

PRISON
REFORM
TRUST

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Princess of Wales Memorial Fund
THE WORK CONTINUES



An independent review of the *Out of Trouble* programme

November 2012

Annabel Jackson Associates Ltd

Annabel Jackson Associates Ltd

The Priory

54 Lyncombe Hill

Bath BA2 4PJ

Tel: 01225-446614

Fax: 01225-446627

info@annabeljacksonassociates.com

www.annabeljacksonassociates.com

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EXECUTIVE SUMMARY

Background

In April 2007, The Diana, Princess of Wales Memorial Fund awarded the Prison Reform Trust (PRT) a grant of £1.5 million in support of a five year strategy to reduce the number of children and young people imprisoned in the UK.

Fund role

The Diana, Princess of Wales Memorial Fund (The Fund) is unusual in specialising in the funding of advocacy. The Fund provides money but also non-financial support (funder plus) such as help convening meetings or establishing strategic partnerships, where appropriate.

Since 2007 the Fund has focused on four areas of work; palliative care in sub-Saharan Africa, refugees and asylum seekers in the UK, women and children in the criminal justice system in the UK, and work to ban cluster munitions globally. Together this important portfolio of work has provided an opportunity to learn about advocacy and policy change, with the aim of encouraging other funders to increase their activity in this area.

Context

Criminal justice is widely perceived to be a difficult area in which to carry out advocacy because it is an emotive subject, where the public demand for retribution can reduce the ability to look dispassionately at the evidence about the effectiveness or otherwise of rehabilitation. It is therefore of particular interest for evaluation because success might suggest lessons for other areas of advocacy.

Review methodology

The evaluator, Annabel Jackson Associates Ltd, was appointed one year into the programme, in 2008, and over the four years of the evaluation has carried out a mix of methods designed to develop, structure and communicate lessons about advocacy:

- Conceptualisations of PRT's strategy and influencing tactics.
- Baseline and follow up stakeholder surveys (for youth offending teams, probation managers, magistrates, and other stakeholders).
- Feedback and follow up surveys for training and conferences.
- Development and analysis of forms to record the nature, content and process of stakeholder meetings.

Annabel Jackson Associates Ltd provided internal reports during the programme to inform thinking and action.

PRT's approach

PRT's overall approach has been to:

- **Produce new information.** PRT has published, or is in the process of publishing, 15 briefings and reports for the *Out of Trouble* programme. Evidence served five main purposes in the programme: to map the territory and so help to set the direction for the campaign; to enhance the credibility and authority of the advocate; to keep the campaign fresh through giving new information or new angles; to increase public and parliamentary knowledge and understanding of the issue; and to provide focal points for media contact and communication. The evidence needs interpretation, dissemination, presentation, and contextualisation to reach its potential as an advocacy resource. PRT tends to use four stages to reporting: involving experts in framing research; consulting key stakeholders on reports before they are published to talk through the findings and their implications: media work and round-table discussions around a formal launch; and presentations and dissemination of the report to local and national government, policymakers and practitioners, and the media.
- **Think about different groups separately.** PRT deconstructed its target group of children and young people into different (overlapping) segments and advocated for each of these separately: those on remand, those with learning or mental health difficulties, those with experience of the care system, those who have breached orders, and those from BME backgrounds. Framing the programme in this way meant that stakeholders could disagree with the overall idea of reducing the number of children or young people in prison but agree with key messages of the campaign, such as the view that prison shouldn't be used for those who have committed non-violent crimes. The segmentation approach allowed for a range of arguments to be put to different target audiences and therefore a greater chance to link to stakeholders' own policy objectives. It meant the programme could be refreshed frequently by moving on to new groups in the segmentation framework.
- **Work in partnership.** PRT has long-established relationships with peer organisations in and around the criminal justice area. One early piece of evaluation produced a stakeholder map of non-profit campaigners in the youth justice area. This showed that although a number of organisations were working with children and young people in criminal justice these differed in focus and influencing style and the work was therefore complementary rather than duplicating. Throughout the programme PRT worked closely with the Youth Justice Board (YJB), which shares a commitment to reduce child imprisonment.
- **Target its work.** PRT identified local authorities with an above average rate of custody, and offered practical guidance and support. Working with NACRO, PRT offered YOTs with high custody rates a free analysis of the drivers to custody in their particular area and gave suggestions about changes to practice to reduce use of custody, including information on good practice drawn from lower custody areas. Overall, PRT met with 34 high custody areas, and provided analysis to 13 local authorities.

- **Provide practical resources, information and training.** PRT developed an information pack for magistrates to help them recognise and respond appropriately to defendants with mental health problems or learning difficulties. PRT commissioned Just for Kids Law, a charity which provides legal services, to develop and run a programme of ten training days for defence solicitors across England. These seminars aimed to improve solicitors' skills and knowledge, so that they had tools and techniques to minimise the use of custody for the children they represent.

Outcome

The number of children (under-18s) in custody in England and Wales fell from 3,010 in September 2007 to 1,643 in August 2012. Even the riots of 2011 were unable to reverse the trend. The number of young adults aged 18-20 in prison fell from 8,616 in June 2007 to 7,269 in August 2012. This is the largest decline in custody for children since the 1980's and runs against the trend for adult custody, which has increased. There are a number of possible causes: greater priority to the needs of children after the transfer of responsibility for youth justice from the Home Office to the Ministry of Justice and Department for Children, Schools and Families in 2007; strong collaboration between the Youth Justice Board and youth offending teams; changes in police targets; changes in the Sentencing Guidelines; some reduction in the amount of crime committed by children.

We believe that PRT made a significant contribution to the fall in child and, to a lesser extent, youth custody. PRT was working specifically on some of the systems that changed. Stakeholders can describe PRT's influence. The high custody areas where PRT worked generally experienced a greater drop in custody than the average.

The signs are that *Out of Trouble* was a successful campaign. This review considers the skills, techniques and partnerships that created this success and draws out general lessons for advocacy. The aim is to help make the processes of advocacy, which are often highly opaque to those outside a programme, clearer so that the level of skill can be revealed and appreciated.

INTRODUCTION

Background

In April 2007, The Diana, Princess of Wales Memorial Fund awarded the Prison Reform Trust (PRT) a grant of £1.5 million in support of a five year strategy to reduce the number of children and young people imprisoned in the UK. By May 2012, the work of the strategy had contributed to a reduction in the number of children imprisoned in England and Wales by 42%.

Fund role

The Diana, Princess of Wales Memorial Fund (The Fund) is unusual in specialising in the funding of advocacy. The Fund provides money but also non-financial support (funder plus) such as help convening meetings or establishing strategic partnerships, where appropriate.

Since 2007 the Fund has focused on four areas of work; palliative care in sub-Saharan Africa, refugees and asylum seekers in the UK, women and children in the criminal justice system in the UK, and work to ban cluster munitions globally. Together this important portfolio of work has provided an opportunity to learn about advocacy and policy change, with the aim of encouraging other funders to increase their activity in this area.

Context

Criminal justice is widely perceived to be a difficult area in which to carry out advocacy because it is an emotive subject, where the public demand for retribution can reduce the ability to look dispassionately at the evidence about the effectiveness or otherwise of rehabilitation. It is therefore of particular interest for evaluation because success might suggest lessons for other areas of advocacy.

Review methodology

The evaluator, Annabel Jackson Associates Ltd, was appointed one year into the programme, in 2008, and has carried out a mix of methods designed to develop, structure and communicate lessons about advocacy:

- Conceptualisations of PRT's strategy and influencing tactics.
- Baseline and follow up stakeholder surveys (for youth offending teams, probation managers, magistrates, and other stakeholders).
- Feedback and follow up surveys for training and conferences.
- Development and analysis of forms to record the nature, content and process of stakeholder meetings.

Annabel Jackson Associates Ltd provided internal reports during the programme so as to inform thinking and action.

Intended audience

If you are interested in carrying out or funding advocacy, then this report is for you. You don't have to work in the field of criminal justice. Indeed we have written the report assuming the reader is not a specialist in criminal justice.

The aim of the report is to:

- Tell the story of the *Out of Trouble* programme.
- Show funders the value of advocacy as a grant-making activity.
- Reassure funders that advocacy can be evaluated.
- Present the lessons from the *Out of Trouble* programme, some of which will be familiar to experienced campaigners, and some of which might be new.

This report is not intended to tell you everything about the *Out of Trouble* programme, but rather to communicate stories, principles and lessons which might be of broad interest.

WHAT DID THE *OUT OF TROUBLE* PROGRAMME DO?

Introduction

This section summarises the work that PRT carried out in the *Out of Trouble* programme. Much of the effort in advocacy happens behind the scenes and it is easy to underestimate the amount of work involved.

Reports/creating and using evidence

Description

PRT published, or is publishing, 15 briefings and reports for the *Out of Trouble* programme, which are listed in the Appendix.

In addition, PRT commissioned three public opinion polls to gauge public attitudes to child and youth imprisonment, gathered information on the drivers to custody for girls, and produced 13 unpublished reports for individual high-custody local authorities.

Key points from PRT research:

Custody does not work because:

- It is harsh. One third of under-18s imprisoned have a major mental health need. Over 70% of young offenders have a history of being in care or social services involvement.
- Once they enter custody, young offenders have very limited access to services to meet their educational, mental health or other needs. Lack of specialist facilities and overcrowding mean that some young people are locked in their cells for long periods of time and moved between prisons frequently, which is highly disruptive.
- Prison does not reduce offending. The re-conviction rate (within one year) is 70% for under-18s and 58% for young men in the 18-20 age group.

Custody is overused:

- In 2007 there were almost 12,000 young people under the age 21 in custody, 2,600 of whom were children¹. Most children sentenced to custody are repeat offenders and it was the persistence of their offending, rather than the seriousness of the specific offences for which they were sentenced, which would seem to explain the use of custody in many or most instances.
- The number of children sentenced to custody more than tripled between 1991 and 2006².
- The age of criminal responsibility in England and Wales is 10 years, lower than most other Western European countries.
- The public understands that prison is not effective. PRT commissioned an ICM poll of 1,034 adults in 2007 which found that only 11% of respondents agreed with the statement 'prison works because it turns young offenders into law abiding citizens'. A 2010 poll of 2,089 adults conducted for the publication of *Punishing Disadvantage* found that 62% of the

public did not support the current minimum age of imprisonment (10) in England and Wales and thought it should be at least 12. Nearly two thirds (63%) thought the current minimum age of imprisonment for non-violent crime (12) is too low and should be at least 14.

- Approximately one fifth of the child prison population is on remand (awaiting sentence or trial). Remand should be reserved for children who are at serious risk of committing a violent offence while awaiting their next court appearance but is used for children who have no stable address and those who are unlikely to be imprisoned if found guilty. More than half of children imprisoned on remand are subsequently acquitted or given a community sentence³.

Many children and young people who are imprisoned are vulnerable or have complex needs:

- Between a quarter and a third of children and young people in prison have been in care at some point.
- Young adults account for a fifth of individuals in prison who self-harm although they represent only 12% of the prison population
- One in six children in custody are imprisoned for breaching a statutory order⁴. Children seldom breach orders deliberately; many breach because they lead chaotic lives and have little home support. The most disadvantaged are most likely to breach.

Lessons

Use research to inform the campaign as well as make the case

Information gathering was an early priority for PRT. The aim was to assemble a resource of information that could be used as opportunities allowed.

Evidence served five main purposes in the programme: to map the territory and so help to set the direction for the campaign; to enhance the credibility and authority of the advocate; to keep the campaign fresh through giving new information or new angles; to increase public and parliamentary knowledge and understanding of the issue; and to provide focal points for media contact and communication. The evidence needs interpretation, dissemination, presentation, and contextualisation to reach its potential as an advocacy resource.

Research can be developmental. It can feed into the process. Interim findings can lead to a change in approach, a more informed approach.

Prison Reform Trust

High quality research is a hallmark of who we are. It reinforces our authority. It allows people to trust us.

Prison Reform Trust

Allow enough time in programmes to follow through from findings from research.

Prison Reform Trust

PRT are up to the minute and tremendously well-informed, but they are also very balanced and serious about what they tell you. They are absolutely not a lobbying or proselytising organisation. I could always trust anything they tell me. It is helpful advice that gives you an insight without ever distorting anything to make the case.

Parliamentarian

It is important to know the sources are completely reliable, that they haven't got a political agenda, since that makes people very defensive.

Parliamentarian

When you are developing policy it needs to be evidence based. If people are seeking to influence policy they need to present evidence.

Policy maker

They have produced really useful reports. They have identified a gap in government data. There is little value in reusing our own data. On the other hand, if you compile new data in an area with a lack of evidence then anything you produce will be looked at with interest.

Policy maker

Involve stakeholders in research

PRT tends to have four stages to reporting: involving experts in framing and carrying out research; consulting key stakeholders on reports before they are published to talk through the findings and their implications; media work and round-table discussions around a formal launch; and presentations and dissemination of the report across local and national government, policymakers and practitioners and the media.

PRT uses a variety of formats to present and apply research including: reports, policy briefings, practical resources and audio recordings. The evaluator suggests that the programme could have made more use of digital media to communicate the key messages. E-campaigning can be an extremely powerful and efficient form of influencing.

PRT's publications are extremely useful. They draw together a lot of thinking and put forward recommendations and proposals that are useful for service delivery. This is spot on. They are professional, comprehensive, broad in approach, clear and well produced. PRT consults on publications so that they don't just drop out the sky.

Probation chief

Be aware of the special demands of advocacy research

Gathering and publishing research is a slow process because secondary data are frequently unavailable or not in the public domain. Collecting primary data introduces an element of delay. This means work sometimes has to go ahead without key pieces of evidence that would help make the case. For example, *Out of Trouble's* report on overuse of custodial remand, *Children: Innocent until proven guilty?* was hampered by the lack of an existing research base. To counter this, the authors conducted a series of in-depth interviews with bail and remand officers. However child remand remains a relatively un-researched area of policy and practice.

The quality of reports is important. Research should be rigorous and valid. Presentation should be balanced and practical. Presenting the solutions, not just the problems, facilitates change.

The commissioning and management of these research projects is not straightforward. Advocacy research is a special field of interest because it generally requires high rigour but also understanding of policy and practice. Academics might have the former, but not have the latter, and do not always respond with the urgency that is essential to take advantage of advocacy opportunities. Charities might have great practical insight, but don't necessarily have the capacity or research skills, and chasing peer organisations for work that is late is not a comfortable process.

Work with peer organisations

Description

PRT has long-established relationships with peer organisations in and around the criminal justice sector, and partnerships with wider civic society groups. One early piece of evaluation produced a stakeholder map of non-profit campaigners in the youth justice area. This showed that although a number of organisations were working with children and young people these differed in focus and influencing style and the work was therefore complementary rather than duplicating.

PRT's approach has been to:

Carry out research through or with peer organisations. PRT commissioned research on breach from National Children's Bureau (NCB), for example, and analysis of the deaths of children and young people in prison from INQUEST.

Attend discussion forums. PRT works with the T2A Alliance, which aims to improve opportunities for, and life chances of, young people (18-24) who are at risk of committing crime or already in the criminal justice system in their transition to adulthood. The Alliance is led by the Barrow Cadbury Trust and has its own website (www.t2a.org.uk). It has produced reports, such as *Kidulthood* and *Universities of Crime*, which are complementary to the *Out of Trouble* programme. PRT also contributed to the TACT/Children Law UK coalition on identifying and promoting good practice for looked after children in the criminal justice system, which has produced research, held roundtable discussions with practitioners and the voluntary sector and held events at the Party conferences.

Produce policy papers and responses to parliamentary consultations. For example PRT supported and in some cases led on the work of the Standing Committee for Youth Justice (SCYJ).

Raising interest in third sector organisations outside the criminal justice area. For example, PRT was already working with the Women's Institute (WI) on avoiding the inappropriate imprisonment of people with mental health issues and included a children's and young people angle in this: PRT produced an action pack and DVD for more than 6,000 WI branches. PRT also collaborated with think tanks producing reports relevant to the programme.⁵

Lessons

Think about the long term

It is important to be trustworthy: not to betray confidences or leak information. Any apparent benefits from acting in an untrustworthy way are likely to be transitory.

PRT has built a relationship with the YJB and this facilitated the research for *Punishing Disadvantage*. Researchers were granted access to individual data about 6,000 children imprisoned over a six month period from which to compile aggregate statistics and case studies.

Partnership means being generous with attribution or praise. It is more important that messages are communicated or action is taken than that you are credited. An advocacy strategy only works with and through decision-makers.

It is possible to partner with organisations who have different overall objectives so long as there are some shared agendas. This might mean adapting the message to respect partners' sensitivities in pursuit of the ultimate goal.

Involve partners in different ways

Working in partnership can amplify the advocacy organisation's reach, profile and impact.

The type of partnership appropriate can vary with the purpose of advocacy. Placing an issue on the agenda might benefit from a loose partnership with a multiplicity of different voices so that the government hears the same or similar messages from many sources. Holding a government to account might benefit from a coalition bringing all interests together.

Work with local authorities and probation

Description

PRT's approach has been to:

- **Engage at different levels of the local authority.** From the start of the programme PRT wrote to and sought meetings with key stakeholders: local authority chief executives, leaders, heads of Children's Services, lead members for Children's Services and heads of YOTs, as well as MPs, in high custody areas.
- **Support the work of youth offending teams (YOTs).** For example, PRT ran two large-scale seminars at The Diana, Princess of Wales Memorial Fund's offices to support YOT practice: one on reducing remand and the other on building and maintaining a good relationship with the court. Each had 70 places and was full or oversubscribed.
- **Target areas with above average rates of custody.** PRT identified YOTs with an above average rate of custody, and offered consultancy, practical guidance and support. PRT offered high custody YOTs a free analysis of the drivers to custody in their particular area delivered by Nacro and gave suggestions about changes to practice to reduce use of custody, including information on good practice drawn from lower custody areas. Overall, PRT met with 34 high custody areas, and provided analysis to 13 local authorities. This work complemented that of the YJB, which was also highlighting differential use of custody.

- **Provide practical advice and resources.** For example, PRT held meetings with the ASSET review team (YOT workers' assessment tool) to increase its focus on learning difficulties/ disabilities, and ran training programmes for YOT staff on reducing breach and improving compliance, youth court and community care law, and reducing custodial remand.

In October 2010 we carried out a survey of probation chiefs. 22 of 42 probation chiefs responded. 16 of the respondents said that reducing the number of young adults (aged 18-20) from their area who are imprisoned was a priority, which is high, but much lower than the corresponding figure from the YOT managers baseline survey. Respondents emphasised that reducing imprisonment was a priority, especially short term imprisonment, but not specifically for this age group. Only three of the respondents said they had performance indicators on reducing young adult imprisonment. Five of the respondents said that they had taken no action to reduce young adult imprisonment in the last year. Notwithstanding this, respondents were strongly aware of the problems of transition from YOTs to probation, because of the lower levels of resourcing and more formal style of the latter.

Comments from the baseline survey of probation chiefs:

There is no clear alignment of resources with this age group.

This age group is no different than for adults. So, we do try and provide alternatives to custody for all offenders.

The transition for a young person from a very intensive regime to adult services can be stark. There should be a more planned approach when a young person in transition receives greater support.

Lessons

You might like to start by working with those who are already sympathetic to the cause

Working at different levels in the local authority provides different sources of influence over the planning and implementation of actions. Junior or senior staff can each block changes, in different ways.

It is a common campaigning approach to build on and leverage from people who are sympathetic to the cause. YOTs were sympathetic towards the *Out of Trouble* programme and their performance framework already incorporated an indicator on numbers of children in custody. YOTs were a great choice because they sit at the heart of the youth justice system and are respected by magistrates. YOTs are important gatekeepers, with the potential to facilitate wider change in local authorities.

Identifying and supporting areas in particular need of change is cost-effective and motivating. The information was genuinely new: some people in high custody areas did not know their rates of imprisonment were above the average. Often only middle management had this information.

Campaigners often take a centralist approach, focusing on policy levers. Working at a local level gives more levers.

Prison Reform Trust

The aim is to inform and interest, not to dictate.

Prison Reform Trust

Think about the needs of the local partner

Practical advice from PRT helped YOT managers to make changes in their own area.

It can be useful to make a presentation alongside a local partner at regional events so as to set the context.

It is helpful to find out which local authorities are planning to attend regional or national meetings so that you can come prepared with statistics relating to their local area. The same applies when responding to local press enquiries.

Work with and around sentencers

Description

PRT's approach has been to:

- **Ensure the team understood the process.** Staff observed courts and a referral panel and visited prisons.
- **Work through organisations and individuals important to sentencers.** The *Out of Trouble* team presented the *Out of Trouble* strategy to the Association of Panel Members, and also to the Lord Chief Justice and the Senior Presiding Judge.
- **Work with defence solicitors**, who have a crucial role to play in reducing custody.
- **Demonstrate its expertise and authority.** PRT gave presentations to magistrates at their request.
- **Consider long term influence through supporting the training of magistrates.** The team met the Magistrates' Association and others to discuss how magistrates' training could give a greater emphasis to child welfare. The Magistrates' Association has taken up *Out of Trouble's* offer to provide free expert speakers to local magistrate benches to talk about research and examples of good practice.
- **Provide practical resources.** PRT is developing an information pack for magistrates to help them recognise and respond appropriately to defendants with mental health problems or learning difficulties.

PRT is not out to score points, they don't see us as the enemy, they see us as people to work with.

Magistrate

PRT sets out what they see as the issue dispassionately. They encourage people to see it as a joint issue. Rather than just saying we don't agree and we think you should do it this way. This is a process of dialogue.

Magistrate

In September 2009 we carried out a survey of magistrates in youth courts to give a baseline as well as providing early information on the perspective of magistrates that would be helpful to the programme. 196 youth courts in England and Wales were sent written questions and 68 replied, a response rate of 35%. 45 of the respondents said that they saw a need to reduce child and youth imprisonment. 26 respondents said that they had little influence on reducing the number of children and young people imprisoned. In most cases this response reflected a view that the court is reactive, with a sentence following automatically from the offence. 53 of the respondents said they were aware of the work of PRT. 36 didn't know if PRT had been effective in putting forward the case to reduce the number of children and young people imprisoned, 18 said they were effective or very effective.

The *Out of Trouble* team commissioned Just for Kids Law, a charity which provides legal services, to develop and run a programme of ten training days for defence solicitors across England. These seminars aimed to improve solicitors' skills and knowledge, so that they had tools and techniques to minimise the use of custody for their clients. Feedback forms found that 144 of the respondents were intending to change their practice as a result of the course. The most common change was to involve psychologists and psychiatrists, mentioned by 97 participants. A follow up survey of defence solicitors six months later showed that 28 of 34 respondents said they still thought about the training or referred to their notes, most occasionally rather than regularly. 21 respondents said they had changed their practice as a result of attending the workshop. The most common change was increased contact with YOTs.

Comments from defence solicitors who attended the training:

Overall, the course was very useful so difficult to say how you could improve it.

Defence solicitors who attended this course will definitely have another approach and perspective to their practice. They will be able to offer better defence.

Courses like this bring to attention the needs of clients and remind solicitors of sensitivity involving their clients.

Lessons

Influence can be indirect

Work with sentencers is difficult because many do not believe that custody is overused (as evidenced by the magistrates' evaluation survey above) and see any suggestion that it is as a personal criticism. Arguments based on international comparisons can be more compelling as they do not appear to be critical.

CPD training (in this case for lawyers) is an important opportunity for campaigning organisations in part because of the apparently poor quality of much existing CPD provision. Advocacy organisations can add passion and depth that might be otherwise missing. Most trainees knew that the course was associated with PRT and there was no feeling that they were being lobbied or inappropriately influenced. The other advantage of training is that it

can be/was delivered by an external organisation which enables the campaigning organisation to buy in expertise and capacity. The course had a national reach in a cost-effective way.

Respect independence

Sentencers are rightly protective of their independence. PRT's main engagement strategy has therefore been to influence sentencers indirectly and respectfully through YOT managers, defence solicitors and Crown Prosecutors.

We never make the assumption that we can train sentencers. It is inappropriate. Our job is to provide sentencers with information.

Prison Reform Trust

While we believe this was generally a good approach, it was not without its critics. One respondent to the court follow up survey saw the lack of direct work with magistrates as prejudicial since it gave skills and information to the defendants side but not to sentencers.

Work with parliamentarians, civil servants and government agencies

Description

PRT's approach has been to:

- **Form a close relationship with the Youth Justice Board (YJB)**, reinforcing its commitment to reduce child and youth imprisonment.

PRT create urgency and momentum. It is absolutely right that PRT should challenge the YJB since that is how change happens. It should never be a cosy relationship. The amount of pressure they place varies from session to session. On some issues we can act more quickly than on others.

Youth Justice Board

PRT is one of our lead stakeholders. They are the campaigning organisation that has had the strongest relationship with the YJB, supporting and challenging us.

Youth Justice Board

- **Take advantage of PRT's wider work.** For example PRT provides the secretariat to the All Party Parliamentary Penal Affairs Group. PRT also has regular quarterly standing meetings with the prison minister.
- **Hold or attend regular meetings with the very top of government and Parliament.** This includes ministers, shadow ministers and civil servants from departments including the Department for Education, Ministry of Justice and HM Treasury.
- **Give presentations at party conferences.**
- **Cultivate relationships with key civil servants.** PRT has particularly sought to work with individuals who are drafting new policy.
- **Support government reviews.** For example, PRT helped the then government advisor John Bercow MP in his review of the provision of speech and language therapy.

- **Foresee, influence and respond to government consultations and select committee inquiries.** For example, PRT wrote a detailed response to the Anti-Social Behaviour Consultation and then sought meetings with officials, and gave evidence to the Justice Select Committee's inquiry into youth justice.

Lessons

Work widely and individually

It is important to have parliamentary contacts in government and opposition, front bench and back bench, as positions can change rapidly.

When sending out reports, PRT personalises letters to parliamentarians to draw attention to specific issues or recommendations relevant to them.

Small, focused meetings convened by the advocacy organisation are particularly time effective.

Views cannot be predicted from party alignment.

Consultations are important opportunities to feed information back to government on their terms. The work extends beyond responding to the formal consultation through producing a written response. It can include trying to influence the terms and content of the consultation, holding meetings to expand on the formal response and continuing meetings to try to influence the next stages through to implementation.

Analysis of the meetings database created by the evaluator suggests that advocacy relationships might take a different path to those in other contexts. Influencing relationships tend to start positively and sometimes taper off as the demands are made or clarified.

Work with the media

Description

PRT's approach has been to:

- **Ensure the campaign branding implied a positive outcome.** An early potential name, *Criminal Damage*, was felt to have too many negative connotations about young offenders.
- **Produce a dissemination plan for each report.** This considers the key messages and media, the potential misunderstandings and other risks and action to mitigate problems.
- **Organise launches for its publications.** This is mentioned above.
- **Be proactive in dealing with the media.** PRT has a weekly press and policy meeting.
- **Have a strong website.** The PRT website receives 70,000 unique visitors a year.
- **Provide commentary.** For example, the programme director regularly writes for the Huffington Post and other publications.

- **Respond to media requests.** For example, PRT provides accurate information to counter numerous punitive stories.
- **Provide experiences for journalists as well as for parliamentarians.** PRT has organised many 'seeing is believing' visits, taking editors and senior journalists to prisons and young offender institutions.
- **Build a network of media contacts** across justice, youth, health and voluntary organisations. These are with local as well as national media.
- **Communicate with practitioners via their trade press** through regular comment in, for example, Children and Young People Now, Community Care, The Magistrate and the Law Gazette.

The *Out of Trouble* programme has been covered in media outlets such as The Sun, Mirror, Guardian, Telegraph, Independent, Metro, Community Care and Children and Young People Now, and featured on a host of national and local radio stations including Radio 5 Live, Independent Radio News and local BBC stations.

Lessons

Engage with the media

Campaigners need to have visibility in the media to be seen as credible with policy makers.

I really valued PRT's post-riot interview. There was a voice of balance and reason that contrasted sharply with a range of other voices at the time. The first announcements were about gangs which proved not to be true. That measured longer-term view requires the highest influencing skills. It is built on trust.

Youth Justice Board

PRT uses the media to say what needs to be said, but they don't do it in an aggressive way.

Youth Justice Board

PRT's strategy was to engage the media as often as possible, whether in putting out stories or reacting to reporting.

The media is useful for getting issues on the agenda. For example, publishing the report on remand, and following it up with regular media stories about the overuse of remand, reinforced the importance of the issue.

Sending stories to, and responding to breaking news from, the Press Association gives a route to reach journalists.

Sending information or research out to partners can help them to obtain their own media coverage. For example, Torbay Council used a letter congratulating it on its low use of child custody as the basis for its own press release.

Refresh the campaign

Producing a number of relatively focused reports rather than producing one all-encompassing research report, and strategic use of public opinion polling, provide multiple opportunities for media engagement.

Online work

Description

PRT's approach has been to:

- **Launch an *Out of Trouble* website.** The website was developed early in the programme, and launched in January 2010.
- **Design the website from the beginning** to have the features needed for e-campaigning, i.e. online sign up to the campaign and emails to MPs.
- **Promote the website** through an advertising campaign and also through social media.
- **Encourage personal interest in the website** by posting audio recordings of interviews with children in custody online.

By June 2012 the programme had 1,477 twitter followers.

PRT resorted to a focused approach to public involvement: concentrating on a smaller group of active people rather than broadcasting with the aim of achieving a wider change in public opinion. This was the right approach given PRT's culture and resources.

Lessons

Online work requires different skills

The number of people who engaged with the website was lower than expected. PRT therefore changed its approach to focus on a smaller number of committed campaigners, nurturing those already sympathetic and encouraging them to take action.

HOW DID THE *OUT OF TROUBLE* PROGRAMME WORK?

Introduction

This chapter describes the philosophy behind PRT's programme decisions. Each stage of the programme involved an explicit or implicit choice about how the team could best use its time.

Funding from The Diana, Princess of Wales Memorial Fund enabled PRT to carry out a sustained programme of activity around reducing the number of children and young people in prison.

PRT is fairly influential. They are not a one hit wonder. This has been a considered piece of work evolving over a number of years, which has given the issue the continuity and depth that it needed.

Parliamentarian

Out of Trouble was a well thought out campaign and having a long period of time matches government policy which is developed over a long time.

Policy maker

Two groups/phasing

Description

PRT divided the programme into two elements: under-18s (children) and 18-20s (young people/adults). These two elements had different strategies and time frames.

Lessons

Later stages can learn from earlier stages

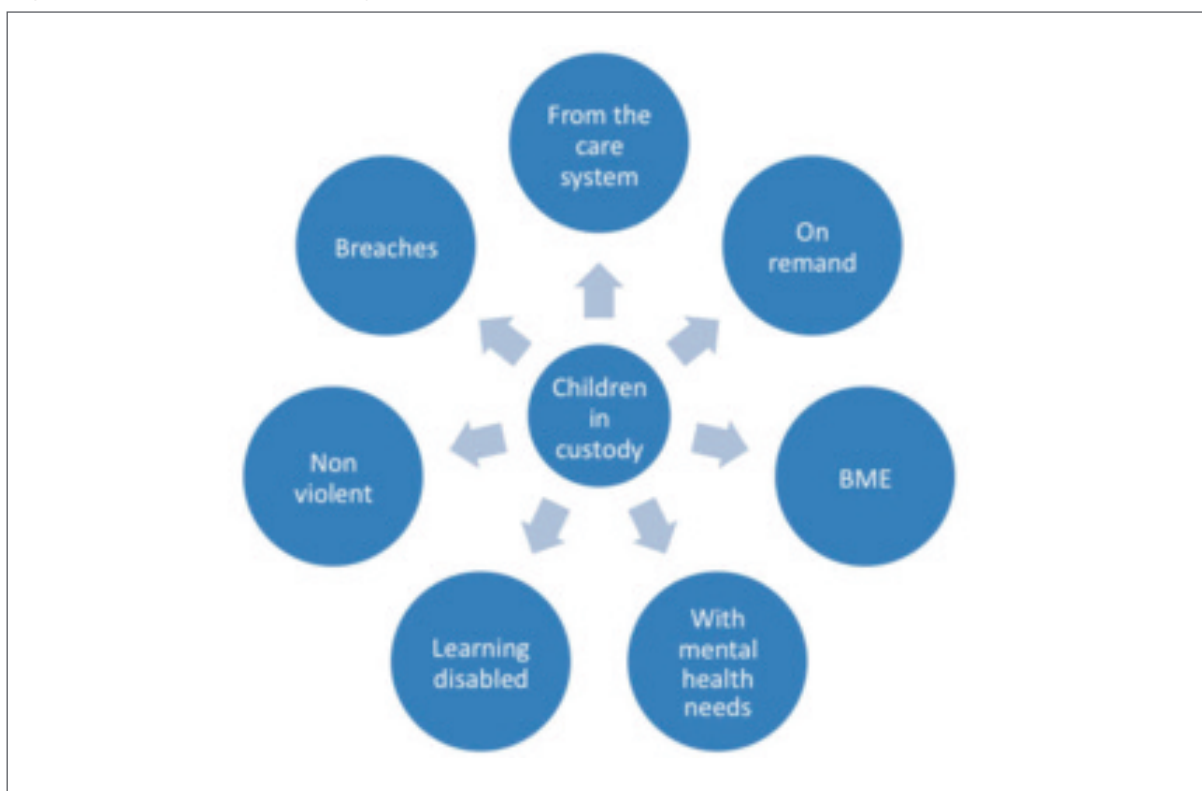
Separating the two age groups made sense because these are dealt with differently in the criminal justice system and have different processes and key stakeholders. The separation did not stop PRT from looking at the issues of transition between the two systems, which came out strongly in the evaluation survey of probation managers. Phasing the work allowed PRT to make the best of its time, starting with children, the age group which was arguably the easiest. The one disadvantage of phasing the work is that PRT spent less time working to reduce young adult imprisonment, and time-lags mean that results are less evident at the end of the programme.

Segmentation

Description

PRT deconstructed its target group of children and young people into different (overlapping) segments and advocated for each of these separately:

Figure 1: Children in custody



Lessons

Segmentation is a clever approach

The segmentation approach was strongly positive:

It meant that stakeholders could disagree with the overall idea of reducing the number of children or young people in prison but agree with key messages of the campaign such as the view that prison shouldn't be used for those who have committed non-violent crimes.

It generated a range of arguments for different target audiences and therefore a greater chance to link to stakeholders' own policy objectives.

It meant the programme could be refreshed frequently by moving onto new groups in the segmentation framework.

It gave multiple entry points so there were never any times when the programme was static.

It strengthened attribution. Issues such as remand and breach were little raised before PRT's campaign, and action to address these issues could therefore be traced to the programme fairly easily.

The challenge of a segmentation approach is that it broadens the perspective on the advocacy issue in a way that extends far beyond the justice system, for example into social care, health and education. Advocacy organisations need to be careful to avoid spreading resources too thinly, and should be prepared to find partners to help identify and support solutions that lie outside their area of expertise.

PRT has had a sequence of publications, with launches, tweets and blogs which have kept its profile high.

Youth Justice Board

PRT's arguments that try to segment offenders have been particularly effective. Rather than saying this is 2,000 young people, it shows they have all got their own story to tell. It makes people think you are not just looking at a unit of data you are looking at a human being. It makes people ask questions. People wouldn't think that young people in custody have learning difficulties, so that makes them think. Just seeing them as offenders may not make people think.

Policy maker

PRT has broken the group into different sub groups. This has given them lots of new stories and enabled them to engage different people with different bits. This is also the most practical way to resolve the problem through looking at the causes.

Parliamentarian

Drivers for change

Description

PRT identified leverage points through its own research and the stakeholder surveys carried out by the evaluator. These included: the quality of YOT pre-sentence reports, the quality of defence representation, and processes for remand and breach.

Lessons

Identify leverage points

Leverage points are systems or processes that implicitly or explicitly set the priorities of an organisation. A campaigner might benefit from distinguishing between leverage points that are highly controversial, and therefore more difficult to influence, and those that are less controversial. For example, in arguing for the delegation of custody budgets PRT was seeking to realign incentives in the penal system in an approach that was consistent with government philosophies of localisation.

PRT saw that there were a number of different routes to reduce custody. Any one programme is likely to have a number of different possible leverage points, not all of which need to be addressed.

Responsiveness

Description

PRT has regular and strong intelligence on what is happening in the environment and is able and willing to change tack rapidly, an approach it calls “principled opportunism”.

Lessons

Be clear on ends and flexible on means, within limits

The *Out of Trouble* programme had a very clear objective – reducing the number of children and young people imprisoned in the UK – but many aspects of the work evolved over time. Funders need to be flexible enough to allow advocacy organisations to take risks and explore new approaches.

Think big but have focused objectives.

Prison Reform Trust

PRT acts in a reasoned way. They will accept the boundaries and being pushed back, not getting everything they wanted.

Policy maker

Messaging

Description

PRT used different arguments:

- **Rational.** Concerning the effectiveness, efficiency and cost of imprisonment.
- **Pragmatic.** Concerning the ways systems and processes could be changed.
- **And emotional.** Concerning the human stories and feelings.

At the heart of the programme was the assumption that the prison population could be reduced through means other than reducing offending: that there are inefficiencies (rational argument), structural weaknesses (pragmatic argument) and injustices (moral argument) reflected in the current prison statistics.

Be clear about what you want to change:

In the first year of the programme PRT produced a 12 point manifesto to set out possible action for those interested in the *Out of Trouble* programme:

- Reduce the number of children remanded in custody, e.g. strengthening bail.
- Transfer the child custody budget to local authorities.
- Set a higher legal threshold making it more difficult to imprison non-violent offenders.
- Punish technical breaches of community orders or tagging without locking children up.
- Expand intensive fostering as an alternative to custody and remove the financial barriers to its use.
- Ban sentencers from using imprisonment for those under 14. The age of criminal responsibility is 10, compared to 14 in most of Western Europe.

- Require YOTs and secure establishments to screen, divert and obtain an appropriate referral for those with serious mental health problems and/or learning difficulties or disabilities.
- Get local authorities to prevent so many looked after children ending up in custody.
- Address regional and local disparities in the use of custodial sentences.
- Ensure all child custodial sentences over two years are reviewed by sentencers and YOTs after a quarter of the original sentence has been served.
- Prevent more young people entering the criminal justice system.
- Motivate young people to change and engage families as a source of support.

Our analysis of the meeting database showed that, over time, messaging used with different stakeholders became more detailed and tailored to stakeholders' specific interests. Altogether, PRT's meetings, conferences and events reached more than 20,000 people/contacts.

Lessons

Prepare different types of messages

PRT started by setting out the rational arguments for its case. Rational arguments are easier to plan and control.

PRT laid the foundations for strong pragmatic arguments. Pragmatic arguments are those that support or foster organisational change which are not important in themselves, but for their positive direct or indirect consequences. Pragmatic approaches include:

- Good practice guides.
- Protocols.
- Changes to performance measurement systems.
- Changes to funding.
- Legal challenge.

PRT supported pragmatic arguments through producing manifestos, action plans and practical resources.

Emotional arguments are more difficult to control and often need careful timing. Early in the programme PRT prepared tools for emotional arguments to be used as opportunities arose:

- Stories of children and young people in custody.
- Audio recordings of interviews with children in prison.

Be balanced in your messaging (especially if addressing policy makers)

PRT's overall approach to messaging suggests these lessons:

Seek to understand counter-arguments. It is important to acknowledge the importance of judicial independence and the rights and needs of victims. PRT's reports state clearly that it is not totally against prison. Rather it wishes to reduce crime, reduce needless imprisonment and improve effectiveness, including helping the young person to give back and make amends. Even with this balance, some of the magistrates in our follow up survey said that they would like PRT to go further by considering the personal benefits that custody can give some young people, such as stable accommodation.

Seek to understand the pressures and agendas of key stakeholders like the YJB. PRT always aims for a respectful approach, a partnership approach. PRT might produce a negative report, but it won't be personal and it will be evidence-based. In areas like breach and remand, PRT provides evidence on un-researched subjects, so that the new evidence can be presented as helpful and informative.

Be well informed. PRT understands the systems it is trying to change and is therefore seeking to be a source of insight for key stakeholders. It is careful not to advocate significant increased spending or to only do so when the approach is proportionate and saves money overall.

Use moral and ethical arguments carefully. When PRT uses emotional arguments it references the UN Convention on the Rights of the Child, linking emotion to agreed value systems.

Vary the messaging with the influencing objective. Different messaging is appropriate to get items on the agenda, to agree action, and to implement action.

Use local data and arguments. Evidence is more persuasive if locally-specific rather than general.

PRT has a consistent narrative into which the latest incident can fit. A single simple narrative is very powerful.

Youth Justice Board

A different view: if people know what you are going to say, if you are banging on about the same issue, it does reduce your impact

Policy maker

PRT has a measured style. It demonstrates a significant need for change, without getting hysterical about it. A lot of issues are very polarised according to political and organisational positions. PRT take a very diplomatic and mature approach, making sure that the questions asked are the right questions rather than allowing a real issue to be deflected by political interests. They have the space to highlight what are real problems. When practitioners do that there is a suspicion that there is a vested agenda.

Probation chief

PRT acknowledges all sides of arguments, and gives evidence for why it has come up with the case. It is clear that positions have been taken after considerable research and consultation. This is different to organisations that come up with sound-bite arguments which look like individual prejudice.

Probation chief

PRT are excellent negotiators and assessors of material. They have amassed a wide range of evidence to help support their positions and they are very good at engaging with others, statutory or voluntary, and making links with key government agencies.

Probation chief

PRT has the right approach, it is calm and reasonable, but it doesn't pull any punches. They are clear something is wrong, but they always acknowledge when progress is being made.

Youth Justice Board

Different types of messaging work in different contexts. What PRT does is seek primarily to influence policy makers, where you need a reasoned approach. The reasoned approach is not very good at getting the public on your side. Campaigners with a more emotional style are probably more concerned with getting public opinion on their side.

Parliamentarian

Supporting practice

Description

PRT's practical approach is illustrated by its conference on 12 July 2011, *Reducing Child Imprisonment*. 240 people attended, mostly YOT staff and magistrates, and there were 45 speakers. This conference helped to disseminate PRT's research and examples of good practice.

We carried out an online survey of attendees. 125 people responded, which is a 52% response rate: high for this kind of survey. 114 of the respondents said that the conference was pitched at the right level.

102 of the respondents said that they got ideas about how to change their practice to reduce custody. 93 of the respondents said that they would change their practice as a result of attending the conference. 118 of the respondents said the conference was useful to them.

Comments from attendees:

Some new ideas - some ammunition to reinstate good practices we once had but which have been lost through funding cuts.

I received ideas that can inform practice but often I find that what is said in theory is rarely put into practice due to resources.

It was reassuring to hear others have similar issues.

Lessons

Provide practical support

Recommendations are more likely to be applied if advice is specific and customised for the reader e.g. protocols, or model resources.

Encouraging and supporting networking is an important part of disseminating practice advice. Practitioners gain by learning from each other but also from seeing that others are thinking as they are about changes in practice.

Public opinion

Description

PRT used opinion polls as a way of demonstrating support for aspects of the programme.

Lessons

Think carefully about how to involve the public

Demonstrating public support is easier than seeking to engineer a wholesale change in public opinion.

As we have got to know PRT properly, I hadn't appreciated how small they are compared to the children's charities. It is more difficult for them to influence the mood music, the public, when you are small.

Policy maker

The public don't tend to have a detailed knowledge of policy areas. Nor are these advocacy issues likely to be at the forefront of their minds. Surveys need to ask questions to which they can relate. For example it can be more meaningful to ask about their agreement or disagreement with specific values rather than asking them how they think the system should operate.

Service users

Description

PRT's approach has been:

- To include service users on the programme advisory group.
- To organise visits to prisons, YOTs and probation.
- To publish youth justice stories. PRT quotes were featured on PA, in Community Care, Children and Young People Now and in local and national media.

Lessons

Service users can help make the case

They give you insights into the system and the experiences of those in the system, which can help in producing pragmatic and practical solutions.

Personal stories help to make the advocacy messages vivid.

Service users gain from having a voice in advocacy programmes – the campaign is about them.

Be sensitive to service users

Involving users on advisory panels can seem tokenistic. Individual users can also be unsure of their role.

In the case of prison reform, user involvement is likely to ask about personal stories and this can be highly intrusive.

There are additional sensitivities in involving users who are children.

Position within PRT

Description

In the past, PRT has sited programmes both within the organisation and at arms-length and chose to give *Out of Trouble* a position part of the way between the two: with its own branding, but integrated into the broader organisation's work.

Out of Trouble benefited from PRT's broader resources, expertise, leadership and media profile, for example:

- *SmartJustice*, a PRT programme supported by the Network for Social Change which campaigned for the use of alternatives to custody, concentrated its efforts on young people.
- PRT's programme *No One Knows* has worked with Mencap and Keyring to address the needs of people with learning disabilities and difficulties in the criminal justice system.
- PRT's research into volunteering, active citizenship and representation on prisoner councils found that young prisoners were less likely than adults to be offered opportunities to take responsibility for themselves and others.

Out of Trouble has informed PRT's wider operation. For example, the organisation has observed the value of focusing on high custody areas and is planning a similar approach with its work on women.

Lessons

Balance identity with authority

The positioning of *Out of Trouble*, within PRT but with its own branding, gave a positive balance of identity, economies of scale and learning. Everyone we interviewed knew that *Out of Trouble* was a PRT campaign, which enhanced the credibility of the programme.

In retrospect it might have been better to have the *Out of Trouble* website as a sub-site of the PRT website to increase the chance of benefiting from its high website traffic.

Evaluation

Description

The methods are described above (see introduction). The evaluator drew on her other work with a dozen or so advocacy campaigns nationally and internationally, and also on the views of an evaluation steering group which included trustees from The Diana, Princess of Wales Memorial Fund and PRT.

Lessons

Use evaluation for learning

Advocacy is generally seen as difficult to evaluate because it has multiple objectives, time lags, different stakeholder perspectives and uncertain attribution. However all these problems are common throughout evaluation of social and economic programmes and are not unique to advocacy.

Intangibles, such as capacity building and the establishment of dialogue, are important intermediate outcomes for advocacy. It is arguable that other social and economic programmes would also benefit from evaluating relationships since these can affect the success of programme delivery.

In advocacy, causation might be better described as contribution rather than attribution: achievements will inevitably be shared and it is important not to over-claim.

Evaluation of advocacy should be directed towards learning rather than accountability. Evaluator input can be especially useful in facilitating a debrief so as to understand, structure and document lessons.

Advocacy is special in its political and sensitive nature, and its opportunistic form. Evaluation of advocacy requires a careful use of language so as not to exaggerate the importance of the advocacy organisation.

WHAT WERE THE ACHIEVEMENTS?

Introduction

Our stakeholder survey found a strong sense that advocacy organisations such as PRT enrich the process of policy making and practice.

Advocacy organisations do help me do my job better because they represent points of view that I don't come across in my day-to-day experience. They are an external challenge that helps me to be more rigorous in my thinking. It inevitably leads to better stress-tested policy.

Policy maker

It is extremely valuable to have that space, that isn't part of the system, where new thoughts can be thought and new ideas can be tested in a way we probably wouldn't do.

Policy maker

Campaigning organisations that focus on the customer experience and customer needs are really important. Policy makers can have a bunker mentality but campaigning forces policy makers to look above the parapet. They probably then make better policy: it is important to be able to say how the issues campaigners are concerned about are going to be addressed.

Policy maker

Advocacy organisations can put items on the agenda that civil servants wouldn't touch. They can be innovative and controversial in the way that a government agency couldn't because it would be afraid of losing ministerial support.

Magistrate

Advocacy organisations are a step away from commissioning and delivery, which is refreshing because they don't have an agenda in terms of getting money from us. They have a strong voice, an independence, which is important in a democracy.

Probation chief

Numbers in prison

In spring 2011 Rob Allen wrote a paper for PRT on why child custody had fallen so significantly in England and Wales. Rob found that the fall had been largely brought about by fewer children being sentenced to Detention and Training Orders with particularly marked declines in the numbers of younger children and girls, especially in large conurbations. The falls did not apply to black and minority ethnic children to the same extent as to white. Declines were not due to shorter sentences. Rob commented that “it is not the case that reducing custody has been a deliberate or overt policy objective in central government.” Reducing use of custody was one of the YJB's corporate targets from 2005 to 2008 - a period which saw no decline in numbers - but the target was dropped in the corporate plan for the period 2008 to 2011 in favour of an objective to provide ‘safe and effective use of custody’. So the YJB prioritisation of reducing child custody was less overt during the period which has seen the reduction than in the preceding years.

Rob argued that:

Rather than a change in government policy, a range of dynamics behind the scenes have worked together to reduce the number of children appearing before the courts, reducing the proportion of these children who are sentenced to custody.

The causes he cites include progressive sentencing guidelines, a change in police charging policy leading to a significant drop in first time entrants and the influence of campaigning organisations including PRT. Rob concluded that in some ways, *Out of Trouble* has played a role analogous to that undertaken by NACRO's youth crime section in the 1980s, offering information and technical assistance alongside more traditional campaigning methods aimed at changing attitudes and policy.

There are fewer children in custody and the policy debate is more nuanced. There is a recognition across departments that there are aspects of custody that are problematic. PRT has helped to build that recognition. They have added fuel.

Policy maker

There has been a shift in culture since I took up post four years ago. There is now an understanding that custody doesn't work and should be reserved for those who represent a clear and current risk in terms of public protection.

YOT follow up survey

There has been no one cause for the reduction in youth imprisonment in our area. It is the result of having a plan which covers a lot of different aspects of good practice. Being explicit in our belief that custody is inappropriate for all but the most dangerous young people - and getting both staff and external partners to sign up to that belief. Promoting a culture of believing in the possibility of change - and that we can make a positive difference. Improving our engagement skills and practice.

YOT follow up survey

I would like to say that the reduction in child and youth imprisonment is because politicians are concerned for child and youth welfare and recognise what a damaging experience custody is, but sadly I think it is more down to so much hype about payment by results which has led the way to try to reduce custody.

YOT follow up survey

24 of 38 respondents to a follow up survey of chairs of youth courts said that the interest in reducing child imprisonment is stronger than it was five years ago. 13 of the 38 respondents said that the interest in reducing youth imprisonment (18-21) is stronger than it was five years ago.

PRT's contribution to the 42% reduction in the child custodial population was recognised on 16th July 2012 by the then Secretary of State for Justice when, at a Parliamentary reception to celebrate the work of *Out of Trouble*, the Rt Hon Ken Clarke MP said: "*The fall in use of custody is quite dramatic. I compliment those at PRT on what they have achieved*".

High custody areas

Between 2008 and 2011 the high custody local authorities PRT worked with saw an average drop in the number of children sentenced to custody of 38% compared to the national average of 33%.

Meetings in Wales resulted in the Welsh Assembly commissioning NACRO to produce reports on high and low custody areas using the PRT approach.

Sentencing guidelines

PRT worked in partnership with the Standing Committee for Youth Justice (SCYJ) to suggest changes to the Sentencing Guidelines for under-18s. The Sentencing Council produced guidelines that reflected PRT's views - *Overarching Principles: Sentencing Youths*⁶, for example, has a strong emphasis on custody as a last resort: use of custody "will be a stringent test which is likely to be satisfied only where a custodial sentence will be more effective in preventing offending...The obligation to have regard to the welfare of the offender will require a court to take account of a wide range of issues including those relating to mental health, capacity and maturity". The guidelines include a strong discouragement from using custody as a sanction for breach. The Sentencing Council's new guidelines on assault and drug offences asked sentencers to take note of the maturity of the offender as a personal mitigating factor in sentencing.

PRT sought to influence the sentencing reforms outlined in the Justice Green Paper and subsequent Legal Aid, Sentencing and Punishment of Offenders (LASPO) Bill introduced to Parliament in 2011. PRT also prepared amendments on restorative justice and young adults for the LASPO Bill. Whilst these amendments weren't agreed, the Bill included an overhaul of remand legislation for children and an expansion of the use of Referral Orders, the only restorative justice-based order available for children who have offended (see below). The Legal Aid Sentencing and Punishment of Offenders Act received Royal Assent in May 2012.

Remand

PRT put the issue of remand on the national agenda. Its report *Children: Innocent until proven guilty?* made recommendations that were picked up by the Ministry of Justice youth justice team and led to draft legislation in the LASPO Bill. This included proposals for a Single Remand Order, a higher legislative threshold, thus making it harder to imprison a child on remand, the inclusion of 17 year olds in child remand legislation and the devolution of remand budgets to local authorities. These changes, due to be implemented in 2012/2013, are likely to result in a reduction in numbers on remand. Remand figures are already falling as YOTs have introduced good practice in advance of the changes.

Breach

Publication of the *Out of Trouble* report *Into the Breach* highlighted breach as a driver to custody and helped to shift the breach narrative away from one focused purely on compliance and on to the value of relationships between children and youth offending

practitioners. Raising the subject up the agenda led to new provisions in the LASPO Bill for breach panels. PRT commissioned NCB to run a series of workshops on reducing breach and improving compliance for youth offending teams.

The breach work has had a big effect on me. Into the breach was very impressive and it changed my practice. When a young person comes in front of you for breach the human thing is to make the order more onerous. Instead PRT advised that the terms should be reduced and I have tried to do that, considering individual cases. This is counter-intuitive but very sensible.

Magistrate

Given the timing, I can't honestly say we would have given so much attention to breach at that time without PRT's work, so it might not have got into the Bill. It was not as if we thought it didn't matter, it is just we were focusing on other issues.

Youth Justice Board

Delegation of custody budgets

Delegation of custody budgets was originally put forward to the Youth Crime Action Team in a private briefing paper submitted by PRT in early 2008, and the idea featured in the Youth Crime Action Plan published in July 2008. After profiling delegation in *Out of Trouble's* 12 point strategy to reduce child imprisonment, produced in December 2008, SCYJ produced a report with recommendations on the delegation of custody budgets and the YJB produced a scoping paper on how this might be achieved. The YJB is piloting delegation through four consortia of local authorities. PRT supported YOTs within two of the four pilots through the provision of training. The details of how delegation will work, for example whether it should be limited to metropolitan areas or whether local authorities would be able to pool their resources and share the risks, are still under discussion.

We first floated the idea of delegating custody budgets in 2009 and people were very resistant because they assumed it must be about saving money. When PRT said it was a good idea, this helped to make it respectable. Some advocacy organisations campaigned against it. PRT analysed the data systematically and understood that delegation would help to address a system fault.

Youth Justice Board

Devolving the remand budget first increased interest. That 12 groups applied to be pathfinders for the four pilots showed that opinions really had changed.

Youth Justice Board

Learning disabilities and difficulties

PRT's report, *Seen and Heard* (2010) drew attention to the problems faced by YOT staff in recognising when children who offend might have impairments such as learning disabilities and difficulties, communication difficulties and autism spectrum disorder. Findings from the report were used by the YJB to inform conversations on the revision of ASSET and in adapting approaches to working with children with impairments in local YOTs. Following publication, its author became a founding member of the steering group appointed to oversee the Youth Justice Board's programme of work engaging YOTs on identifying and meeting communication need.

The report also contributed to the work of the Children's Communication Coalition, led by the RCSLT, and provided a focus for a conference by the Restorative Justice Council on inclusive restorative practice in March 2012.

PRT's briefing paper *Fair Access to Justice?* (2012) highlights the anomalous position of vulnerable defendants, who are not entitled to the same statutory support in court as are vulnerable witnesses. An early meeting with the Ministry of Justice has proved promising and work is ongoing to bring about change in this area.

Restorative justice

PRT worked on restorative justice together with other organisations. Its report on Northern Ireland, *Making Amends* (October 2009), which examined the introduction of youth conferencing in 2003, was picked up by the Restorative Justice Council and the Independent Commission on Youth Crime and Antisocial Behaviour established by the Police Foundation. One small move towards more restorative justice was the provision in the Legal Aid, Sentencing and Punishment of Offenders Act for Referral Orders (which are restorative in nature) to be used more than once.

Making Amends influenced ministers. The Breaking the Cycle Green Paper starts by talking about Northern Ireland, a reference to PRT's report.

Youth Justice Board

In Northern Ireland itself, meanwhile, the review of the youth justice system, initiated by the Minister of Justice in 2010 and published in 2011, concluded youth conferencing had "proved highly successful, attracting interest from other jurisdictions in the UK and internationally...an achievement of which Northern Ireland can be rightly proud."⁷

Understanding of young people as a distinct group of adults

PRT is one of a number of organisations pressing for young people to be treated as a special group. This view is more prevalent now than it was at the beginning of the *Out of Trouble* programme. For example, the Ministry of Justice has restructured to create teams for youth justice, young adults and women. PRT works in membership of the T2A Alliance established by the Barrow Cadbury Trust.

There is a growing awareness that maturity is an issue in offending, that young people should be seen as a separate category of adults in terms of a transition to adulthood.

Probation Chief

The political interest in young adults has clearly increased in the last few years. Three or so years ago an event on young adults would have had a poor representation from policy makers. I went to a recent event and it had a huge attendance including the movers and shakers. I would say there is significant progress in taking maturity into account.

Probation chief

More probation trusts are considering implementing alternatives to custody for young people.

Probation Chiefs' Association

CONCLUSIONS

Out of Trouble illustrates many aspects of good practice in advocacy:

- Objectives were clear, precise and realistic.
- The programme had a well thought-through although implicit theory of change.
- PRT produced a conceptualisation of the programme that provided many routes for progress, all focused on the same objective.
- The programme compiled a wide range of high quality evidence and research reports in differing formats depending on their target audience and purpose.
- PRT developed rational, pragmatic, moral and emotional messages, applicable to different target audiences at different stages in the programme.
- PRT analysed, respected and addressed objections to its arguments.
- PRT worked in partnership with peer organisations and government agencies.
- PRT maintained close relationships with a wide range of stakeholders that allowed it to respond opportunistically to changes.
- PRT sought strong media coverage and managed its media profile skillfully.
- PRT developed detailed knowledge of the systems it was seeking to influence so that its recommendations could fulfil partners' objectives as well as directly or indirectly reducing the number of children or young people in custody.

The political environment has generally been negative for the programme. Parliamentarians have been deterred from openly articulating interest in the subject given the public concern about knife crime and anti-social behaviour. The riots happened during the programme and led directly to a temporary increase in the number of children and young adults in custody.

The statistics suggest that the programme met its objectives, or contributed to the meeting of its objectives for children and to a lesser extent for young people.

However, progress has not been smooth. Considerable persistence has been required. PRT has supported systemic change in terms of performance measurement, financial management, and professional development. Systemic change like this is valuable in advocacy because it tends to be stable rather than diminishing in impact.

The programme has had some success in influencing sentencing guidelines.

The programme started too late to influence the Criminal Justice and Immigration Act 2008. Other organisations did try to get a higher custody threshold into legislation, but did not succeed. Without a higher custody threshold or increase in the age of criminal responsibility there is always the concern that gains can be overturned in the future.

Alongside the *Out of Trouble* team and broader PRT staff, trustees of both PRT and The Diana, Princess of Wales Memorial Fund have discussed how best to sustain the gains

made in reducing child and youth imprisonment beyond the programme's end. Children and young people will continue to be a core focus of the work of the Prison Reform Trust. PRT has learnt different approaches from having a sustained programme of funding, which will inform its future work.

APPENDIX: OUT OF TROUBLE REPORTS

Criminal Damage: why we should lock up fewer children, December 2008
www.prisonreformtrust.org.uk/Portals/0/Documents/CriminalDamage.pdf

Children: Innocent until proven guilty? A report on the overuse of custodial remand for children in England and Wales, June 2009
www.prisonreformtrust.org.uk/Portals/0/Documents/childreninnocentuntilprovengUILTY.pdf

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www.prisonreformtrust.org.uk/Portals/0/Documents/youthcustodyinscotlandfinalreportmay2012.pdf

Fair Access to Justice? Support for vulnerable defendants in the criminal courts, June 2012
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In addition, PRT will have produced two publications after the end of the programme:

Fatally flawed: Has the state learned lessons from the deaths of children and young people in prison, October 2012

www.prisonreformtrust.org.uk/Portals/0/Documents/Fatally%20Flawed.pdf

Turning young lives around: how health and justice services can respond to children with mental health problems and learning disabilities who offend, November 2012

Approximately 12,000 copies of reports were printed.

PRT also produced 13 unpublished analyses for high custody, and two for low custody, local authority areas.

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Annabel Jackson Associates Ltd

The Priory

54 Lyncombe Hill

Bath BA2 4PJ

Tel: 01225-446614

Fax: 01225-446627

info@annabeljacksonassociates.com

www.annabeljacksonassociates.com