

AYJ response: Ministry of Justice consultation on youth remand funding arrangements - November 2023

Introduction

The [Alliance for Youth Justice \(AYJ\)](#) brings together over 80 non-profit organisations, advocating for and with children to drive positive change in youth justice in England and Wales. Our [members](#) range from large national charities and advocacy organisations, to numerous smaller grassroots and community organisations. We bring together the expertise of our members and provide ways for them to shape decision-making. We work to influence policy, legislation and practice to address issues affecting children caught up in crime.

On 12th October 2023 the AYJ brought expert members together with the Ministry of Justice (MoJ) remand consultation team to feed in to the department's [consultation on youth remand funding arrangements](#). The discussions from the session are summarised in this document.

Current model

Attendees warned the MoJ to take great care before deciding the current funding model is not working and departing from it. They agreed the MoJ should look at modest changes, tweaking parts of the system rather than reinventing the wheel.

The current model allows for local discretion, and the rationale for the current setup still stands, that those that can understand local needs and develop alternatives to custodial remand ought to control the budgets and have the freedom to do so. Attendees acknowledged the model has led to a “mixed bag” of responses around non-custodial remand, that in the grand scheme of budgets the funding provided is not very big, and that the financial risk local areas take on discourages innovation.

To improve the current system, suggestions for tweaks included:

- Looking specifically at how funding works for children remanded for a long time or in multi-hander cases
- Incentivising behaviour change around short remands – for example examining the potential for a sliding scale of costs around remand lengths or thresholds/tiers around offence types
- Removing the “straight jacket” of having to spend funding in a particular year, looking at longer term budgets of 4 years, for example

Regional model

Attendees agreed that potential benefits of a regional model include better offsetting “spike events” such as multi-hander cases, and pooling funding creating more headroom for innovation. They agreed the current conglomerate pilots in London and Greater Manchester look good but warned it is far too early to discern any results or make any decisions based on them – the London Accommodation Pathfinder is in its very early stages, and the pilot in Greater Manchester is not yet off the ground.

They also highlighted variation across the country in how well Youth Justice Services (YJS) coordinate and work together, with London and Greater Manchester having more experience working in a regional manner. They suggested a mixed methods model could be considered: with regionalised approaches facilitated where it suits, but not enforced so that other areas can keep a localised approach.

The MoJ was also questioned on its coordination between its proposals for regional approaches and the Department for Education's development of Regional Care Cooperatives (RCC).ⁱ RCC Pathfinders were announced based on recommendations made by the Independent Review of Children's Social Care which included a regional approach to secure care commissioning.ⁱⁱ

Attendees warned against nationalising funding, which will recreate the previous system.

Consolidating funding

Regarding whether the MoJ should look at consolidating the funding relating to remanded children's Looked After Children status into wider funding for children's services, attendees highlighted how small remand funding is compared to that funding pot, risking sidelining.

Attendees were more interested in the MoJ considering expanding local or regional remand budgets out to also include custody budgets, giving areas more funding to innovate with. The MoJ was urged to consider the evaluation findings from a Youth Justice Reinvestment Custody Pathfinder that took place from 2011-13 involving two consortiums of local authorities and boroughs, and custodial sentencing and remands.ⁱⁱⁱ

Other solutions

The AYJ is supportive of measures that seek to promote and develop community alternatives to custodial remand. Whatever the funding arrangements, this should be a key consideration in the MoJ's future plans in this area. Attendees called on the MoJ not to concentrate efforts solely on large capital investment in alternative accommodations for remanded children. They encouraged the MoJ to consider:

- Looking more at movement around remand processes, reviewing police remands, and building better relationships between YJS and children's services.
- The redevelopment of commissioning of intensive and remand fostering. Including whether this could be done on a regional bases where appropriate. Attendees highlighted if intensive fostering is put in place, support is needed at the point of transition when it ends, integrated with the local authority to ensure a care package exists around the child.
- Looking at how the pilot around Youth Rehabilitation Orders with Intensive Supervision and Surveillance is going, and the impact of Youth Justice Board case management guidance around its use.

The AYJ is keen to understand how any proposed changes to remand funding align with the government's commitment to close Young Offender Institutions and Secure Training Centres. We urge the MoJ to develop and publish a clear, time-bound plan to achieve this.

Further information

AYJ members including those who attended this session have submitted their own responses, please see these for more information. If you have any questions please contact AYJ Policy Manager Millie Harris, millie.harris@ayj.org.uk

Please note the contents of this document do not necessarily reflect the views of all AYJ members.

ⁱ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1147317/Children_s_social_care_stable_homes_consultation_February_2023.pdf

ⁱⁱ https://webarchive.nationalarchives.gov.uk/ukgwa/20230308122535mp_/https://childrensocialcare.independent-review.uk/wp-content/uploads/2022/05/The-independent-review-of-childrens-social-care-Final-report.pdf

ⁱⁱⁱ <https://assets.publishing.service.gov.uk/media/5a802ac3ed915d74e622cdd3/youth-justice-reinvestment-custody-pathfinder-final-evaluation-report.pdf>