



Her Majesty's
Inspectorate of
Probation

'INSPECTING' DESISTANCE

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PROGRAMME*



INTRODUCTION

- Given the desistance literature concentrates on the experience of adults, it is welcome to have this attention on children and a paper aimed at helping youth practitioners with some useful pointers for practice.
- Many of the conclusions drawn in Explaining Desistance mirror findings from our thematic inspection published in 2016.
- We have used these inspection findings, and the evidence from research, to introduce new evidence based standards and an inspection approach that 'rewards' those who adopt a personalised holistic service to children. We have also produced a case management effective practice guide that includes a section on desistance.
- We weight work to promote desistance, safety and well being and to prevent risk of harm to others equally.



CHILD FIRST YES BUT REMEMBERING THE CONTEXT OF THIS WORK

- We support the "whole child" approach and we have changed our language to child and children in reports to signal the importance of agencies working with children to discharge their responsibilities to them.
- We understand why 'the offender second' phrase has been dropped but we still need to remember the context that work with children exists within - namely it is grounded in a criminal justice framework.
- Whenever an intervention, particularly a group intervention is planned, the YOT needs to risk assess if there are any contextual safeguarding issues
- Equally it is important for the YOT and its staff to consider the rights and wishes of victims



ANNUAL REPORT: INSPECTION OF YOUTH OFFENDING SERVICES (2019-2020)

- Annual report sounded note of caution on the Child First approach. Great majority (85%) of court order cases presented some level of risk of serious harm, and that almost a third (29%) presented high or very high ROSH.
- The Chief Inspector wrote, “[w]hile it is right that each child’s own welfare and experience of trauma must be addressed – as reflected in the mantra ‘child first, offender second’ – a sizeable proportion of these children do also present a risk to others, including their own families. For that reason, it is important not to lose sight of the second part of this formulation, which can happen where YOTs become completely subsumed within children’s services departments. In this case, they can lose their separate identity as youth offending teams, which we’ve found can have a detrimental impact on their performance.”



EXPLAINING DESISTANCE – A YOUNG ‘SCIENCE’

- We are very much at the beginning in understanding the desistance journey of children and young people
- The author acknowledges that there are very few studies of adolescence and desistance and where they do exist sample sizes are small with little follow up to properly determine whether desisters really stopped or significantly reduced their offending. Our study of desisters and persisters was conducted so we could provide some additional empirical evidence but again this was a time limited inspection.
- In one sense we are all playing a hunch that some of the factors helping adults desist also apply to children – clearly more work is needed
- Equally it is early days in understanding the impact of other aspects of youth justice work most notably out of court practice and diversion in supporting desistance



RISK VERSUS DESISTANCE – A FALSE DISTINCTION

- As an independent inspectorate HMIP's role then is not to 'embrace the language of desistance' over risk although the limitations of the risk paradigm have been noted and widely explored by a number of academics - our responsibility is to follow the evidence as it evolves and adapt our inspection standards and methodology accordingly.
- We should not follow fashion when we inspect services and judge the quality of work with children but, in a considered way, determine where the academic research leads us in continuing to refine and amend our approach to inspection.



THE RISK MOVEMENT AND PROGRAMME FETISHISM?

- At its worst there are some ill thought out 'one size fits all' poorly designed offending behaviour programmes
- Examples include blanket substance misuse or knife crime 'education type' programmes that take little or no account of an individual child's circumstances
- Such programmes are not sufficiently multi-modal, do not consider RNR issues and do not identify the treatment targets that the intervention is seeking to change
- And most common of all few programmes are independently evaluated



CHILDREN'S VIEWS ABOUT POORLY DESIGNED/POORLY DELIVERED PROGRAMMES

"...sitting around in a group watching a video on knife crime. It was totally, y'know – just dead man."

*"I went to most of the courses but they were s**t. We was lectured at and told what would happen if we kept offending. If I had not got on with my worker I wouldn't have gone. When you're in a group you're showing off to your mates. It's just a game."*

"The victim workshop was crap. A waste of time. I couldn't even understand half the words they were using. The YOT just make you go on these courses to show that you've done victim work. Then they say well done, you nod, smile and move on. I was just playing with them."



PROGRAMMES - THE REALITY

- Offending behaviour and related programmes make up a small part of what the average YOT does
- In many YOTs where caseloads are small it is also very difficult to run and sustain formal programmes
- Much more of the work is personalised to the needs of the child and centres on addressing adverse childhood experiences, structural barriers to desistance such as ensuring children are not excluded from mainstream education, and other safety and wellbeing issues such as physical and mental health needs
- There is a growing recognition too of the importance of contextual safeguarding and other developments such as trauma informed practice



POINTS FOR PRACTICE

- **Importance of professionals actively *supporting* the self-determination and hope of children through future-focused work to develop strengths and opportunities.**
- **In supporting children to develop a sense of agency, practitioners should be mindful of the constraints children may experience in exercising it, including those related to age, as well as their individual and social circumstances.**
- **To protect against the dangers of responsabilising children for their ability to move away from offending, practice should be guided by the notion of adult responsibility to support children to overcome constraints and obstacles to change. (holding adult agencies to account)**



VIEWS OF CHILDREN

*The most important thing my worker did was to listen and ask me what **I** liked to do and what **I** wanted to do with my life. She didn't judge me even though I'd done some pretty bad things. She took me seriously – when I said I wanted to get into boxing she helped me do it. When I was looking for work, she helped me find work.” (Camden YOT)*

“My case manager saved me. Without him I'd be dead. He listened and gave me hope. The work I did with the YOS was mostly a waste of time but the relationship I had with my case manager made me feel wanted and that I could change if I wanted to.” (Leicester City YOT)

*“She (case manager) respected me, talked **to** me, not **down** to me. I could trust her and talk about anything. I shared a lot with her, stuff I'd been bottling up inside. I never used to talk. I always lied about everything. She helped me change”. (East Sussex YOT)*



VIEWS OF CHILDREN

"I like to be kept busy. The YOT supported me to use the computer to look for jobs and sign up to agencies. They helped me with interview techniques and preparing what to say. It was very much on the practical side."

(Somerset YOT)

"My experience of being with the YOT gave me the desire and ambition to build a career in youth work. I received support from the YOT education staff about how to go about this. They helped me to do some voluntary work with a local youth club. This helped me to get into college and train."

(Rhondda Cynon Taf YOT)

"I was always getting into trouble because I got bored. My worker talked to me about joining a youth club. This was close to where I was living but I didn't know about it. After going the first time I went all the time and this helped me to stay out of trouble. I've met different people, made new friends and there's loads to do."

(East Sussex YOT)



WHAT INSPECTIONS TELL US ABOUT DESISTANCE PRACTICE

When we inspect a case, we assess the quality of work delivered in relation to desistance, keeping children safe and keeping other people safe. In doing this, we do not focus on the quality of specific documents, work products or tools. Instead, we look at practice holistically.



KEY STRENGTHS IN DESISTANCE PRACTICE

- Assessment of children's desistance is consistently good.
- A child's diverse needs are usually identified and understood throughout the assessment.
- Plans, interventions and delivery focus on a child's desistance and are delivered well in a high proportion of cases.
- There is strong evidence of YOT staff engaging children and their parents or carers and involving them throughout the assessment and reviewing processes



COMMON FAILINGS AND REMAINING CHALLENGES TO ACHIEVING EFFECTIVE PRACTICE

- Management oversight does not always impact on the quality of the work delivered.
- Lack of partnership arrangements and resources, especially education, training and employment, and emotional, mental health and wellbeing provision can lead to negative outcomes for children.



CONTEXTUAL SAFEGUARDING

‘Contextual Safeguarding was designed to change how child protection systems viewed, and responded to, children at risk of significant harm in extra-familial settings and relationships. As testing of the approach has increased, its relevance for wider agencies involved in safeguarding and criminal justice responses to extra-familial harm has started to emerge. Given the overlap in victimisation and perpetration for many children affected by this issue, the implications for youth justice services is particularly important.’

*(Carlene Firmin HMIP Academic Insights Paper 2020)*_



CASE STUDY - YOUTH JUSTICE ASSESSMENT WHICH PROMOTED A WIDER SAFEGUARDING RESPONSE

Whilst working with a child under a voluntary intervention for acquisitive offences, a youth offending practitioner became concerned about criminal exploitation. The child was arrested for possession with intent to supply Class A substances. The child told professionals about a serious incident following his arrest; however, children's services did not consider that the information suggested a significant concern to his safety and decided not to hold a strategy discussion. Using their knowledge and understanding of extra-familial harm through their work to develop a Contextual Safeguarding approach, the youth offending team successfully escalated and challenged this decision, resulting in a recognition that the child was at risk of significant harm in the community. They were then able to co-ordinate a Contextual Safeguarding response, working with safeguarding colleagues, the police and housing to put in place disruption tactics, safe spaces for the child in the community, and a clear and robust safety plan which addressed the extra-familial harm. A National Referral Mechanism (NRM) referral has come back with 'conclusive grounds' that the child has been a victim of modern slavery. The practitioner commented that taking a contextual approach supported them to pursue this route meaning that the child will be considered as a victim when criminal matters are considered.



RESPONDING TO THE YOUTH CONSULTATION EXERCISE

- Between April and July 2020 we consulted the sector about two potential changes to our inspection standards
- Successive resettlement services inspections highlighted the poor quality of services received by children in custody and the need for a closer focus on this important area of work
- Similarly out of court disposal work has grown significantly in all YOTs and in the large majority of services O OCD cases far outnumber post court disposals – so again we have responded by introducing a new standard to capture better the work being carried out by local services



NEW RESETTLEMENT STANDARD

- 2.5.1 Is there a resettlement **policy** in place that promotes a high quality, constructive and personalised resettlement service for all children?
- 2.5.2 Does resettlement **provision** promote a high quality, constructive and personalised resettlement service for all children?
- 2.5.3 Is resettlement **policy and provision regularly assessed** and updated to ensure effectiveness and maintain alignment with the evidence base?



NEW STANDARD OOCD POLICY AND PROVISION

There is a high quality, evidence-based out of court disposal service in place that promotes diversion and supports sustainable desistance.

- 3.4.1 Is there a **policy** in place for OOCD provision that promotes appropriate diversion and supports sustainable desistance
- 3.4.2 Does OOCD **provision** promote diversion and support sustainable desistance
- 3.4.3 Is OOCD **policy and provision regularly assessed** and updated to ensure effectiveness and maintain alignment with the evidence base -
Below the key question level there are detailed prompts to capture findings
(NB this standard replaces the 3.4 joint working standard)



HMI PROBATION STANDARDS

1.1 Governance and leadership

The governance and leadership of the YOT supports and promotes the delivery of a high-quality, personalised and responsive service for all children and young people.

1.3 Partnerships and services

1.3.2b) Is sufficient attention paid to building on strengths and enhancing protective factors?

1.4 Information and facilities

1.4.2 Does the YOT's delivery environment(s) meet the needs of all children and young people and enable staff to deliver a quality service?



HMI PROBATION STANDARDS

2/3.1 Assessment - 2.1.1c) Does assessment focus on the child or young person's strengths and protective factors?

2/3.2 Planning - 2.2.1c) Does planning take sufficient account of the child or young person's strengths and protective factors, and seek to reinforce or develop these as necessary?

2/3.3 Delivery - 2.3.1c) Does service delivery build upon the child or young person's strengths and enhance protective factors?

2/3.4 Reviewing - 2.4.1c) Does reviewing consider motivation and engagement levels and any relevant barriers?



CONCLUSION

- Great to have this level of interest and attention about children's desistance
- There shouldn't be a tension between what works and desistance - we should all be interested in evidence based practice
- We need to take account of new research understanding and developments in trauma informed practice and how this complements desistance and the importance of contextual safeguarding (avoiding responsabilising children)
- We continue to consult and have established regional links with heads of service, YJB and AYM to share and discuss good practice and common challenges and I leave you with some HMI Probation further reading



FURTHER READING

- [Reconciling 'Desistance' and 'What Works' – Shadd Maruna & Ruth Mann \(PDF, 794 kB\), published, February 2019](#)
- [Contextual Safeguarding \(PDF, 334 kB\), Dr Carlene Firmin, published November 2020](#)
- [Trauma-informed practice \(PDF, 542 kB\), Kieran F. McCartan, published 07 July 2020](#)
- [County lines \(PDF, 271 kB\), Professor John Pitts, published 29 January 2021](#)
- [Effective practice guide \(January 2021\)](#) includes a section on desistance and how to assess, plan, deliver and review work to help children moving away from offending
- Desistance and Young People HMI report 2016. We also published a joint thematic inspection report on Out of Court disposal work with HMI Constabulary 2018.
- Inspection standards ratings and guidance are published and available on our website – other academic insight papers have also been commissioned