

**Locking up  
or giving up  
– is custody  
for children  
always the  
right answer?**

**Believe in  
children**



**Barnardo's**



## Executive Summary

The nature of offending by children and young people in England and Wales has not changed significantly in the last decade. However, changes in legislation – particularly the introduction of the Detention and Training Order (DTO) in 2000 – have made it easier for courts to sentence 10 to 14-year-olds to custody, contributing to a more than fivefold increase in the number of children locked up.

This briefing examines the latest government data for England and Wales (1996-2006) to explore the changing use of custodial sentences for 10 to 14-year-olds, and most importantly, gives a voice to children who are serving DTOs. We make the following points:

- The use of **custody** for 10 to 14-year-olds has **increased 550 per cent** since 1996<sup>1</sup>.
- We are locking up increasing numbers of 10 to 14-year-olds for less serious offences – most noticeably for **breach** of community orders (eg failing to keep to weekly appointments with the youth offending team<sup>2</sup>).
- There are **clear trigger points** in children's lives where effective, timely support could make a difference – common experiences amongst the children we spoke to included bereavement, running away from home, substance misuse, living in care and struggling at school.
- In spite of clear risks, the children we spoke to had been isolated and **excluded** rather than supported at these early stages – all but one of the children we spoke to had been suspended or excluded from school.
- Custody is **expensive** – the cost of accommodating a young person in custody for a year can be as much as £185,780. Nearly two thirds of the Youth Justice Board (YJB) budget is spent on the 3 per cent of children in the criminal justice system who are in custody<sup>3</sup>.
- Custody is **ineffective** – nearly 80 per cent of 10 to 14-year-olds will re-offend within 12 months of release<sup>4</sup>.
- Savings could be made if custodial sentences were reserved for 10 to 14-year-old children convicted of 'grave crimes' or violent offences. We estimate that **£27.5 million could be saved** per year.
- Children who offend, or are at risk of offending, and their families respond well to effective **early intervention** work such as **family therapy, restorative justice**, and targeted support such as education, housing and mental health services.

In this briefing, we argue that custody for 10 to 14-year-old children is expensive and ineffective and that we should drastically reduce its use in England and Wales. Barnardo's is calling for a change in sentencing thresholds so that only those 10 to 14-year-old children convicted of 'grave crimes' or violent offences are locked up, and for greater investment in more timely support for children, young people and their families to address problems before they spiral out of control.

## 1. Introduction by Martin Narey, Chief Executive, Barnardo's

Has the last decade seen a real rise in serious crime committed by children or have we been drawn into a 'moral panic' which has led to an increasingly punitive approach to dealing with children who offend?

In England and Wales we are almost alone in western society in routinely incarcerating large numbers of children aged 10 to 14 who commit crime. There are of course some children, even the younger ones, who commit serious and violent crimes and who require detention in order to protect the public. But the last decade has seen an unwarranted rise in the use of custody for children aged 10 to 14, most of who have not committed serious offences and who have been failed by state agencies from an early age.

This briefing and the accompanying DVD focus on England and Wales but also draw on relevant experience from Scotland and Northern Ireland. Our analysis demonstrates that there has not been a significant increase in serious crime by children aged 10 to 14 and that those children who end up in custody are almost always those most failed by our welfare and education systems. Most importantly, the DVD and briefing give a voice to children who have been 'written off' by the age of 14. Barnardo's believes that custody for these children is expensive and ineffective and that we should drastically reduce its use in England and Wales and redirect funding to effective preventative services. Barnardo's runs some such services (see *New Directions and Adolescent Partnerships* later in this briefing) and we know that they work.

## 2. This research

We examined the latest available government data for England and Wales (1996-2006) to explore the changing use of custodial sentences for 10 to 14-year-olds, and interviewed children serving detention and training orders (DTOs)<sup>5</sup> in England. The accompanying DVD focuses particularly on five children who were between 10 and 14-years-old when sentenced. They were interviewed either inside the secure unit or in youth offending team facilities. Our thanks go to all who participated; particularly the children themselves and our colleagues in the youth justice system and the Prison Reform Trust who helped facilitate the interviews.

## Policy and Legislative background (England and Wales)

Until 1994, children under 15 could only be sentenced to custody for very serious crimes known as 'grave crimes' under Section 53 of the Children Act 1933. The 'grave crimes' provisions applied to serious and violent offences such as house burglaries, rape and serious assaults.

The Criminal Justice and Public Order Act 1994 changed this by introducing a Secure Training Order (STO) which enabled magistrates to lock up 12 to 14-year-olds for a much wider range of offences including criminal damage, theft and breach of a supervision order. However, the criteria for a STO were stringent – before such a sentence could be made a 12 to 14-year-old child had to have committed at least three imprisonable offences and breached the

### 3. The rising use of custody

Scotland Yard Deputy Assistant Commissioner Alf Hitchcock has rightly expressed concern that both victims and perpetrators of violent crime have become younger<sup>9</sup>. However, these concerns must be kept in context. Recent Home Office research has found that only 4 per cent of 10 to 25-year-olds are very frequent and serious offenders – a statistic that hasn't changed in the last five years<sup>10</sup>.

Despite continued low levels of violent crime, the number of children we are locking up has increased a massive 550 per cent in the last decade<sup>11</sup>. Of the 844 custodial sentences passed on 10 to 14-year-olds in 2007, only 62 (7 per cent) were passed under Section 90/91 of the Powers of the Criminal Courts (Sentencing) Act<sup>12</sup> – the sentence reserved for those committing 'grave' (or very serious) crimes<sup>13</sup>. The number of children and young people imprisoned in England and Wales is the third

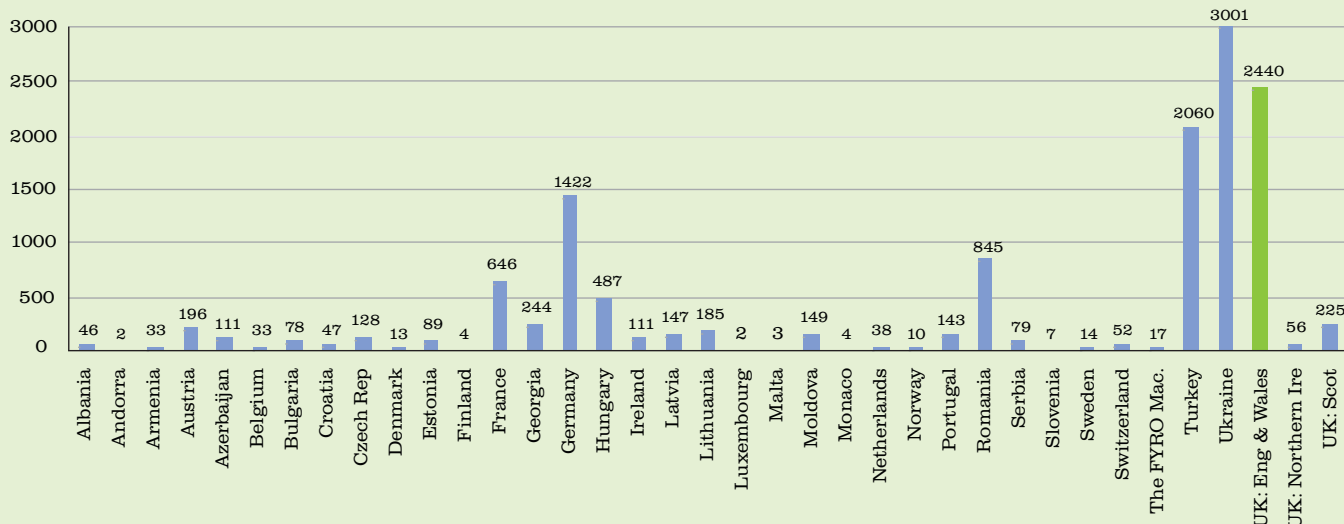
highest in Europe, behind only The Russian Federation and Ukraine.

So why are more children being locked up? Although 10 and 11-year-old children can still only be sentenced to custody for 'grave crimes', 12 to 14-year-old children are increasingly being locked up for less serious offences. The use of custody for this group for summary offences, burglary and breach of a community sentence has increased significantly over the last decade with a steep rise when DTOs were introduced (see chart on page 4).

#### ■ Summary offences

Since the introduction of the Crime and Disorder Act 1998, there has been an increase in the use of custody for summary offences – rising to 102 under 15's last year. Summary offences are defined as, "The least serious offences... for example driving offences, drunk and disorderly, common assault and criminal damage..."<sup>16</sup>

**Prison populations (under 18-year-olds) on 1 September 2006**  
(derived from Council of Europe, 2008)<sup>14 15</sup>



conditions of a supervision order or committed another imprisonable offence whilst on supervision.

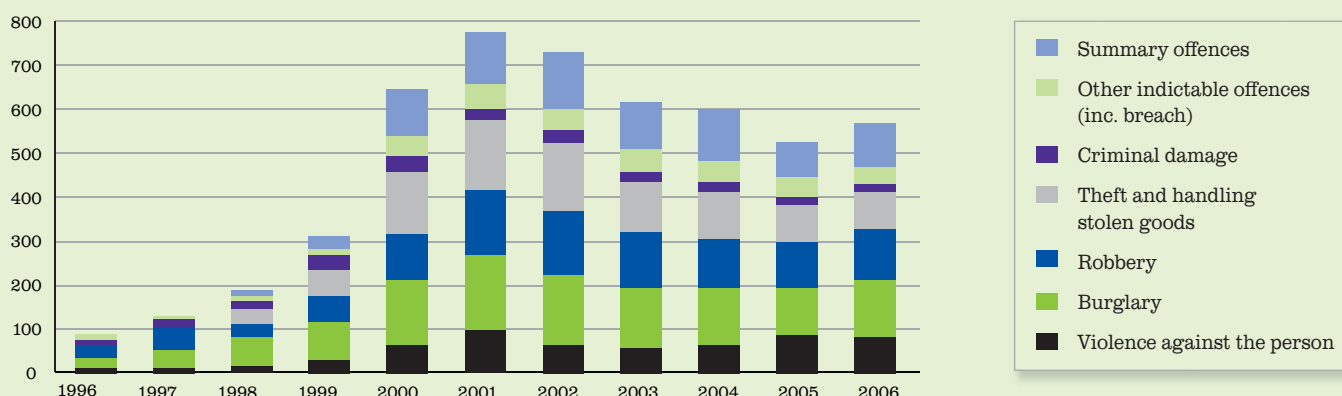
Under the Powers of the Criminal Courts (Sentencing) Act, in April 2000, STOs were replaced by the **Detention and Training Order (DTO)** which made it much easier for a 12 to 14-year-old child to be sentenced to custody. The previous STO criteria were replaced with a single criterion – that, in the court's opinion the child is a 'persistent' offender. This is based on the court's perception of 'patterns of behaviour' and a child can therefore be sentenced to custody without having any previous criminal charges or any previous convictions.

In 2002, **Offences Brought to Justice (OBJ) targets** were introduced for each local criminal justice board with the aim of narrowing the gap between the number of offences recorded and the number of convictions or cautions. Unfortunately, rather than leading to those who commit

more serious crimes being brought to justice, increasing numbers of younger children, girls and those who commit less serious offences have all been brought into the criminal justice system<sup>6</sup>.

Young people sentenced or remanded to **custody in England and Wales** can be placed in one of three types of establishment: secure children's homes (SCH); secure training centres (STC); or young offender institutions (YOI). SCHs are run by local authority social services departments and, as such, residents are considered to be in local authority care and therefore are better supported under the Children Act 1989. This is not the case for young people placed in STCs or YOIs. In 2006/07 just 8 per cent of young people placed in custody were housed in SCHs<sup>7</sup>. In 2008, Youth Justice Board (YJB) figures showed that the number of children aged 10 to 14 housed in SCHs and STCs was 115 and 62 respectively<sup>8</sup>.

## Number of 10 to 14-year-olds sentenced to custody by offence type (derived from Ministry of Justice, Court Proceedings database, 2007)



### Burglary

Since 1996, the number of 10 to 14-year-olds convicted of burglary has decreased, but the number sentenced to custody for burglary has increased from 21 to 133 children<sup>17</sup>.

### Breach

In 2006/07, more custodial sentences were placed on young people for breach of an order than for burglary – almost a quarter of all custodial sentences were for breach and there has been a rise in the use of custody for breaching a community order<sup>18 19</sup>.

Breach of a community order does not necessarily mean that a child has re-offended. Failure to attend meetings with a Youth Offending Team (YOT) worker or other non compliance such as breaches of Antisocial Behaviour Orders (ASBOs) can result in a child being returned to court if the reason is deemed to be 'unacceptable'<sup>20</sup>. Three

failure to comply incidents automatically result in breach proceedings being instituted. At present, the government has not made available information that would enable us to say how many children have been sentenced to custody for breach of an ASBO.

The young people we spoke to said that they needed more support to help them meet the strict criteria of their supervision orders and avoid breaching. Young people on a community sentence receive an average of only 1.1 hour per week face-to-face support from a YOT worker<sup>21</sup>.

“Because I was looking after my niece I breached some of my meetings... once you're on an order and you breach it you get put on something higher so it just keeps going from there. So they don't really help you, they just keep escalating it” (female, 15)

## 4. The costs of custody

### The cost to society

The over use of custody for non-serious offences means that secure units are struggling to deal with increasing numbers of young children. This pressure on resources severely restricts the ability of custodial institutions to do effective rehabilitative work with the small number of children who really do need to be detained.

It is not surprising then that reoffending rates are high – nearly 80 per cent of 10 to 14-year-olds reoffend within 12 months of release<sup>23</sup> and 92 per cent of older boys who have been detained more than twice will go on to reoffend<sup>24</sup>. The younger a child is when they receive their first custodial sentence, the more likely they are to reoffend and remain in the criminal justice system on a longer term basis (SEU, 2002).

### The cost to the taxpayer

Last year **£649 million** of the public purse was spent on youth justice in England and Wales. The majority of YJB money (64 per cent) was spent on the 3 per cent of young people in the criminal justice system that are in custody<sup>25</sup>. This represents a massive investment – the yearly cost of placing one young person in a secure children's home is £185,780<sup>26</sup>. The same money could provide a child with an education at **Eton College for six years**<sup>27</sup>.

If 10 to 14-year-olds were sentenced to custody only for committing 'grave crimes' or violent offences, the number

## Comparison between the general population and young people in custody<sup>33</sup>

	Young people in general population	Young people in custody
Statement of Special Educational Needs	3% <sup>34</sup>	15% <sup>35</sup>
Lived in care/previous involvement with social services	3% <sup>36</sup>	50% <sup>37</sup>
Excluded from school	6% <sup>38</sup>	83% <sup>39</sup>
Diagnosis of Attention Deficit Hyperactivity Disorder (ADHD)	6% <sup>40</sup>	38% <sup>41</sup>
Recognised mental health disorder	10% <sup>42</sup>	31% <sup>43</sup>
Substance misuse	21% <sup>44</sup>	86% <sup>45</sup>

of 10 to 14-year-old children placed in custody in 2006 would have been cut from 572 to just 104<sup>28</sup>. In 2006, based on the average length of a DTO, this would have saved the tax payer up to **£27.5 million**<sup>29</sup>. This calculation assumes that all 10 to 14-year-olds are placed in a SCH (where residents are better supported under the Children Act 1989, and the costs per child are higher), however we know this not to be the case. The equivalent savings, if we assume that all children are placed in the cheaper STCs would still be £24.4 million per year.

If this money were to be re-invested in earlier preventative services, the Audit Commission estimates that even more savings could be made: 'If effective early intervention had been provided for just one in ten of the young people in youth offender institutes, annual savings in excess of £100 million could have been made'<sup>30</sup>.

### The cost to children

Young people in the criminal justice system are often the most vulnerable in society. Over half of children in custody have been in the care of, or involved with, social services<sup>31</sup>. Despite this, last year, just 5 per cent of the £445 million spent by the YJB was invested in preventative work<sup>32</sup>.

## 5. What young people in custody told us

We spoke to 13 children serving DTOs in England. The discussions were unstructured but covered topics such as: life before custody, friends and family, experiences of school, getting into trouble, and aspirations for the future. Their voices were recorded and have been included on a DVD which accompanies this briefing.

### Growing up

The children were aware that family, friends and the communities they lived in had influenced their behaviour. Several mentioned living in 'rough' areas where it was considered normal to be involved in fighting and stealing. Most were from families who struggled financially, and those involved in burglary and robbery said that they did so to 'get money'.

‘I lived in a rough area. There’s just like loads of crime goes about there. You get little kids what commit crime there, like go out fighting and everything’ (male, 14)

‘It’s just like the environment we live in, there’s not enough to do for kids to keep us occupied. When there is something to do you’ve always got to pay. And I don’t really like nagging my mum to pay for things because I’ve got other brothers and sisters’ (female, 15)

There are currently 3.9 million children living in poverty in the UK<sup>46</sup> – almost one third of all children. Poverty can have a negative impact on factors such as parenting and educational achievement which can contribute to the risk of youth offending<sup>47</sup>.

### Early trigger points

All the children had experienced difficulties at earlier stages in their life, such as struggling in school or being unhappy at home. Many were able to pinpoint the specific point when things had changed – in three cases this was when a parent had died. There was also evidence of

disaffection – most mentioned not caring and not being bothered about anything. None had received consistent support for these early difficulties.

‘My real dad he died when I was 7. When I first found out I started to cry and my auntie she like slapped me and said ‘stop crying and be brave about it’. Then I just didn’t cry over it then and I’ve not cried over it since’ (male, 15)

Experience of bereavement is not unusual amongst young offenders. Research by the Youth Justice Trust found that 41 per cent of young offenders had experienced bereavement prior to incarceration<sup>48</sup>.

Children and young people who have experienced bereavement alongside other disadvantage are at increased risk of negative outcomes including an increased potential for risk taking behaviour<sup>49</sup>.

### Exclusion from education

When these children started to get into trouble, too often the reaction from schools and other agencies was to suspend them. It is telling that all but one of the children we spoke to had been suspended or expelled from school.

‘I got kicked out [of] pupil referral unit and then no-one else would want me...just thought, I’ve got nothing to look forward to so go out and do what I want...if you haven’t got a school and you haven’t got no education there’s nothing else to do but go out with your friends’ (female, 14)

There is a high rate of correlation between educational difficulties, exclusion and risky and offending behaviour. Information on children in the youth justice system<sup>50</sup> showed that 42 per cent of young people were under-achieving at school and 41 per cent were regularly truanting<sup>51</sup>.

### The future

Young people’s aspirations for the future were mixed. Some were looking forward to going back to school or getting a job. However, all expressed concerns about their future – particularly going back to the same community and set of friends, and trying to get a job now they had a criminal record. Under the Rehabilitation of Offenders Act 1974 a young person must declare their criminal record to potential employers for up to five years after the offence was committed.

‘Sometimes I think if I do go and try and get a job are they gonna say yeah I can have the job or are they gonna say like no we don’t want you for what I did. And most of the time I think they’re gonna say no’ (male, 14)

‘[It] all depends, like if you’re strong minded you can like get out of it and think ah, this is enough for me I’m going go make something of myself, but the ones what have been doing it for so long just think this is my life. It all depends how strong minded you are’ (female, 14)

Around half of children leaving custody have no education plan and 15 per cent have no suitable accommodation. One month after release from a DTO sentence, 58 per cent were not in education or training and only 37 per cent were in education at any point during the community period of their sentence<sup>52</sup>.

## What would help?

The young people made some insightful comments about what would have helped them to stay out of trouble.

It was clear that they were more motivated to change their behaviour for the sake of their families, rather than any fear of the criminal justice system. They also emphasised the importance of consistent support from one trusted adult.

‘I had youth workers, I had social workers. I had like these different people coming to see me once a week ...and have a chat with me. [It was] too many people at that time...three different people in the space of a week wanting to come and have a chat with me’ (male, 14)

‘My mum cries and that makes me feel guilty... it’s not fair on her, she’s been a good mum’ (male, 12)

‘You get little kids what commit crime... they’re only about 9 or 10 and they’re trying to copy it. So really I think they should get some help instead of sending them in one of these places. If you could get like people what have actually done crime before but changed to tell them what it’s like...’ (male, 14)

**Barnardo’s works directly with over 100,000 children, young people and their families through 394 projects across the UK. Forty of our services work with young people who offend or are at risk of offending. The following examples are of Barnardo’s work in Scotland and Northern Ireland, both of which would also work well within the English and Welsh legislative framework.**

### Barnardo’s New Directions, Aberdeen

New Directions is a partnership project between Barnardo’s, Aberdeen City Council and Aberdeenshire Council. It provides intensive intervention to persistent and serious young offenders (12 to 18 years) to prevent reoffending.

Young people are referred to the service through the multi-agency Aberdeen and Aberdeenshire Youth Offending Review Groups (YORG). Most have very complex needs – on average, more than half have experienced loss or bereavement, a similar number have drug and alcohol related problems and more than a third have experienced domestic violence – so a comprehensive ASSET<sup>53</sup> assessment is undertaken for each young person, which informs an individual, needs-based action plan.

The young people work with the project on a voluntary basis and agree to a twice weekly commitment to meet with their key worker for an average of 14 months. One session per week focuses specifically on the offending behaviour – **challenging attitudes and beliefs** and encouraging pro-social skills and positive thinking. The second session acknowledges the importance of **relationship building** and offers the opportunity to pursue positive activities in the community with their key worker. In Aberdeen, Barnardo’s also has a full-time worker dedicated to supporting young people who are using alcohol and drugs.

An individually tailored aftercare service is offered to those who have successfully completed the core programme of work (and to those who have completed time in secure accommodation) to help them sustain progress and not re-

offend. This outreach support assists each young person in finding **housing**, linking into **education** or accessing other services such as **mental health support**.

Last year, 82 per cent of young people on the work programme reduced their offending behaviour and 88 per cent were diverted from secure placement or custodial sentences<sup>54</sup>. In a recent evaluation, police recorded crime data showed that offending incidents for the young people completing the work programme had reduced by 71 per cent<sup>55</sup>.

‘Without the joint working approach that is undertaken, many of the social and welfare needs of the young people working with the project would go unmet. We are also fortunate to have effective working relationships with many organisations within the Voluntary Sector especially in relation to employment, training and housing issues’ (Service Manager)

### Barnardo’s Adolescent Partnerships, Northern Ireland

The Newry Adolescent Partnership (NAP) and Armagh and Dungannon Adolescent Partnership (ADAP) were set up in 1998 in collaboration with four local agencies<sup>56</sup> to provide services for children and young people in conflict with the law or on the verges of the youth justice system. Referrals are via youth justice and education agencies, and health and social care, when the young person is demonstrating ‘a high level of risk’ to the community.

At an initial assessment, the young people are encouraged to discuss why they are getting into trouble and why previous interventions have failed them. As part of this consultative session, an intervention plan is agreed which focuses not only on offending behaviour, but on all aspects of the young person’s life, including well-being, relationships, education and housing.

The young people and their families are asked to commit, initially to a six week work programme which involves components individually tailored to suit need:

- In most cases, the young person’s family is asked to attend **family group work** or family therapy where the focus is on supporting parents, and exposing any family issues in a safe environment.
- NAP and ADAP accept referrals from **restorative justice** youth conferencing sessions which enable victims to explain to offenders how their actions have affected them.
- For those struggling to engage with education, an **educational support worker** provides one-to-one numeracy and literacy support. This has encouraged most young people to reintegrate into formal education.
- **Activity-based work** is used to instil in young people a sense of pride and achievement. Young people are encouraged in a variety of activities including: first-aid training, getting to know people who work in the community, and the Duke of Edinburgh Award Scheme. The NAP manager explains, ‘This is often the first time they’ve ever achieved anything, and I’ve seen mums in tears, and dads proud as punch at the award ceremonies’.

On average, 90 per cent of young people and their families successfully complete a six month programme, and 75 per cent of young people meet all the objectives agreed at the initial consultation. Only a very small proportion (5 per cent) of the families who completed the programme in 2006/07 have since come to the further attention of the Youth Justice System.

## 6. Conclusion

The number of children sentenced to custody has increased significantly in the last decade, and particularly since the introduction of DTOs in 2000 which made it easier for a 12 to 14-year-old child to be sentenced to custody. This escalation in the use of custody does not reflect any increase in the severity of crimes committed. The vast majority (95 per cent) of children incarcerated in 2006/07 had not committed a serious or 'grave' offence, and 82 per cent had not committed any violent offence against another person.

These younger children in custody are demonstrably disadvantaged. They are more likely to live in poverty, to have lived in care, to have mental health problems and to have learning difficulties. Yet in so many cases, they are failed by mainstream services when it really matters. Indicative of this failure is the 83 per cent of young people in custody who were excluded from school, and the increasingly punitive response to breach of community orders.

Custody is costly and ineffective; £415 million was spent on all young people in custody in England and Wales in 2007/08, but the rehabilitative effect is minimal, partly due to increasing pressure on resources and inadequate support on release. Young people frequently leave custody with unresolved mental health problems and little support in fitting back into the community and accessing education or training. It is unsurprising that three quarters go on to reoffend.

Barnardo's believes that children who offend should be viewed as 'children in need'. Such a system already operates in Scotland where all children who need a social services intervention – including those who offend – are dealt with by the Children's Hearings System. This is not to say that children should not have to face up to the impact and consequences of their offending behaviour (and for a few this will mean a period of detention), but that they should be offered timely support to address the complex problems they face. Diverting substantial funding into early intervention would represent a more effective investment of public money than custody – contributing to better outcomes for children and society.

## 7. A better response to younger children who offend – what could make a difference?

- Barnardo's would like to see a **change in sentencing thresholds** in England and Wales, so that a child under 15 cannot be sent to custody unless they have committed 'grave' crimes or violent offences, or they meet the strict sentencing thresholds of the old (pre-2000) STO<sup>57</sup>.
- **Local authorities should carry the full costs** for those children sentenced to custody so that there is a strong incentive for investment in preventative services<sup>58</sup>. There is currently a financial disincentive for local authorities to invest in provision such as intensive fostering as an alternative to custody, because the costs of custodial sentences are borne by the YJB not local authorities.
- There should be greater **investment in support services** for young people who are offending or are at risk of offending, and their families – including individually tailored support programmes (see Barnardo's Adolescent Partnership and New Direction projects).
- **Police Offences Brought to Justice Targets** should be changed to more accurately reflect serious and adult offences and to allow for informal and restorative actions to 'count' towards the targets. We welcome the government funded restorative justice pilots<sup>59</sup> taking place in some police forces in England and hope that this and other forms of informal action will be expanded.
- There should be a **'zero exclusions' approach** across local partnerships of schools, as already used successfully in several areas of the country. Schools,

colleges and alternative education and training providers work together to ensure that no child is excluded until a suitable new placement has been found for them.

- There should be an **expansion in alternative and vocational provision** for young people who are not motivated by the traditional school environment, with its narrowly academic curriculum. This could help to pre-empt under-achievement, truancy and exclusion for many young people who decide that traditional education is not for them.
- There should be a **graduated response to breach** so that broken curfews or missed meetings do not carry the same penalty as a breach where an indictable offence is committed. Non compliance breaches should not carry a custodial penalty for children under 15.
- When children are released from custody, there should be a statutory duty on local authorities to provide **re-settlement support**. The Government have acknowledged the need for such support in the Youth Crime Action Plan published in July 2008, but as yet, there is no proposal for this to be a statutory duty. Barnardo's believes that most children leaving custody should be entitled to a package of care and support similar to that offered to young people leaving care under the Children (Leaving Care) Act 2000.

‘It would make a difference if people just say, ‘...we have faith in you’, and not put us down even more. [If] people put it in your head that ‘you’ve done wrong, you’re always going to do it’, your mind starts believing it... you’re just going to go out there and do it again’ (female, 14)



**For further details of  
Barnardo's work please  
see the web site  
[www.barnardos.org.uk](http://www.barnardos.org.uk)**

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## Endnotes

- 1 Derived from Ministry of Justice (2007) Court Proceedings Database. Ministry of Justice, London. November, 2007.
- 2 YJB (2008) Annual Workload Data 2006/07. Youth Justice Board, London. May, 2008.
- 3 Solomon, E and Garside, R (2008) Ten years of Labour's youth justice reforms: an independent audit. Centre for Crime and Justice Studies.
- 4 Medhurst, C and Cunliffe, J (2007) Reoffending of Juveniles: results from the 2005 cohort. Ministry of Justice, London.
- 5 DTOs were introduced by the Crime and Disorder Act, 1998. The first half of the sentence is spent in custody while the second half is spent in the community under the supervision of the youth offending team (YOT). The length of the sentence can be between four months and two years.
- 6 Nacro (2008) Youth Justice: Some facts about children and young people who offend - 2006. NACRO, London.
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- 8 Lords Hansard. Written answers 29th January 2008. Column WA116
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- 11 Derived from Ministry of Justice (2007) Court Proceedings Database. Ministry of Justice, London. November, 2007.
- 12 YJB (2008) Annual Workload Data 2006/07. Youth Justice Board, London. May, 2008.
- 13 With the introduction of the Powers of Criminal Courts (Sentencing) Act 2000 (PCC(S)A), Section 90/91 replaced the previous 'grave crimes' provisions of the Children Act 1933.

- 14 Figure for The Russian Federation (15,786) removed for ease of presentation. Bosnia Herzegovina; Iceland; Liechtenstein; San Marino removed due to having no under 18's in custody.
- 15 Figures unavailable for Cyprus, Italy, Greece, Spain, Poland and Slovakia.
- 16 HMCS (2005) Criminal Jurisdiction in the Magistrates Courts. Her Majesty's Courts service, London. Online resource: [http://www.hmcourts-service.gov.uk/infoabout/magistrates/crim\\_jurs\\_mags\\_ct.htm](http://www.hmcourts-service.gov.uk/infoabout/magistrates/crim_jurs_mags_ct.htm) Last updated July, 2005.
- 17 Ministry of Justice (2007) Court Proceedings Database. Ministry of Justice, London. November, 2007.
- 18 YJB (2008) Annual Workload Data 2006/07. Youth Justice Board, London. May, 2008.
- 19 We acknowledge there are some changes in the recent Criminal Justice and Immigration Act (2008) which may impact on breach rates.
- 20 YJB (2004) National Standards for Youth Justice. Youth Justice Board, London.
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- 54 New Directions Annual report 2007/08. Barnardo's. Pending publication.
- 55 New Directions Project Evaluation September 2006 - Sept 2007. Barnardo's. Pending publication.
- 56 Southern Education and Library Board, Southern Health and Social Care Trust, Youth Justice Agency Community Services and The Children's Fund, Note. In June 2007, the Youth Justice Agency withdrew resources from the service to concentrate on their core business of working with adjudicated offenders.
- 57 Prior to 2000 (and the introduction of the DTO), the criteria for sentencing a 12 to 14-year-old to custody were strict. Magistrates could not place a STO on a 12 to 14-year-old child unless they had committed at least three imprisonable offences and breached the conditions of a supervision order or committed another imprisonable offence whilst on supervision.
- 58 The recently published Youth Crime Action Plan (HM, 2008) outlines plans for local authorities to shoulder the costs for remand but not for custody.
- 59 Restorative justice pilots were announced in the Children's Plan (DCSF, 2007).

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