

Executive Summary

Time for a fresh start

The report of the Independent Commission
on Youth Crime and Antisocial Behaviour



Terms of reference and membership of the Commission

The Independent Commission on Youth Crime and Antisocial Behaviour was established in the autumn of 2008 with a remit to:

1. Identify a set of principles for:
 - responding fairly, effectively and proportionately to antisocial behaviour and offending by children and young people;
 - minimising the harm that the antisocial and criminal behaviour of young people causes to themselves and to society.
2. Assess the strengths and weaknesses of existing responses to youth crime and antisocial behaviour in England and Wales against these principles by:
 - gathering evidence from research, statistics and other literature
 - consulting with relevant organisations, individual experts and stakeholders, including young people themselves
 - supplementing the evidence obtained with a series of visits to relevant locations in the United Kingdom.
3. Investigate and identify alternative approaches, drawing on promising practice in the United Kingdom and other countries (with special reference to Canada, France, Germany and Sweden).
4. Devise a blueprint for an effective, just, humane and coherent response to children and young people's antisocial and criminal behaviour in England and Wales that reflects the fundamental principles that have been identified.
5. Produce proposals for the sustainable reform of relevant services for children and young people, including youth justice procedures, that are based on sound evidence.
6. Seek to influence policy by publishing a plain-English report and communicating its findings through media and other appropriate methods to policy makers, practitioners, stakeholders and the wider public.
7. Publish an account of the research and other evidence considered by the Commission as a book, written by academic and other expert authors and made available through a commercial publisher.

The members of the Commission are:

Anthony Salz (Chair), Executive Vice Chairman of Rothschild, formerly senior partner of Freshfields, the international law firm.

Ruth Ibegbuna is the Director of RECLAIM, an award-winning preventative youth crime project that targets young people across Greater Manchester from areas of social instability.

Derrick Anderson, CBE, Chief Executive of the London Borough of Lambeth.

Prof. Paul Johnson, Senior Associate at Frontier Economics and a Research Fellow at the Institute for Fiscal Studies.

Lord Macdonald QC, Director of Public Prosecutions from 2003 to 2008, now in private practice at Matrix Chambers and Visiting Professor of Law at the London School of Economics.

Ian McPherson QPM, Assistant Commissioner of the Metropolitan Police Service, formerly Chief Constable of Norfolk Constabulary and National Lead of the Association of Chief Police Officers' Business Area for Children and Young People

Sara Nathan OBE, broadcaster and former Editor of Channel 4 News; a member of the Judicial Appointments Commission and chair of the Home Office's advisory Animal Procedures Committee.

Angela Neustatter, journalist and author of *Locked in – locked out*, a study of children and young people in prison.

Prof. David J. Smith, Honorary Professor of Criminology at the University of Edinburgh and Visiting Professor at the London School of Economics.

Mike D. Thomas, Head of West Sussex Youth Offending Service, and formerly Chair of the Association of Youth Offending Team Managers.

Sir David Varney, formerly Chief Executive of BG Group and Executive Chairman of mm02, and Chairman of HM Revenue and Customs from 2004 to 2006.

Andrew Webb, Corporate Director, Children and Young People, Stockport Metropolitan Borough Council and policy lead on youth offending for the Association of Directors of Children's Services (ADCS).

More detailed biographical notes can be found on the Commission's website: www.youthcrimecommission.org.uk.

Executive summary

Background

The Commission's inquiry was prompted by concern about deep-rooted failings in the response to antisocial behaviour and crime involving children and young people. Large sums of public money are currently wasted across England and Wales because:

- Investment in proven preventive measures and constructive sanctions is too low
- Children and young people who could be turned away from a life of crime are not receiving timely help and support
- Those involved in persistent and serious offending are often treated in ways that do little to prevent reoffending – and may make their criminal behaviour worse.

Key trends

A large minority of children and young people get into trouble with the law at least once in their lives, with criminal behaviour most likely to occur between the ages of 14 and 18. Crime statistics capture different aspects of the overall picture, but there is little doubt that crime increased between 1950 and the mid-1990s, and has been falling since then:

- Violence has declined less rapidly than property crime, but even serious violent crime appears to have fallen.
- Crime committed by people under 18 is likely to have declined in a similar way to overall crime levels.
- Against the evidence, most people believe crime has continued to rise and tend to over-estimate the amount of serious offending by young people.

Children and young people are as often the victims of offending and antisocial behaviour in high-crime neighbourhoods as adults. In addition, a significant percentage of young people who commit crime have also been victims, especially of assault and theft from the person.

Public attitudes to offenders in Britain are among the most punitive in Europe. However, people are more lenient when asked to study specific criminal cases. Immaturity and remorse are seen as mitigating factors.

Costs

Costs of the publicly-funded response to youth crime are hard to determine from published official data. This is a serious weakness of the existing system that impedes external efforts to hold it to account.

Government expenditure in England and Wales on public order and safety in 2008/9 reached £24.6 billion. Our best estimate is that the relevant annual costs relating to youth crime and antisocial behaviour come to just over £4 billion.

The return for taxpayer's money is unimpressive:

- The youth justice system tends to recycle 'the usual suspects'; especially children and young people from disadvantaged neighbourhoods
- More girls and young women have been drawn into the system in the past decade and, until recently, into custody.
- Although lower than two years ago, the number of children and young people in custody is significantly greater than 20 years ago when crime levels were close to their peak.
- Just under 40 per cent of young offenders are reconvicted within a year; this increases to 75 per cent for those completing custodial sentences.

The Commission finds the reconviction rate for custody unacceptable. We are also dismayed that despite evidence that youth crime has been falling for 16 years, politicians have taken part in a punitive 'arms race' over sanctions. This has proved expensive for taxpayers, but done little to improve public confidence.

Some initiatives have had a positive impact and deserve to be extended. But the time has come for a fresh start. Pressures on public spending make it imperative to eliminate waste and invest in services that deliver value for money. The Commission urges the new Government at Westminster and the devolved Assembly Government in Cardiff to take youth crime issues out of the political firing line and instigate a process of reform.

Guiding principles

Shifting policies have led to conflict and confusion in England and Wales about underlying principles. This contrasts with the relative stability in Scotland, which introduced its Children's Hearing system more than 40 years ago to handle care and criminal proceedings, following recommendations from an inquiry chaired by Lord Kilbrandon. Working from first principles, it concluded that involvement in offending reflected a failure of normal upbringing, and that welfare should be paramount in the response. While reaching different conclusions, the Commission believes the Kilbrandon principles contributed to the durability of the reforms.

We have also noted the 'Declaration of Principle' that accompanied successful legislation to reform youth justice in Canada eight years ago, and recommend a similar approach be taken when implementing our own proposals.

Key principles

The Commission has concluded that the public can be offered better protection against youth crime and antisocial behaviour by:

- tackling antisocial behaviour, crime and reoffending through the underlying circumstances and needs in children and young people's lives (a principle of *prevention*)
- ensuring that children and young people responsible for antisocial behaviour and crime face meaningful consequences that hold them accountable for the harm caused to victims and the wider community (a principle of *restoration*)
- seeking to retain children and young people who offend within mainstream society or to reconnect them in ways that enable them to lead law-abiding lives (a principle of *integration*).

Prevention

We see no major contradiction between a need to protect the public and a requirement that interventions must contribute to children and young people's long-term welfare. The response when children and young people offend or behave antisocially should be guided by an understanding of welfare needs, including health, education, and emotional development.

Restoration

An emphasis on welfare does not mean involvement in antisocial and criminal acts should be free of consequences. Children and young people should be:

- held accountable for whatever harm their antisocial behaviour or offending causes to others
- encouraged to accept responsibility for their actions
- expected to offer redress or reparation to victims and to the community.

Victims should, at the same time, be given opportunities to be acknowledged and redressed for the harm and loss they have experienced.

Integration

The consequences that children and young people face must be proportionate to their offence and any history of similar behaviour. Efforts to prevent reoffending and reintegrate young offenders into mainstream society will be more likely to succeed if imprisonment of children and young people – whether on remand or conviction – is only used as a last resort. These principles are supported by international conventions, guidelines and rules that the United Kingdom has ratified.

Additional principles

Since responses to youth crime can be ineffective or even accelerate offending, we propose a further principle that prevention measures and sanctions should do no harm (for example, being likely to make their offending worse, or impede rehabilitation).

A commitment to use constructive measures requires evidence to show they 'work', so we propose a principle that services should be based, wherever possible, on sound knowledge concerning their effectiveness. We also consider that institutions and services responding to youth crime and antisocial behaviour should be separate from adult institutions, wherever possible, and that staff in the youth justice system should be purpose-trained specialists.

Prevention

The Commission wants to see prevention and early intervention given a higher profile in tackling crime and antisocial behaviour. Research has shown how action to raise the quality of upbringing, education and support that children receive can significantly influence later outcomes, including less involvement in crime.

An understanding of 'risk' and 'protective' factors in children and young people's lives provides a valuable basis for understanding how preventive services produce positive results and for planning effective strategies. Risk factors that appear to be implicated in the causes of antisocial behaviour and offending relate to individual children, their families, friends and peers, their education, and the neighbourhoods in which they live. Protective factors reduce children's exposure to multiple risk factors when they are growing up in otherwise challenging circumstances.

Although there is more to be learned about causal pathways, there is more than enough knowledge of these factors to justify a 'public health' approach to preventing youth crime. An important distinction can, however, be made between children and young people who commit crime and a smaller group of prolific, serious and violent offenders whose behaviour is often seriously antisocial from an early age. Our proposals will help to reduce 'adolescence limited' offending, but we are especially keen to reduce the number of 'life-course persistent' offenders. The estimated cost to public services by the time a conduct-disordered ten-year old reaches the age of 27, if untreated, is around £85,900, compared with £9,100 for children who do not display these early problems.

Research has highlighted a range of preventive services capable of reducing persistent childhood behaviour problems, including:

- parenting support
- pre-school education
- school tutoring
- behaviour and 'life skills' strategies
- family therapy
- treatment foster care
- constructive leisure opportunities
- mentoring programmes.

In the United States, savings ratios of between 2 to 1 and 17 to 1 have been calculated for a range of preventive programmes that have also been introduced in England and Wales.

We want to see a structured programme of investment in the most promising preventive approaches including 'universal' services working with all the children or families in an area and 'targeted' prevention. To avoid stigma, the emphasis when offering targeted services should be on the immediate needs of children, not the risks of future offending. Children with severe behavioural problems must be properly assessed to identify potentially complex welfare problems.

Investment in prevention must be accompanied by systematic arrangements for sharing information about effective practice and delivery. A central resource is needed to disseminate authoritative guidance about the most promising preventive approaches, and to commission and co-ordinate new research.

Restoration

Our guiding principles combined with research evidence have drawn us to the concept and practice of restorative justice. This is a problem-solving approach "...whereby parties with a stake in a specific offender resolve collectively how to deal with the aftermath of the offence and its implications for the future." Offenders agree to discuss the consequences of their behaviour, its effect on the victim(s), and consider how to make amends. Victims are able to make the offender aware of the harm they have experienced and to discuss what remedies would be acceptable.

Restorative justice has been applied:

- In schools, pupil referral units, care homes and secure settings to resolve bullying and other disciplinary incidents.
- By police forces and Youth Offending Teams in reprimand and warning procedures. A Youth Restorative Disposal (YRD) has been piloted as a quick, effective and inexpensive way of dealing with minor offences.
- By community-based Youth Offender Panels (YOPs) that take a restorative approach to dealing with young offenders given Referral Orders after pleading guilty when taken to court for the first time.

Northern Ireland

The Commission has been impressed by the restorative youth conferencing system introduced in Northern Ireland five years ago. This highly professional service is delivering positive outcomes for the community, for victims and for children and young people who offend. It provides a strong basis for reforms in England and Wales.

Youth Conferences are organised by purpose-trained co-ordinators and include the child or young person who has offended, a parent (or other 'appropriate adult') and a police officer trained for youth conferencing. Victims are encouraged to take part.

Youth conferencing can be used for all types of offence except murder, manslaughter, offences under the Terrorism Act and others that carry a mandatory sentence. Conferences agree a restorative plan for the young person that may include a written apology, reparation to the victim, being placed under supervision, undertaking unpaid community work and participation in treatment programmes.

Youth Conferences constitute the main disposal for Youth Court cases in Northern Ireland. Victims are present at two thirds of all conferences and the vast majority express satisfaction with the process. Reconviction rates are lower than for conventional court sentences; and more so when victims attend the conference. Use of youth custody has declined since youth conferencing was introduced.

England and Wales

The Commission proposes a major expansion of restorative justice in England and Wales. We recommend that youth conferencing becomes the centrepiece of responses to all but the most serious offences committed by children and young people.

Conferences led by a professional coordinator would be attended by the young offender, their parents or carers, police and a lead practitioner (see below) from the YOT. Victims, or their representatives, would take part when willing. Children and young people would speak for themselves, but have the right to be advised and accompanied by a lawyer.

Action plans, lasting up to year, could include:

- an apology
- a payment to the victim
- unpaid community work

- a range of community-based sanctions, including YOT supervision, intensive supervision and curfews using electronic tagging
- treatment for mental health problems or alcohol and drug dependency
- parenting support.

The conference could additionally refer young offenders to children's services to consider action on safeguarding or welfare issues.

As in Northern Ireland, restorative Youth Conferences would take place in two different contexts:

- 'Discretionary' youth conferencing, as an alternative to prosecution
- 'Court-ordered' youth conferencing, where a child or young person has been convicted of an offence.

Discretionary youth conferencing

The Crown Prosecution Service (CPS) would refer a child or young person to a discretionary restorative justice conference provided:

- the accused child or young person admitted the offence and agreed to a conference
- the alleged offence was not classified as 'most serious' (for example, murder, manslaughter and other grave crimes) and did not carry a mandatory sentence.
- the child or young person was not a prolific offender for whom prosecution offered a more appropriate way to proceed.

Discretionary youth conference plans would not result in a criminal record that needed to be disclosed to an employer.

Prosecutions and court-ordered youth conferencing

Prosecution would take place if:

- an accused child or young person denied committing an offence or declined to take part in a discretionary youth conference
- the offence was classed as 'most serious' or otherwise unsuitable for a restorative process

Children and young people who denied an alleged offence would have their case tried in court.

Children and young people who admitted an offence or were convicted after a trial would normally be sentenced by referral to a Youth Conference. The chief exceptions would be 'most serious' offences. The court would impose its own sentence on offenders who declined to be referred to youth conferencing. The court would be able to approve or amend a youth conferencing plan; or else reject it and substitute a sentence of its own.

A court conviction would continue to result in a criminal record irrespective of whether a youth conference was ordered.

The Youth Court

The Commission's guiding principle that institutions and services responding to offending by children and young people should, so far as possible, be kept separate from adult justice processes carries important implications for the existing court system. We propose that lawyers, lay magistrates, District Judges and Crown Court Judges who work in the Youth Court should be trained to a high level of specialist expertise. Their training would include a wide range of relevant topics including child and adolescent development, and effective rehabilitation practices as well as the principles and practice of restorative justice.

The Crown Court is unsuitable as a venue for justice involving children and young people. We propose that prosecutions of children and young people under 18 should be heard in the Youth Court, including serious offences.

As young offenders are increasingly referred by the CPS to discretionary youth conferencing, the court's business will focus on more serious cases than at present. We recommend that a Crown Court judge with specialist youth justice training should preside when the Youth Court hears cases involving 'most serious' offences.

We believe that every effort should be made to make proceedings accessible and easy for children and young people to understand. We want to see greater continuity in the way that youth courts process cases so that they are heard from remand to sentence by the same judge or panel of magistrates. We also recommend that the Youth Court should be able to transfer cases to the Family Proceedings Court where they give rise to serious safeguarding and welfare issues.

Pre-court procedures

The Commission has been encouraged by the use of 'street level' restorative justice by police forces in England and Wales. We know of no reason why the Youth Restorative Disposal should not be implemented across all police force areas. We recommend that it constitute a 'sanction detection' in official crime statistics.

We also welcome the increasing use of 'triage' procedures at police stations when children and young people facing charges are assessed by a YOT worker to help decide if prosecution is appropriate. We propose that where triage results in a youth justice intervention, the child or young person should be allocated a lead practitioner – normally from the YOT. She or he would help them to comply with any requirements placed on them and make connections with relevant health and welfare agencies.

Restorative approaches to antisocial behaviour

Antisocial behaviour is not exclusively, or even mostly, caused by children and young people. The Commission has, nevertheless, visited neighbourhoods where children and young people have contributed to nuisance behaviour, including intimidating, drunken behaviour, vandalism and harassment.

There may be no alternative to the use of Anti-Social Behaviour Orders (ASBOs) in extreme cases of sustained intimidation, but we recommend they be used as a last resort for people under 18. Warning letters and voluntary Antisocial Behaviour Contracts (ABCs) are by far the most common interventions now used and lend themselves to a restorative process. Introduction of a youth conferencing system would justify greater use of conventional criminal proceedings to tackle antisocial behaviour. If ASBOs are still sought against young people, we recommend that the 'naming and shaming' presumption, which may contravene international rules for young people, should be removed.

Integration

Community sentences

Restorative youth conferencing would reduce the need for conventional court proceedings, but it would not remove it. Community-based sentencing options available to the Youth Court were reformed as recently as November 2009 when a Youth Rehabilitation Order (YRO) was introduced providing a menu of 18 requirements in one 'wraparound' order.

The Commission has concerns that the use of risk assessment in connection with the new order might lead to disproportionate intervention in the lives of some children and young people. YROs are, nevertheless, a step in the right direction and can be used in different combinations for repeat offenders, instead of moving 'up tariff' towards custody.

There is, however, more to be learned about the types of community-based sanction and intervention that are most likely to prevent reoffending. This is another practice area where an authoritative, central source of evidence concerning the most cost-effective approaches is needed.

Custody

The average annual costs of custody range from around £69,600 in Young Offender Institutions to more than £193,600 in secure children's homes. Yet the outcomes in terms of a 75 per cent re-conviction rate within a year of sentence completion are dismal.

There are some children and young people whose violent behaviour poses such a danger to others or themselves that secure, residential accommodation is the only safe option. It may occasionally offer a viable way of engaging the most prolific young offenders in treatment and education. The Commission, nonetheless, welcomes a recent decline of almost a third in the number of under-18s being detained to below 2,200 at any one time, and proposes a target of at least halving it again. Experience in Canada suggests that use of youth custody can be substantially reduced without adding to crime levels. Young offenders' likelihood of being sent to custody in England and Wales remains a 'postcode lottery'; but there are areas where concerted local action has led to lower use of imprisonment.

Wider use of restorative justice will exert downward pressure on the use of custody. But we also recommend the introduction of a statutory threshold to define the circumstances in which custody can be used.

And we propose an end to the shortest custodial sentences, which serve little constructive purpose. We recommend that the minimum period in custody as part of a Detention and Training Order is raised to six months. This should happen in combination with a statutory threshold to reduce the use of custody overall.

Remands

The Commission is dismayed by the extent to which custody is used for children and young people awaiting trial. Although the number of children and young people in custody has fallen, the proportion on remand has risen to around one in four. Around a quarter of those held in custody are subsequently acquitted (in magistrates' courts). The current level of remands in custody is unacceptable, unjust and unnecessarily damaging to the children and young people concerned.

We propose steps to reduce the use of secure remands to a minimum by providing more bail supervision and 'accommodation plus' schemes – such as Foyers with 24-hour care and supervision – that can cater for children and young people who cannot be remanded to their own homes. Intensive fostering schemes are another option.

Custodial institutions

Young Offender Institutions (YOIs) house 87 per cent of children and young people in custody. The remainder, including all 10 to 14-year olds, are held in Secure Training Centres (STCs) and Local Authority Secure Children's Homes (LASCHs). There are no indications that the reconviction rates for any of these institutions are other than disappointing.

A lack of solid evidence comparing the outcomes achieved by different regimes has complicated our attempts to understand how custody should be organised in future. Despite meeting committed staff and seeing examples of good practice, the Commission shares the concerns of Ofsted and H.M Prisons Inspectorate about the way education and training provision varies between institutions. Help given to children and young people to prepare for their release is inconsistent and often inadequate. Problems finding suitable accommodation routinely harm their chances of holding down places in education or training.

Lessons must be learned about the humanity and quality of different regimes and their potential to affect better outcomes for young offenders. New ideas and approaches will also be needed if custody is better to help troublesome, disturbed and deprived young people to turn round their lives.

One concept meriting further investigation is Young Offenders' Academies; education, training and health facilities that would provide secure and supported non-secure accommodation while also working with young offenders living in the community. Strategically placed in major cities, these arrangements could provide a more 'local' solution for many young offenders than the existing secure estate.

Unsuitable YOI accommodation should be phased out. We view lower staffing ratios and relatively poor regimes as evidence of a false economy that will become stark once the population in custody is reduced to children and young people whose problems are especially severe. Secure accommodation should be provided in small, purpose-designed units with regimes modelled on best practice.

The high proportion of vulnerable, emotionally and behaviourally disturbed children and young people in custody underlines the need for staff with specialised skills and knowledge. Those who work in secure settings should be trained to a high minimum standard, including an understanding of child development.

We also recommend that Section 34 of the Offender Management Act 2007 is used to place young offenders with mental health and drug and alcohol problems in alternative 'youth detention' facilities, that include residential psychiatric care facilities and dependency treatment centres.

Resettlement

Our proposal for a lead YOT practitioner to work with young offenders will help bring greater co-ordination and continuity to the process of rehabilitation and resettlement. Planning for resettlement should start within days of a child or young person being placed in custody.

We want a reformed system to do more to connect young people with their families or mentoring support. We also endorse calls for a statutory education plan to be completed for every young offender. This would accompany them through the youth justice system to achieve greater continuity in their education and treatment.

YOTs and resettlement staff in custodial institutions encounter routine difficulties when seeking suitable accommodation for young offenders, especially those aged over 16. One feature of Young Offender Academies, is that they would enable children and young people to transfer from secure to supervised hostels on the same campus and then to suitable accommodation in the community.

We further recommend that young offenders leaving custody should receive continuing support from children's services, in a similar way to young people leaving care. A better range of supervised accommodation needs to be made available for young offenders on their release, including 'halfway houses', other supervised accommodation and through intensive fostering. Co-operation between local authorities is required to ensure that relocation is an option when young people need to be protected from gangs and other influences that would draw them back into a criminal lifestyle.

Criminal records

The current system for making employers aware of criminal records makes it too difficult for young people to obtain stable work opportunities. Recommendations from a 2002 Home Office review of the Rehabilitation of Offenders Act 1974 should be implemented, giving young people who have committed minor offences a 'clean sheet' at, or just after, their 18th birthday. A longer 'buffer' period of up to two years would apply to those that have served custodial sentences. An exemption would apply to sensitive employment areas where 'enhanced' criminal record disclosure is required.

Girl and young women offenders

Most young people caught up in the youth justice system are male, but the response to girls and young women who offend is in urgent need of reform. There has been an unwelcome rise in the numbers entering the system despite falling overall crime levels. No less worrying, the number of girls and young women in custody grew from fewer than 100 in 1990 to about 450 during 2008.

Young female offenders are especially vulnerable. They are more likely than young men to self-harm or attempt suicide, to suffer from eating disorders, to be harassed by adults, to be victims of crime themselves, to experience family crises, and to be living in poverty.

The Commission is concerned that almost every aspect of the response to youth crime and antisocial behaviour – including research – has been oriented towards boys and young men. We recommend that measures to deal with young female offenders are designed from the outset to meet their particular needs. It would be wrong simplistically to assume that needs are the same across all types of young women offenders.

By placing restorative justice at the heart of the system, we believe we can establish a framework where young female offenders are dealt with more appropriately. But every aspect

of the implementation of the new arrangements needs to be planned with young females as well as male offenders in mind.

Young people from racial and ethnic minorities

Some racial and ethnic communities are disproportionately affected by youth crime and antisocial behaviour. Children and young people from certain black and minority ethnic groups also number disproportionately among those who are stopped and searched by the police, arrested, prosecuted and sentenced to custody.

After taking relevant factors into account, there is some evidence that the youth justice system discriminates against particular ethnic groups. For example, young people from mixed race backgrounds are more likely to be prosecuted than white defendants and less likely to be reprimanded or given a final warning. Black and mixed heritage defendants are more likely to be remanded in custody. Factors that contribute to unfair differential treatment must be recognised and removed.

It is also apparent that the style of policing in high-crime neighbourhoods, including those with significant black and minority ethnic populations, can vary between locations. We acknowledge the part that the National Policing Pledge has played in extending neighbourhood policing and making it more responsive and accountable. Building on this, we support calls for training and management arrangements to ensure the vision of a highly professional force dealing fairly and respectfully with children and young people is consistently applied.

Police in some areas already invite young people with experience of 'Stop and Search' to participate in training sessions. We commend this approach. We also want more attention paid to understanding the routes that children and young people follow into persistent, serious and violent offending, which may differ between racial and ethnic groups.

Age and maturity

Most people accept that children and young people are less developed than adults in their moral understanding, reasoning capacity and experiences of life. This implies that they should not be held responsible for crime or antisocial behaviour to the same extent.

There is, however, no clearly defined rite of passage from the status of supervised childhood to autonomous and morally responsible adulthood. The age thresholds that apply to youth crime provide no real guide to a particular child or young

person's maturity or understanding. We can only conclude that flexibility and discretion need to be applied at every stage to recognise and take account of maturity.

Age of criminal responsibility

The minimum age of criminal responsibility in England and Wales, set at 10, stands out as low by international standards. We have encountered a consensus among many children's charities, churches, youth justice organisations and academic experts that 10-year old children are developmentally too young to be held criminally responsible. Others have argued that the age of criminal responsibility offers an unreliable guide to the way children and young people are actually treated when they break the law. Scotland with a current minimum age of 8 and Belgium with a minimum age of 18 both apply welfare-oriented principles and can refer children to protective and educative measures, including secure care. New Zealand, which has made a major investment in restorative justice, is like England and Wales in setting the minimum age at 10.

The Commission's conclusion is that much-needed reforms to the youth justice system in England and Wales do not depend on raising the minimum age of criminal responsibility.

We do, however, recommend that greater recognition be given to maturity issues where young people are on the cusp of the youth justice and adult systems. Although it is beyond our remit, we hope consideration will be given to procedures for assessing the maturity of young adults so they can be subject to Youth Court procedures where appropriate, including restorative conferencing.

Youth engagement and youth voice

We have seen for ourselves how initiatives that engage children and young people to obtain their perspectives can contribute to crime prevention while enhancing participants' own learning and personal development. A separately funded youth engagement project has enabled us to seek the views of children and young people with experience of the youth justice system – as victims, witnesses or offenders. This complemented our more conventional consultation with the 'adult' world of policy makers, practitioners, voluntary organisations and academic experts.

The young people directed our attention towards areas in need of reform that we might otherwise have underplayed or neglected. In other areas their perspectives sharpened our focus on particular issues and qualified our views. Meeting children and young people whose lives and aspirations have been repeatedly failed by our existing system has spurred our determination to seek reform.

This summary sets out the main conclusions and recommendations of the Independent Commission on Youth Crime and Antisocial Behaviour.

The Commission's full report *Time for a Fresh Start* includes an additional chapter on options and suggestions for delivering its proposals.

The report is available from the Police Foundation, Park Place, 12 Lawn Lane, London SW8 1UD (020-7582 3744). The report is free of charge, apart from the costs of postage and packing. This summary and the report can also be downloaded from www.youthcrimecommission.org.uk.

Essays contributed by international academic experts to the Commission's work are available in a book *A New Response to Youth Crime*, edited by Prof David J. Smith, published by Willan Publishing, price £27.50.

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