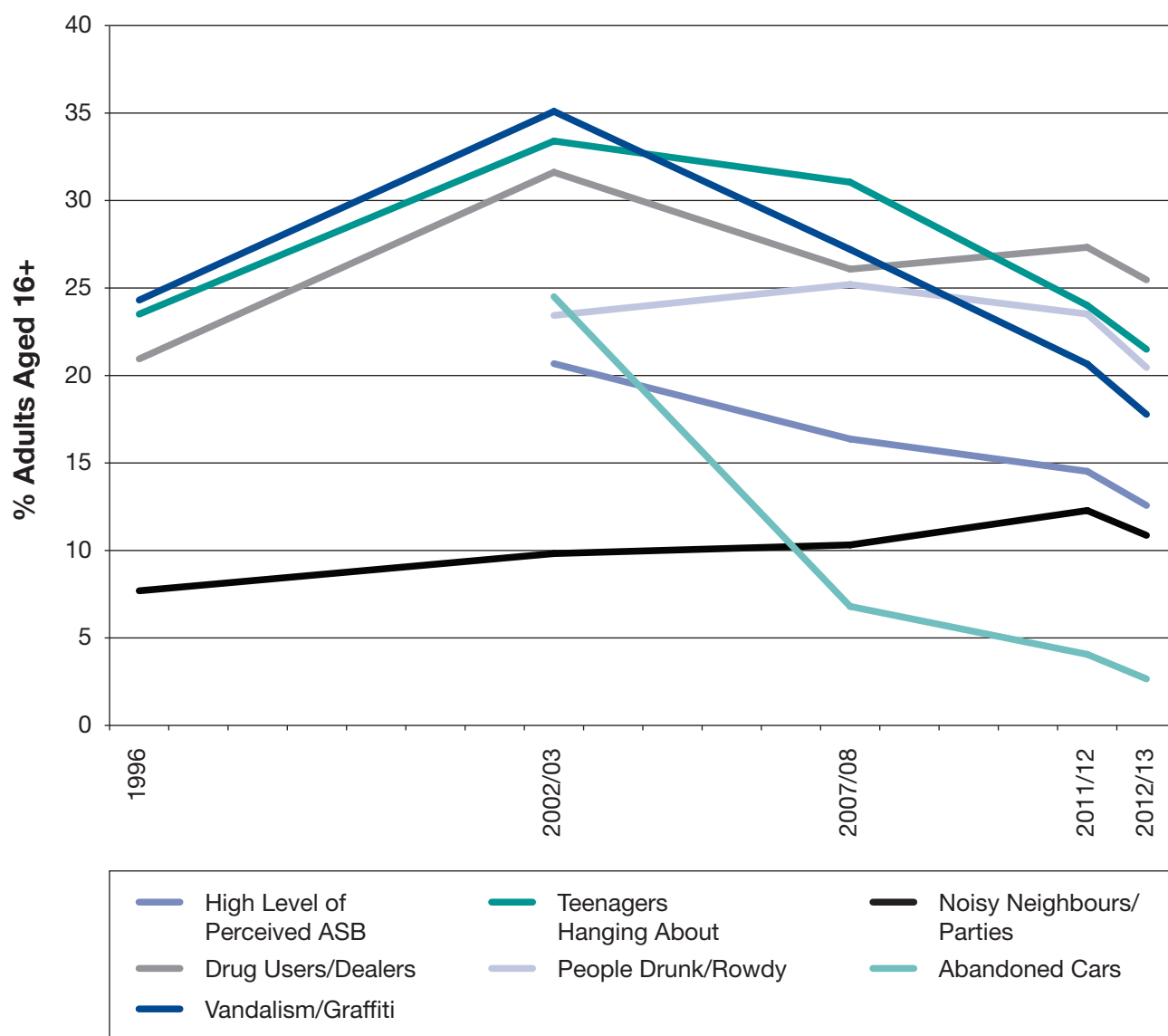
In addition, there has been a striking decline since 2007 of more than 70 per cent in the number of under-18s being formally cautioned by the police or convicted in court⁸. This reduction in first-time entrants to the criminal justice system follows policy changes designed to reduce the number of children and young people drawn into the criminal justice system. They include the abolition of performance targets encouraging police to maximise the number of 'offences brought to justice' and the introduction of targets by the Youth Justice Board for reducing the number of 'first-time entrants'. Increasing use has been made of informal 'community disposals' for minor

offences – often using restorative methods (see section on 'Restoration').

Falling national crime figures, while welcome, cannot justify complacency⁹. A Commons Home Affairs Committee Inquiry into cybercrime concluded that very little is known about the persistently high threat of large volume, low-level crime online¹⁰.

These crimes rarely appear in the national crime statistics and can often involve children and young people. A survey for the charity BeatBullying, for example, found that more than a quarter (28 per cent) of 11-to-16-year olds had been deliberately targeted, threatened or humiliated through the use of mobile phones or the internet¹¹. Similarly, a survey of UK children

Figure 4: Public perceptions of antisocial behaviour a problem in their area, England and Wales, 1992 – 2012/13



Source: *Crime Survey for England and Wales*

aged 11 to 16 found that 12 per cent reported receiving or seeing sexual messages online in the past 12 months¹². One in twenty children have been sexually abused¹³ and a third¹⁴ of all sexual crimes are committed against children under the age of 16¹⁵. According to the Child Exploitation and Online Protection Centre (CEOP),¹⁶ more than half of the reports of child sexual abuse they receive involve the internet in one way or another¹⁷.

It is especially important to remember that children and young people's experiences of antisocial behaviour and crime are often different to those of adults, not least because they are more likely to experience violence than property crime. According to the 2011/12 CSEW, more than half of all offences committed against 10-15-year olds involved violence, with victims reporting injury (most often minor bruising or a 'black eye') in two thirds of them¹⁸.

Some criminal activity is particularly associated with young people, such as mobile phone theft. According to the CSEW, this accounts for one in five thefts from 10-15-year olds.

Between 2010/11 and 2011/12, the proportion of theft from the person and robbery incidents involving a mobile phone increased by nearly 30 per cent¹⁹. Similarly, the involvement of young people in organised gangs remains a major problem in some cities and towns. Gang members tend to be prolific offenders, engaged in burglaries and other property crimes as well as drug dealing and serious violence. In 2007, police in London suggested that half or more of the 27 murders of young people by other young people in a single year were gang related²⁰.

Antisocial behaviour

Antisocial behaviour (ASB) is – at present²¹ – defined in law as ‘acting in a manner that caused or was likely to cause harassment, alarm or distress’. This definition includes persistent nuisance behaviour that is not, itself, criminal.

Surveys suggest the public does not view antisocial behaviour as much different to crime – and that children and young people are often perceived, rightly or wrongly, as responsible for much of it. Reinforcing this view, an official index for measuring antisocial behaviour has, for many years, included “teenagers hanging around on the streets” as a key indicator. This not only ascribes antisocial behaviour to 13 to 19-year olds in an arbitrary way, but also refers to an activity that is not inherently either antisocial or criminal.

Figure 4 shows how public perceptions of antisocial behaviour in their area on seven indicators used in the Crime Survey for England and Wales have fallen below their peak 10 years ago. In 2011/12 more people regarded litter and drug users or dealers as local ASB problems than groups of teenagers hanging around on the street.

Young people (16-24-year olds) are far more likely than older residents to view antisocial behaviour as a problem in their area. They are also more likely to have experienced or witnessed an antisocial incident²².

Prevention

Preventing youth crime makes sound economic as well as social sense. Not least because failure to get timely help to children who are persistently antisocial makes it more likely they will grow into chronic, serious and violent offenders. If PCCs wish to continue reporting crime reductions to their electorate, they must take advantage of the current 'peace dividend' to make proactive investments in prevention and early intervention. This, in turn, requires making better, more consistent use of the fund of evidence concerning effective interventions capable of preventing offending and other behaviour problems like drug and alcohol misuse.

In *Time for a fresh start*, the Independent Commission acknowledged that there is no 'magic bullet' that can prevent young people who repeatedly break the law from joining the small minority of chronic adult offenders that are known to commit a disproportionate volume of crime. But it highlighted the scope for local, community-wide alliances to help children achieve their potential and reduce their exposure to known risk factors linked to later behaviour problems. Their aims would be to buffer children living in the most difficult circumstances against risk and taking action to increase their resilience.

By analysing patterns of risk and protection in their districts and neighbourhoods, these partnerships can identify local priorities, before implementing action plans that draw on the best available evidence about effective early intervention and targeting strategies.

The range of tried and tested prevention programmes that are relevant to youth crime prevention has expanded rapidly in the past 20 years and continues to grow. It includes:

- Home visiting during pregnancy and the early years.
- Parenting education and support.
- Intensive family intervention programmes.

- Pre-school education.
- School readiness programmes.
- One-to-one school tutoring.
- Bullying prevention.
- Teacher training in classroom management.
- Drug and alcohol abuse prevention.
- Reasoning, social behaviour and other 'life skills' strategies.
- Family therapy.
- Specialist 'treatment' foster care.
- Constructive sport and leisure activities.
- Mentoring.
- Employment training schemes.

Policy makers across the political divide have increasingly recognised the potential for well-evidenced prevention programmes to prevent antisocial behaviour and deliver better outcomes for children and young people. The creation of an Early Intervention Foundation (EIF), following reports to the government by Graham Allen MP²³, is a tangible sign of the shift that is taking place. The EIF's partners in a government-backed *What Works Network* include the College of Policing and the National Institute for Health and Clinical Excellence. Together they are creating exciting new resources about effective preventive programmes for children, young people and their families that PCCs and their partners in crime prevention can draw upon. PCCs in Staffordshire and Lancashire are already among the first 20 'Priority Places' where the EIF is providing intensive support.

Recent initiatives also make it increasingly possible for PCCs and their partners to choose prevention initiatives with proven ability to deliver value for money. The Social Research Unit, Dartington is establishing a *Blueprints for Success* portal that provides information about model programmes and their implementation, while its *Investing in Children* website²⁴ provides data on cost-effectiveness.

Expanding knowledge about the roots of persistent and serious antisocial behaviour demonstrates that it cannot be prevented in isolation from other, contributing problems that cluster together when children are at risk. Multi-disciplinary teams are needed, including children's services, police, health, and housing services, to tackle problems in the round.

The *Communities That Care* programme, described on these pages, is a well-researched example of an 'operating system' through which local partnerships, including residents, can plan and implement practical strategies.

PCCs, with their responsibility to make cost-effective use of the community safety budget for their area, have a vested interest in promoting early intervention approaches that not only 'work', but also save money. At present, large amounts of public money are wasted through failure to deliver the right kind of help at the right time to the most troubled children and young people. The Independent Commission, taking the true story of a boy whose repeated offending led to two spells in custody by the age of 15, estimated the sums spent by the youth justice and other services on responding to his behaviour at £173,000. With an investment of less than £50,000 in timely, early intervention, his criminal career could have been prevented.

Prevention case studies

The Incredible Years

The Incredible Years parenting programme is among the most extensively researched preventive interventions in the UK and internationally²⁵. It has proved effective in improving in children's behaviour problems, including attention deficit / hyperactivity disorders (ADHD) and conduct disorders where there is a heightened risk of criminal and other antisocial behaviour persisting into adulthood.

First developed for groups of parents of two to seven-year old children, the programme

has evolved into a suite of interventions for parents, teachers, and children from birth to age 12. Parenting programmes include sessions on: how to play with children, motivating them, helping them to learn, effective praise and encouragement, setting limits and rules, handling misbehaviour and problem solving. The emphasis is on parental consistency, rewarding positive behaviour with attention and praise, while ignoring negative behaviour; or – if necessary – providing an effective, non-violent response ('time out').

Teachers learn to use effective strategies for responding to misbehaviour, improving children's social skills and working collaboratively with parents. Children who take part in the *Incredible Years* 'Dinosaur School' programme attend sessions on making friends, understanding other people's feelings, problem solving, doing your best in school and school rules.

A cost-benefit analysis of *Incredible Years* on the *Investing in Children* website shows the programme can more than pay for itself over time. It cautiously estimates that an investment of £1,211 per child in the *Incredible Years* parenting course can yield £1,654 in savings, including £1,064 to the taxpayer and £554 to the participants²⁶.

Communities That Care

Communities That Care (CTC) is an evaluated example of an evidence-based 'operating system' that local partnerships can apply to analyse and reduce behaviour problems among children and young people. Its outcome targets include under-age drinking, tobacco use, drug misuse, violence and crime, as well as teenage pregnancy and underachievement in school.

CTC equips partnerships with sophisticated tools to identify the priority risks and problems experienced by children and

young people in their area. It then helps them to design and implement a prevention plan made up of tried and tested interventions.

In the United States, a seven-state randomised-controlled trial in 24 neighbourhoods found that, in under four years, young people in CTC communities were committing less crime and antisocial behaviour than the non-CTC control areas. They smoked less, used less alcohol and were less likely to have taken part in 'binge' drinking. Over five years CTC produced an estimated \$5.30 in benefits for every \$1 originally invested, mainly through lower crime-related costs²⁷.

Devised at the University of Washington, *Communities That Care* was introduced to Britain in 1998. Support for *Communities That Care* is provided by Catch22, the crime prevention charity, in association with the Social Research Unit (SRU), Dartington. The SRU is also piloting a wider-ranging prevention programme, *Evidence2Success*, based on similar principles.

- Ensure that local partnerships planning early intervention strategies are able to access relevant data on youth crime held by the police.
- Promote the use of systematic tools (or 'operating systems') for constructing evidence-based strategies and ensuring that early intervention plans are tailored to local priorities.
- Include stronger, more detailed statements about their commitment to prevent crime through early intervention and partnership working.
- Engage with the Early Intervention Foundation, the College of Policing and other members of the *What Works Network* as valuable sources of information and guidance.

Agenda for PCCs

PCCs are well placed to lead and facilitate the change of culture needed to plan effective prevention strategies and shift resources towards evidence-based early intervention. They should be prepared to:

- Act as catalysts: building alliances with local government and encouraging the active involvement of local police.
- Engage, similarly, with parents, schools, children's services, the NHS, housing providers and businesses as their natural allies in preventing youth crime – as well as with children and young people themselves.
- Demonstrate willingness to commit community safety and policing resources to pooled budgets for early intervention.

Restoration

Restorative justice is achieving a quiet, but remarkable revolution across England and Wales in the way that police and others working in the criminal justice system respond to both victims and offenders.

In the three years since publication of *Time for a fresh start*, the government has pledged firm support for restorative approaches and legislated with a declared intention to make 'RJ' accessible at every stage of the criminal justice process. A joint report by the inspectorates for police, probation, prison and the Crown Prosecution Service has highlighted the benefits of using RJ, citing high levels of victim satisfaction, backed by public support – especially when it is used with young people who offend. It has also noted the scope for achieving 'real value for money'²⁸.

All this is welcome news for the Independent Commission, which proposed that restorative justice should move from the margins to become a mainstream response to antisocial behaviour and crime committed by young people.

In making their recommendation, its members were powerfully influenced by observing restorative 'youth conferencing' in action in Northern Ireland, where it is used both as an alternative to prosecution and following a young person's conviction in court. They saw how young offenders and victims (or victim representatives) were brought together in skilfully facilitated meetings. They heard from participants how the procedure made young people more aware than conventional prosecution of the impact of their behaviour, while giving victims a voice in deciding the consequences.

The Commission was, similarly, encouraged by the growing number of English and Welsh police forces making use of restorative approaches to deal with less serious offences and other antisocial behaviour. Schemes variously styled as 'youth restorative disposals', 'community

resolution' and 'extended discretion' ranged from informal, street-level work – avoiding the need for an arrest – to more formal restorative conferencing.

But the Commission's call for the standardised use of restorative justice was also based on hard evidence:

- Research by the University of Sheffield into restorative conferencing in England and Wales with adult and young offenders convicted of robbery, burglary and violent offences showed a 14 per cent reduction in the frequency of reoffending over two years compared with a control group. Savings to victims and the criminal justice system amounted to more than £8 for every £1 spent on restorative conferences. Seven out of ten victims said the process had provided partial or complete 'closure' for them²⁹.
- International evidence suggests restorative approaches are often more effective than conventional disposals in changing offenders' behaviour for the better. Studies have shown that restorative justice can substantially reduce repeat offending for some offenders while reducing the stress symptoms of victims and associated costs. It has cut costs when used as a diversion from prosecution³⁰.
- Police data points to high levels of public support for restorative approaches (both informal and as part of a reprimand process) and potential cost savings. In 2011, Norfolk Police put the cost of an average restorative intervention at £25 per offender, compared with £1,036 for court proceedings³¹.
- In Northern Ireland, where more than 15,000 young people have been referred to youth conferencing in ten years, an analysis in 2011³² found the rate of proven reoffending within a year was 29.4 per cent for those who took part in diversionary conferences and 45.4 per cent among those whose

conference was ordered by the courts. This compared with 53.5 per cent for young offenders directly sentenced to community-based sanctions by the courts³³.

Restorative justice is not for everyone – not least because it depends on the offender acknowledging guilt and agreeing to take part. Victims must be given a free choice over whether they participate, whether in person, through a representative, or via written comments.

Experience in Northern Ireland suggests that youth conferencing is more effective in preventing reoffending when victims, given skilled support and reassurance, are present. In England and Wales, low rates of victim participation in Youth Offender Panels have been a source of disappointment where young people receive a Referral Order after pleading guilty in court for the first time. Recent steps have been taken to improve the training of panel members and achieve a more truly 'restorative' process³⁴.

As restorative justice becomes a more familiar part of the criminal justice landscape in England and Wales, there is an important advocacy role for PCCs in raising public awareness and convincing colleagues in the criminal justice system who remain sceptical. There is a clear budgetary interest in ensuring RJ's continued expansion and success. But this must extend beyond a narrow focus on savings into quality assurance, including training, monitoring and data sharing.

The Restorative Justice Council (RJC) has been working with the Ministry of Justice to widen access to RJ for both young people and adults delivered through properly trained facilitators. It is committed to raising awareness of RJ with PCCs and providing them with advice on capacity building for safe and competent provision and for identifying local RJ champions. The RJC also provides registration of accredited practitioners and training providers, as well as a Restorative Service Quality Mark for local providers.

The Ministry of Justice is, meanwhile, supporting pilot localities testing Neighbourhood Justice Panels as a response to low-level crime, while the Crime and Courts Act 2013 has created a new power for courts to defer sentence so that a restorative intervention can take place.

When police officers or prosecutors use their discretion to avoid arresting or prosecuting a young person, accredited restorative methods are a way to reassure the public that the interests of justice are being served. There is, however, a danger that the range of responses being introduced will prove too varied and piecemeal to provide a consistent service that commands the confidence of victims, offenders, criminal justice agencies and the wider public. The work of the Criminal Justice Joint Inspection team has confirmed the Commission's concerns that some existing interventions have been 'restorative' in name only.

Despite progress, there is much to be done to ensure quality and consistency in the use of restorative justice with young people who behave antisocially and break the law – whether it is administered by the police, Youth Offending Teams, Youth Offender Panels or Neighbourhood Justice Panels.

Restoration case studies

Greater Manchester Police

Greater Manchester Police exemplify the speed with which forces have built on pioneering work elsewhere to spread the use of informal community resolutions and restorative justice. Since 2010, more than 6,000 police, community support officers (PCSOs) and special constables have been trained to use RJ. New recruits are automatically trained as part of their foundation course.

Force policies allow for all three levels of RJ work, as described in guidance published by the Association of Chief Police Officers³⁵:

- Between 9,000 and 10,000 on-street disposals ('Level 1') take place every year, where officers apply restorative skills to deal with minor offences and antisocial behaviour. Around 44 per cent of these are with perpetrators aged 10 to 17.
- Restorative conferences ('Level 2') are particularly used by PCSOs to tackle long-standing and complex crime and antisocial behaviour issues in the community.
- A small number of specially trained facilitators work with probation services and prisons to provide RJ with sentenced offenders ('Level 3').

No offence is specifically excluded from the use of RJ, although its use for some offences, including sexual offenders, hate crimes and domestic violence are subject to special considerations and approval. Greater Manchester is also a pilot site for the use of Neighbourhood Justice Panels using community volunteers as facilitators. Seven local panels operate, with others in the pipeline.

Force statistics show that between April 2011 and March 2012, 1,566 young offenders were dealt with using RJ. Of those, 363 are known to have committed further offences – although in 45 per cent of cases it was a different offence. The rate of known reoffending following these RJ cases of 23 per cent can be compared with the national figure of 36 per cent for young people formally cautioned or convicted in court.

- A classic example of RJ used by PCSOs involved three boys in Rochdale seen vandalising cars with spray paint. The youths agreed to take part in a restorative conference where they apologised to the victims, and not only offered to remove the paint, but also pick up litter on local streets. Local

residents who saw this happening voiced satisfaction, as did the boys' parents, who were relieved they had avoided a criminal conviction.

Youth conferencing in Northern Ireland

In a decade, restorative youth conferences have become the mainstream response in Northern Ireland to young people under 18 whose offending has reached the point where they face prosecution. Provided they acknowledge their guilt, they may take part in restorative conferencing as a diversion from court proceedings or – if convicted in court – as a standard pre-sentencing procedure. The Independent Commission on Youth Crime recommended in 2010 that the Northern Irish model should be adopted throughout England and Wales.

Conferences are organised by professional coordinators. They typically include the young person who has offended, a parent (or appropriate adult), a specialist police officer and victims or their representatives. Others such as social workers or community representatives may be invited to participate. Children and young people must speak for themselves, but may have a legal advisor present.

In a facilitated discussion, victims are able to describe the harm they have experienced, seek explanations from the young person and express their view about appropriate consequences. Young offenders have an opportunity to express remorse and suggest what they can do to make amends.

Resulting restorative plans may include: a written apology to the victim; reparation to the victim through a payment or agreed activity; supervision by youth justice workers; unpaid community work; a school attendance agreement; a curfew or other restrictions on the offender's movements; treatment for offending behaviour, mental

health problems or substance misuse. In rare cases, the plan at a court-ordered conference has included custody.

‘Diversionary’ conferences are referred by the Public Prosecutor, who must agree to the restorative plan. With ‘court ordered’ conferences, the plan must be agreed by magistrates and becomes the sentence of the court.

Youth conferences can be used for all types of offence apart from murder, terrorism and other offences carrying a mandatory sentence. Working with victims, the facilitators have achieved high rates of attendance at conferences, either in person or through a representative. Reoffending rates are significantly lower³⁶ where victims have been involved in this way³⁷.

- Bringing influence to bear on Youth Offending Teams, Youth Offending Panels and Neighbourhood Justice Panels to ensure an authentically restorative approach, based on high standards of accredited training and practice.
- Promote good practice in the use of restorative youth conferencing as a diversion from prosecution and as a valuable way of working with convicted offenders both before sentencing and afterwards, as a part of rehabilitation.
- Collaborating nationally on protocols for ensuring high standards in restorative procedures, including standardised recording requirements, monitoring and data publication³⁸.

Agenda for PCCs

In their Police and Crime Plans, PCCs throughout England and Wales have highlighted their commitment to serve the victims of crime better. Many are firmly committed to the wider use of restorative justice. But as local access to RJ improves, they should go further by:

- Planning for a future in which restorative approaches become the default response to crime and antisocial behaviour – especially when committed by children and young people.
- Securing local support for RJ methods, so it is publicly recognised as an effective, cost-efficient way of serving the interests of justice and providing a better way of supporting victims.
- Working with police forces to ensure that informal ‘community resolutions’ are delivered by accredited personnel applying restorative methods – and that inconsistencies in training and implementation are removed.

Integration

When children and young people commit crime it is essential that the response – including sanctions – does not reinforce their antisocial behaviour or criminal identity by driving them away from mainstream society.

Given evidence that drawing young people into the criminal justice system can serve to accelerate their offending when they might otherwise stop³⁹, the falling annual number of under-18s receiving a first conviction, caution, reprimand or formal warning deserves to be viewed as welcome news.

Likewise, the declining number of young people being sentenced in the courts is a positive development. For many a stern warning from a police officer or – better still – a restorative arrangement where they apologise for their behaviour and agree some form of amends will be more effective in preventing further offending.

In 2010, the Independent Commission welcomed many of the steps being introduced that have contributed to a steep downward trend in ‘first-time young offenders’, including a change in police performance targets, pressure from the Youth Justice Board and ‘triage’ measures by YOTs in police stations to identify young people at low risk of reoffending following arrest.

Early intervention and restorative justice, taken to scale, would further reduce the need for conventional prosecutions, court proceedings and sentencing. But it would not remove it entirely. Nor would it diminish the need for effective intervention, whether agreed as the outcome of a restorative conference⁴⁰, or mandated by a court.

Where children and young people commit violent and other serious offences, or repeatedly offend, more intensive interventions will usually be needed to prevent further progress down the slope towards an adult criminal lifestyle. But

given the existence of multiple, contributing risk factors in their lives, actions whose only aim is to punish offending are unlikely to prove adequate. They (and their families) commonly require ‘wraparound’ support designed to retain them in mainstream society – not least through full time education, training or employment.

The Commission was in no doubt that locking up children and young people in custody is – unless essential for public safety – a largely ineffective and wastefully expensive response. One of its key recommendations – to set a target of bringing the number of under-18s in custody below a thousand – is now within reach. Money saved by closing secure accommodation should then be redistributed locally to fund effective early intervention, prevention and reintegration services.

Community interventions with young people whose chronic behaviour problems have gone unchecked are, inevitably, far more expensive per head than paying for earlier preventive support. Yet compared with youth custody they represent sound value for money; not least because they can improve on the abysmal rate of seven out of ten offenders under-18 being reconvicted within a year of completing a custodial sentence⁴¹.

While PCCs hold no responsibility for youth court sentencing decisions or custody, their remit for crime prevention means they have a vested interest in influencing the content of community-based sanctions and rehabilitative services, including better integrated support for young people leaving custody. Some are already contributing to downward pressure on the number of first-time young offenders by endorsing measures, such as local ‘triage’ schemes, in their Police and Crime Plans. The current plans also show support for intensive family intervention work that ‘grips’ antisocial young people who otherwise risk becoming more alienated from mainstream society.

The types of programme supported by international evidence of their effectiveness with children and young people who offend include:

- Intensive family intervention programmes.
- Drug and alcohol abuse prevention.
- Anger management.
- Cognitive-behavioural therapy (CBT).
- Family therapy.
- Multi-systemic therapy.
- Treatment foster care.
- Mentoring.
- Employment training schemes.

This briefing describes two programmes that provide rigorous, community-based alternatives to custody – Family Intervention Programmes and Multi-systemic Therapy. Both demonstrate the benefits of working intensively with young people in chronic difficulties in ways that tackle the full range of problems that they face.

There are still not enough strongly evidenced programmes for preventing re-offending, not least where young people have been drawn into gang cultures. Even when accredited by research, interventions such as cognitive behavioural therapy are often only part of the answer to an individual's varied and complex needs. YOT and other practitioners deserve better information about interventions that work well together, although multi-dimensional treatment programmes (see below) are an important step in the right direction.

Moreover, the need for better evidence of 'what works', 'for whom' and 'in what circumstances' cannot be a reason to hold back from applying the knowledge that does exist about the best existing approaches available.

Integration case studies

Family Intervention

Family Intervention Projects (FIPs) provide dedicated support for families whose persistent involvement in crime, truancy and

other chronic forms of antisocial behaviour has brought them to a crisis point. Many are already subject to Parenting Orders and some are at high risk of being evicted from their home or of having a child or teenager taken into care.

The government has estimated that £9 billion a year of public money is spent on reacting to the problems created by 120,000 families with the most intense difficulties. This includes £2.5 billion spent by the police and other criminal justice agencies. But only £1 billion is spent on preventive help to tackle their multiple problems – including just £30 million spent through crime and justice. In response, ministers have earmarked £448 million (on a 'payment by results' basis) for local authorities to identify families and engage them in intensive intervention over a three-year period up to 2015.

The family intervention model builds on an approach developed by the charity *Action for Children*. Its five key ingredients are:

- A dedicated intervention worker for each family.
- Practical 'hands on' support.
- A persistent and challenging approach.
- Intelligence gathering to understand the family's needs.
- 'Gripping' the family, while securing multi-agency support for an agreed action plan.

Family intervention workers make frequent visits, often unannounced. Practical support can range from financial advice to engaging family members in house cleaning and arranging building repairs. Workers are active in monitoring school attendance and helping family members keep medical appointments. Challenge and persistence is often reinforced by formal contracts – and, in many cases, a serious risk of eviction or care proceedings.

Monitoring of 5,500 participating families between 2007 and 2012 points to a 59 per cent reduction in antisocial behaviour, a 45 per cent reduction in criminal involvement and a 52 per cent reduction in truancy and behaviour problems at school. These data did not include a control group, but a small-scale comparison between FIP participants and similar families who had not received support provided further indication that the approach is successful in reducing antisocial behaviour⁴².

Participation in FIPs has also been associated with reductions in domestic violence, child protection issues, drug and alcohol misuse and mental health issues.

Multi-systemic Therapy (MST)

Multi-systemic Therapy is an intensive programme, combining family and cognitive behavioural therapies with support services tailored to the needs of individual families, including young people with serious behaviour problems and those convicted by the courts.

MST recognises the influence that family, school, work, peers and the local community can all exert on a young person's behaviour. It is typically delivered over three to five months by teams of purpose-trained therapists who are on-call 24 hours a day.

Delivery is chiefly in the home, but with bespoke components delivered at school or in the community. Thus, the treatment for a 15-year old boy with serious criminal convictions, including violence, might aim to restrict his involvement with delinquent peers while tackling his poor school attendance, disruptive behaviour in class and lack of basic skills. At the same time it might treat his socially-isolated mother's clinical depression, help her to improve her parenting skills and introduce her to local support networks.

There is international evidence to show that MST can be effective in reducing behaviour problems and offending, including involvement in violent crime. It has also achieved reductions in substance misuse, recidivism and time spent in custody, as well improved family relationships and school attendance⁴³. A randomised controlled trial in North London between 2004 and 2010 found that MST was more effective in reducing further offending and antisocial behaviour than supervision, anger management and other tailored services provided by Youth Offending Teams (although these, too, reduced reoffending)⁴⁴. It is being trialled in 10 English sites.

According to the *Investing in Children* website, a typical investment of £9,732 in MST can yield savings worth £19,893, including £16,968 attributed to crime reduction.

Agenda for PCCs

Although their remit does not extend to decisions about prosecution, or sentencing, PCCs need – as part of their crime prevention responsibilities – to act as advocates for effective community-based sanctions.

They can do this by:

- Explicitly supporting well-researched intervention programmes such as Multi-systemic Therapy, Functional Family Therapy and Multidimensional Treatment Foster Care.
- Pressing for greater efforts to ensure that young offenders who need it are referred to drug, alcohol and mental health treatment.
- Endorsing effective bail supervision and support schemes to reduce the number of young people remanded in custody.
- Working with Youth Offending Teams and other local agencies to improve the quality of multi-dimensional rehabilitation work with

young people involved in persistent and serious offending – not least those released from custody.

- Applying collective pressure on the government for research to identify cost-effective interventions in areas, including gang prevention strategies, where better evidence is needed.

Young people and the police

A year before riots erupted on the streets of London and other cities in August 2011, the Independent Commission voiced concern about habitually poor, mistrustful relationships in some neighbourhoods between young people and the police. Counter-productively, in terms of prevention, this was especially true of high-crime neighbourhoods, not least those with significant black and minority ethnic populations.

The Commission acknowledged that encounters between police and young people often occur in difficult circumstances where officers are responding to crime reports and law enforcement is their priority. Police in some areas are also contending with antagonism whose roots lie in a history of poor community relations. But these are explanations for continuing poor relations, not excuses.

Black and minority ethnic (BME) communities

Some BME communities are disproportionately affected by youth crime as victims. But children and young people from certain groups also number disproportionately among those stopped and searched by police, arrested, prosecuted and sentenced to custody. For example, 21 per cent of under-18s in custody are from black (African-Caribbean) groups that make up 2.2 per cent of the general population, and eight per cent are from mixed heritage backgrounds that account for 1.3 per cent of the population. Worryingly, as the youth custody population has fallen, the proportion detained who come from BME backgrounds has increased⁴⁵.

Children and young people from white and South Asian communities are, by contrast, under-represented in the youth justice system. But both Asian and black people are more likely to be stopped and searched in the street than white people⁴⁶.

The age structures of different communities, their economic circumstances and

neighbourhood factors are among the possible reasons why experiences of crime and the criminal justice system vary between children and young people from different racial and ethnic backgrounds. But there is evidence that the youth justice system itself discriminates – for example by being more likely to prosecute mixed race suspects than others and by remanding a disproportionate number of black and mixed heritage defendants in custody⁴⁷.

Stop and search

The Independent Commission was also concerned by evidence that styles of policing in high-crime areas vary – between different units as well as individual officers. This is true of the way officers respond to offences that have been reported to them by the public and the crimes that they discover through ‘stop and search’ and other pro-active procedures. While some officers take an approach that emphasises fair and respectful dealings with young people, their professionalism is undermined by others whose style is aggressive and adversarial⁴⁸.

HMIC, in the past year, has been highly critical of the ineffective, poorly targeted use of stop and search by police forces. This includes its ‘alarming’ finding that over one in four searches whose records were examined by the inspectorate lacked reasonable grounds. Frontline practice, managerial oversight, in-service training and recording systems have all been called into question⁴⁹.

On a more positive note, compliance action and other intervention with police forces by the Equality and Human Rights Commission has demonstrated that reduced use of stop and search powers – and some decline in their disproportionate use against ethnic minorities – need not impede efforts to cut crime⁵⁰.

The Independent Commission’s own consultations with children and young people with experience of the youth justice system (as

victims, witnesses or offenders) found some were convinced that police stopped and searched them for no better reason than their age and the way they looked. Yet some also stated that the police could gain their trust and respect by being less confrontational and being prepared to listen and learn.

Police in some areas have taken this message on board by inviting young people to take part in their training and professional development sessions, and it is the Commission's view that this should become a standard feature of police training.

Antisocial behaviour

Another important area where young people have voiced a sense of grievance against the youth justice system is the use of legislation against antisocial behaviour – in particular prohibitions as part of Anti-social Behaviour Orders (ASBOs) that they consider unfair and impracticable.

After visiting neighbourhoods where young people had contributed to intimidating, drunken behaviour, vandalism and harassment, the Commission was not in any doubt about the distress caused, or the need for an effective response. But while accepting the use of enforcement action through the courts as a last resort, it called for a gradualist, 'tiered' approach based on warning letters, voluntary Acceptable Behaviour Agreements and restorative approaches.

In evidence to the Home Office, the Commission subsequently criticised proposals for reshaping the law that led to the Anti-social Behaviour, Crime and Policing Bill, currently before Parliament⁵¹. At the time of writing, its provisions appear out of step with efforts elsewhere to step back from the 'arms race' in youth justice. There is, consequently, a risk that it will draw more, not fewer, children and young people into the criminal justice system.

The Commission opposed the replacement of ASBOs with the use of injunctions against

children and young people aged 10 to 17 granted by the Youth Court on 'the balance of probabilities' instead of proof 'beyond reasonable doubt'. But it has since become a cause for additional concern that the legislation will broaden the definition of antisocial behaviour from 'harassment alarm or distress' to 'nuisance and annoyance' – and that young people aged 14 to 18 could face custody for breaching an injunction.

The Bill gives PCCs, with their local government and social housing colleagues, an important role in deciding how the new legislation is applied locally. This includes a duty to consult upon and then publish a 'community remedy document' listing actions that can be required of individuals responsible for antisocial behaviour who are dealt with out of court.

They may, therefore, have to choose between maintaining and extending a pragmatic 'common sense' approach that treats court orders as a last resort and embracing a regime that risks undoing recent good work in cutting the numbers of first time entrants and those sentenced to custody.

Policing and young people case studies

RECLAIM leadership and mentoring projects

RECLAIM is an award winning leadership and mentoring project based in the North West. It successfully diverts young people aged 12 to 14 away from crime, antisocial behaviour and gang cultures, but also enables them to engage in direct dialogue with local decision makers, including Police and Crime Commissioners.

Projects are specific to high-crime neighbourhoods and recruit volunteer adults locally who are prepared to mentor young people in need of support, whether offenders or not. Volunteers maintain weekly contact with the young people they are

mentoring, acting as role models and providing guidance and intervention when needed. Not infrequently, the mentors have had experience of problems, such as proximity to gang cultures, themselves.

RECLAIM encourages its participants to challenge negative stereotypes about young people and their communities. There is a strong emphasis on increasing self-esteem, aspiration and self-belief and giving them a sense of control over their own choices and future. They not only plan and organise their own events, but also raise the funds needed to make them happen.

During 2013, young participants have met the Chief Constable of Greater Manchester and his senior managers to discuss community policing. The PCC, Tony Lloyd, also met RECLAIM members, at his own request, for two hours of discussion about crime prevention and relations between young people and the police.

Young people involved in police training

The *Critical Encounters* programme hosted by the Second Wave Centre for Youth Arts in the London Borough of Lewisham aims to improve relations between young people and the police through face-to-face dialogue on stop and search, negative stereotyping and other issues of concern. It brings police officers and young people together in a 'safe' space.

Drama-based techniques and role plays are used to break down defensive barriers, challenge assumptions and encourage honest, open discussion. The venue is one where young people already feel comfortable and police officers wear plain clothes, to help promote a more equal balance of power.

The starting point for discussions is that most young people are law-abiding citizens with a stake in preventing crime since they

are more likely to be victims than perpetrators. Issues discussed include the fears and vulnerability of officers as well as the young people they police, and the central importance of community consent to achieve effective policing.

The programme has run for ten years, leading senior police and the facilitators to highlight its cumulative power as the officers taking part are promoted and take their learning into other areas of policing. It has also helped young people to become more confident, with some moving into leadership roles in their communities.

Building on this work, a 'Youth and Community Skills for Safer Neighbourhoods' qualification has been created with the Open College Network London. Second Wave is also delivering a series of training workshops and seminars for probationer constables in Lewisham using the methods pioneered with *Critical Encounters*.

The Metropolitan Police Service has made extensive use of young people talking about their experiences of police procedures in training videos⁵². In *Youth Stop and Search: 'Both Sides of the Story'*, officers in Brent collaborate with students from a pupil referral unit. Reversing roles, the young people put the police on the receiving end of an aggressive, poorly explained street search. They then demonstrate how a more respectful approach can create less tension and more understanding of why the search was conducted.

Agenda for PCCs

Many PCCs are acting on manifesto commitments to engage with children and young people and listen to their views about tackling crime and antisocial behaviour. Planned with care, these initiatives can strengthen prevention strategies and make a

positive contribution to young people's sense of inclusion and citizenship. Experience suggests that PCCs should:

- Ensure their own consultation activities are sustained, and involve young people from a wide range of communities – with subsequent feedback on resulting action.
- Engage children and young people as future citizens, acknowledging that police forces 'cannot do the job alone' and need young people's help and support in making neighbourhoods safe.
- Prioritise efforts to improve communication between young people and the police in areas where they are most likely to become victims of offending and more likely to experience police operations at first hand.
- Promote and identify funding for the wider involvement of young people in police training programmes, especially for stop and search and other operations where they may be targeted.
- With Chief Constables, make an unequivocal commitment to collaboration with the Equality and Human Rights Commission and others to understand and overcome disparities in the treatment of black and minority ethnic groups.
- Work in partnership with local authorities, landlords and police to apply a 'tiered' approach to tackling antisocial behaviour committed by children and young people – ensuring that restorative resolutions, Acceptable Behaviour Contracts and other voluntary methods are preferred tools and the courts are a last resort for intervention.

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