

THE SOUTHPORT INQUIRY

OPENING SUBMISSIONS ON BEHALF OF THE YOUTH JUSTICE BOARD

Introduction

1. The events of 29 July 2024 should never be repeated; they represent one of the most tragic incidents in recent history. The Youth Justice Board (“YJB”) offers its profound condolences and deepest sympathies to the families of those who were tragically killed and injured, to their loved ones and to all those present.
2. The YJB will do whatever it can within its powers, and offer recommendations, to seek to minimise the risk of such an event ever happening again.
3. The terrible actions of AR reinforce the need for there to be an interconnected system within which Ministers work strategically to set direction, develop policy and legislation whilst monitoring the effectiveness of systems to prevent a reoccurrence. This must be developed whilst ensuring that local agencies operate with understanding and trust, and with the ability to take action to support children’s needs to prevent them manifesting into risk and harm. The YJB welcomes such an opportunity to put these structures in place and to improve information sharing across those agencies involved in youth justice.
4. There is a vital need to properly resource the youth justice system, (this includes the statutory services named in the Crime and Disorder Act 1998 – police, probation, health, local authorities, including education and children’s social care) so that it can fulfil its statutory functions of preventing the commission of offences by children and supporting victims. We must focus on preventing offending by children, rather than seeking to simply limit expenditure.
5. Government should urgently review the standards for justice, they must evolve to take account of the system in operation now, and as a minimum consider the expectations on safeguarding others and supporting victims alongside pre-statutory activities around diversion and expectations from local services. In our view this work should have started already, and therefore it must start now.

The Youth Justice Board and Serious Incident Notifications

6. The YJB was created by the Crime and Disorder Act 1998 with the aim of preventing offending by children. The YJB's core functions are to monitor the operation of the youth justice system and provision of youth justice services, as well as providing advice to ministers on how the principal aim of the system, of preventing offending by children might be most effectively pursued. The members of the Youth Justice Board are appointed by the Secretary of State for Justice.
7. As stipulated by section 41 of the Crime and Disorder Act 1998, the statutory functions held by the YJB are:
 - a. to monitor the operation of the youth justice system and the provision of youth justice services;
 - b. to advise the Secretary of State on the following matters, namely—
 - i. the operation of that system and the provision of such services;
 - ii. how the principal aim of that system might most effectively be pursued;
 - iii. the content of any national standards he may see fit to set with respect to the provision of such services, or the accommodation in which children and young persons are kept in custody; and
 - iv. the steps that might be taken to prevent offending by children and young persons;
 - c. to monitor the extent to which that aim is being achieved and any such standards met;
 - d. for the purposes of paragraphs 35.1, 35.2 and 35.3 above, to obtain information from relevant authorities;
 - e. to publish information so obtained; to identify, to make known and to promote good practice in the following matters, namely—
 - i. the operation of the youth justice system and the provision of youth justice services;
 - ii. the prevention of offending by children and young persons; and
 - iii. working with children and young persons who are or are at risk of becoming offenders;

- f. to commission research in connection with such practice.
 - g. with the approval of the Secretary of State, to make grants to local authorities and other persons for the purposes of the operation of the youth justice system and the provision of youth justice services, subject to such conditions as the Board considers appropriate, including conditions as to repayment;
 - h. to provide assistance to local authorities and other persons in connection with information technology systems and equipment used or to be used for the purposes of the operation of the youth justice system and the provision of youth justice services;
8. The Standards for Children in the Youth Justice System are set by the Secretary of State for Justice on the advice of the YJB. These standards, last updated in 2019, define the minimum expectation for all agencies that provide statutory services to ensure good outcomes for children in the justice system.
9. The intention of these standards is to:
- a. underpin youth justice practice and ensure the quality that we expect
 - b. encourage system changes to improve outcomes for children in the justice system
 - c. ensure every child lives a safe and crime-free life, and makes a positive contribution to society
 - d. align with the child first evidence base to ensure that:
 - i. all youth justice services prioritise children's best interests
 - ii. children are encouraged to actively engage with youth justice services
 - iii. children's contact with the justice system is kept to a minimum
 - e. assist us to assess whether youth justice services are meeting the statutory requirements.

10. The YJB works with Youth Justice Services (YJSs) and their partners in line with this oversight responsibility, with much of the contact at regional and local service level being through the work of 'Operations' staff in line with the delivery of our Oversight Framework. The framework provides clarity on how the YJB's monitoring function is fulfilled at a local level, outlining how oversight of local YJSs is undertaken and delivery across the wider system is understood. Nationally, the YJB engages with Youth Justice Services and their partners, through the intelligence it gathers from its oversight functions including the collection of data and evidence, to support working across these partners to promote best practice in preventing children offending, supporting victims and offering advice to Ministers in this regard.
11. The YJB Case Management Guidance supplements the Standards for Justice and is a manual for youth justice service practitioners and managers. This guidance is intended to provide youth justice services and their partners with information, implications of legislation, standards for case management and practical advice on how to work with children in the youth justice system. It covers how to complete risk assessments with children and how these should be reviewed. This guidance was updated and published online in October 2022. It is a live document that is updated as changes to guidance, policy and legislation occur. We will revisit the guidance in the light of the evidence considered by this inquiry.
12. The YJB feels that there have been missed opportunities to take advantage of the experience and expertise held within the YJB. We consider that the current remit of oversight has become narrow in its focus and should be broadened. There is a gap in service delivery which needs to be filled to reduce offending and harm to the community. The YJB is well placed to fulfil this role. The YJB welcomes the opportunity to work with Ministers, across government agencies and national partners to improve the youth justice system.
13. The role of the YJB in respect of the events of 29 July 2024 was limited to obtaining information and seeking to ensure receipt of a Serious Incident Notification ("SIN"). The current approach to reporting serious incidents has been mandatory since April 2022. YJS's are required to notify the YJB of a serious incident within 24 hours if a child aged between 10-17 years is charged with committing one of the following notifiable offences outlined below:

- a. attempted murder;
- b. Murder/manslaughter;
- c. Rape;
- d. grievous bodily harm or wounding with or without intent – section 18/20;
- e. a terrorism related offence; or
- f. if a child dies while on the YJS caseload, or up to 20 calendar days following the end of YJS supervision.

14. The YJB's view, having considered SINs received across its portfolio, is that there are very few cases where there was not something prior to the incident occurring that raises concern in the child's case; it is in the minority of cases that a child who is the subject of a SIN is not already known to any agency or body.

Information Sharing and Multi-Agency Engagement

15. The Crime and Disorder Act 1998, requires the cooperation of named multi agency partners to deliver youth justice services locally, referred to in the Act as youth offending teams, but more often now known as Youth Justice Services (YJS). As such, there is a statutory duty to co-operate with the YJB.

16. The YJB originally contacted Sefton Local Authority at 22:22 on 29 July 2024 to request that a SIN be provided, before requesting it from Lancashire Local Authority on 30 July 2024. It was ultimately received at 16.33 on 1 August 2024, by this time AR's reporting restrictions had been removed. As a result, AR had been named and had appeared before the Crown Court. The SIN was brief in its contents. There were several barriers in respect of obtaining information which were encountered by the YJB when dealing with other agencies and bodies:

- a. Geographical responsibility was spread across multiple agencies and Local Authorities;¹
- b. No formal briefing was provided by Lancashire County Council, or any other local authority or agency;

¹YJB010

- c. The YJB were informed by Lancashire Youth Justice Service on 2 August 2024 that Director approval would be required before information could be shared;²
 - d. There were complications in obtaining additional briefings which had been shared with Home Office Ministers, which were not provided to the Ministers to whom the YJB report, which was likely due to there being several agencies involved;³
17. On 5 August 2024, the YJB were informed that no additional information beyond that shared in the SIN would be forthcoming.
18. The Crime and Disorder Act is clear that information should be shared with the YJB to enable the Board to fulfil its statutory functions, the YJB are of the view that director approval (or any approval) was not required. The YJB has an oversight role and in support of this needed to be provided with the information, as set out in the SI process that is known across all YJSs, as well as in the terms and conditions of grant which the local authority sign on receipt of their grant.
19. A Ministerial briefing, based on the information provided in the SIN was submitted to the offices of Sir Nic Dakin and Lord James Timpson at 15:39 on 9 August 2024.⁴
20. The difficulties in respect of information sharing continued well after the ministerial briefing was provided. On 29 January 2025 there was further reticence to disclose material relating to AR's previous conviction.⁵ Further challenges were later experienced in accessing the Rapid Learning Review, led, as we understand it, by Lancashire County Council. To date we have not had sight of this review.

Recommendations

- 21. AR clearly had engagement with several agencies and authorities, including police and children's social care, it does not appear that information was adequately shared between these bodies. It is the YJB's recommendation that there is a need for improved multi agency coordination across government. This will ensure that needs are identified in a coordinated multi-agency way.**
- 22. There is a need for legislative change that requires all statutory partners, including police, health, Local authority (including education and children's social care) and**

² YJB033

³ YJB049

⁴ YJB058

⁵ YJB063

probation, to share information and take responsibility for early intervention across these partners. Having reviewed the information that was received in the SIN, and the disclosure that has subsequently been made available, there were a number of red flags in AR's case. These should have been identified at an earlier stage and action taken.

23. There is no single case management system with interoperability for children's services. This would have ensured that the information held by youth justice services and children's social care was held centrally and is accessible to all bodies and agencies. This would have meant that all relevant information was held in the same place, which would have provided a fuller picture of AR's situation and may have led to earlier intervention and engagement.
24. The YJB believes that there is an urgent need for a duty on police forces to share information and work alongside those delivering youth justice services. This will not only allow for a more balanced determination in respect of charge and diversion but also ensure that youth justice services are aware of those matters which do not result in a charge. This increased information, such as recording of arrests or police engagement, will allow informed decisions to be made on risk and intervention.
25. The YJB has started working with the Ministry of Justice on a 'Better Outcomes through Linked Data' (BOLD) project. This will bring about a joined up approach and provide insight through linking data across the systems. If this work is funded, we will establish linked data systems that can help frontline services to better manage children with a systemic view and allow for deeper insights into crime trajectories for children. We recommend that funding be made available to link data and explore preventative, proactive action and policies through the project.

Responsibility for AR

26. A further challenge which was encountered following AR's charge and remand was that he turned 18 during the course of the proceedings. As a result, responsibility transferred from Lancashire Youth Justice Services to the Probation Service.⁶ At the point AR turned 18, Lancashire Youth Justice Services had been unable to visit AR due to the security measures that were in place and were not clear on their responsibilities. The

⁶ YJB059

YJB took steps to ensure that the appropriate case management guidance, issued by the YJB, was adopted by the youth justice service and by contacting the prison AR was remanded to and this lack of clarity was resolved.

27. This is a demonstration of a problem that is regularly encountered, both before a child is sentenced and during the period of their supervision. There is not consistently adequate provision for the supervision of those children whose case management transitions to adult probation services occurring once a child turns 18.

Recommendations

- 28. There is a critical role for Probation Services, as statutory partners in the Youth Justice System, to support children transitioning to adult services and in identifying and managing risks, especially with those children who present greater risks of harm to others. We recommend that Government takes steps to ensure that Probation Services are honouring these responsibilities.**

PREVENT Referrals

29. The YJB agrees with the findings of the Prevent Learning Review that AR should have been referred into the Channel at his first referral to PREVENT in December 2019. AR was aged 13, had a number of identified vulnerabilities, and reported grievances. These were all risk factors which made him more susceptible to extreme behaviour and therefore met the threshold for a referral to Channel.
30. The YJB also agrees that the threshold for onward referral was also met in February and April 2021. The interventions that would have flowed from a multi-agency approach to support the identified risks AR presented would have had the best chance of preventing the escalation of his offending behaviour, thereby protecting the public.
31. The YJB would observe that there are the following specific gaps in AR's chronology which are important to understanding AR's developing risk and to accurately identify whether opportunities for intervention were missed:
- a. AR was identified as having had a diagnosis of ASD in 2019. An Education, Health and Care Plan was therefore required. It is not clear whether such a Plan was put in place, and if so, what it comprised of and its effectiveness;
 - b. There is no clarity as to whether there was sufficient access to a Special Educational Needs assessment. This is a known gap for children in the system

and includes Speech, Language and Communication needs (which children in the justice system disproportionately present with). The YJB would recommend that in support of prevention all children are assessed for SEN before they transition into secondary education;

- c. The Prevent process clearly identified that ‘outside’ needs were present for AR, however, it is unclear how these were assessed and what, if any, measures were put in place.

32. The YJB intends to provide further submissions at the conclusion of the Inquiry as to the steps that should have been taken, once more evidence is available as to AR’s development and touch-points with agencies and statutory bodies. The failure to adequately consider AR at the time of the referrals represents a failure to adequately assess risk.

Recommendations

33. For any preventative measure to be successful the identified intervention must address the specific needs of that child. Currently there are no specific risk assessment tools designed to assess the risk and needs of children who have committed or are suspected of committing terrorism offences. There ought to be an intervention well before charge and active monitoring of those at risk.

34. We consider this could be an area of future focus and improvement. We would recommend that government prioritise and resource development of Young Futures Prevention Partnerships in areas of greatest need and learn from existing good practice in youth justice services across England and Wales.

The Imposition of Referral Orders

35. A referral order requires a child to attend each of the meetings of a “Referral Order panel” established by a youth justice service, and a period of compliance with a programme of behaviour to be agreed between the child and the panel. The programme is known and agreed with a ‘contract’ between the panel and the child.

36. A referral order is mandatory, unless the court is considering an absolute discharge, conditional discharge, Mental Health Act order or a custodial sentence, where:

- a. the offence is an imprisonable offence,

- b. the child pleaded guilty to the offence and to any connected offence, and
- c. the child has never been—
 - i. convicted by or before a court in the United Kingdom of any offence other than the offence and any connected offence, or
 - ii. convicted by or before a court in another member State of any offence.

37. As such, when AR committed offences in 2019 and was due to be sentenced in 2020, it would have been mandatory for AR to either receive a referral order or a custodial sentence. The YJB does not consider that it would have been appropriate for a 13-year-old, with the vulnerabilities that AR had at that time, to receive a custodial sentence. This would not have been in keeping with the principles of sentencing. However, there is a lack of evidence as to what form of supervision was imposed as part of the referral order, the effectiveness of such an order and whether it adequately addressed identified needs. The YJB anticipates that this will be made available as the Inquiry progresses.

38. More generally, for the year ending March 2023 cohort, the reoffending rate for those with a Referral Order was 28.0% against the overall reoffending rate for children of 32.5%. This demonstrates the effectiveness of referral orders, whilst noting that these tend to be children who have offended for the first time, who have a lower risk of reoffending as they are unlikely to be entrenched in the youth justice system.

Recommendations

39. The Government seeks to introduce new Youth Diversion Orders (YDOs), proposed as a measure to prevent children from becoming radicalised. It is the view of the YJB that while it is common for ancillary orders, such as YDOs, to be issued by the court for various offence types, the evidence on their effectiveness in reducing offending is limited.

40. The YJB believe that YDOs should not replace the current framework of out of court disposals for terror related offending, nor should they run alongside existing statutory orders.

Youth Justice System

41. The number of proven offences committed by children has fallen by approximately 65%, from 98,937 in 2012/13 to around 34,300 in 2022/23. There have been substantial

reductions in the number of children entering the justice system, with a reduction of around 77% between the years ending March 2012 and March 2023. There were approximately 11,900 occasions where children were sentenced at court in the year ending March 2023, which is 73% lower than in the year ending March 2012. The number of children being sentenced to custody has also significantly reduced: in the year ending March 2023, the average monthly population of the secure estate for children was the lowest it has ever been at around 440 children. But while offending has fallen overall there has been a rise in serious offending by children. The serious offending by children is overwhelmingly committed by those children who are the hardest to reach often isolated and often with mental health issues. The work to identify these potential serious offenders requires collaboration across all service providers, so that early intervention and early diversion takes place. Currently the emphasis is on work with these children after they have come into contact with Court Service; this approach profoundly misunderstands the best way to stop serious offending by children and young adults. Early identification, action and diversion works.

42. However, notwithstanding these successes, the YJB is clear that the Youth Justice System can both be improved and streamlined, to offer a more effective and efficient system. Over the past decade, evidence-based prevention has been central to reducing offending by children. This has contributed to historic lows in the youth custody population and fewer victims.
43. It is important to be aware that a longer duration of time in custody does not automatically result in improved rehabilitation, and in some cases, it can result in worse outcomes and a cementing of a 'pro-criminal' identity. Successful rehabilitation will depend on the level of support made available to the child during their custodial sentence, including the employment of the principles of Constructive Resettlement and multi-agency wrap around support during custody and following release.

Recommendations

- 44. We do know that the highest rates of reoffending are for children who have been taken into a secure estate. What we do not know is whether this is because their complexities, vulnerabilities and needs have not been sufficiently met. Again, more work is needed in this area so that we can understand what makes children re-offend. Is it because they have been in an environment which has dissociated them from their community, taking them away from any friends or positive influences**

and instead they have been locked up, developing a pro criminal identity within the secure estate which has for far too long been underfunded and resourced.

Knife Crime

45. The MoJ recorded 18,560 knife crime offences resulting in caution or conviction in the year ending March 2024. 17% (3,206) of these offences were related to children, with the remaining 83% being concerned with those over the age of 18.
46. The YJB has produced an insights pack into what interventions are most successful in tackling knife crime:
- a. Focused Deterrence: Strong evidence this has a high impact on violent crime - estimated to reduce violent crime by 33%
 - b. Social Skills Training: Strong evidence this has a high impact on violent crime - estimated to reduce violent crime by 32%.
 - c. Mentoring: Moderate evidence this has a moderate impact on violent crime - estimated to reduce violent crime by 21%.
 - d. Pre-Court Diversion: Strong evidence this has a moderate impact on violent crime. It is estimated to reduce re-offending by 13%.
 - e. Hot Spot Policing: Moderate evidence this has a moderate impact on violent crime. It is estimated to reduce violent crime by 14% and overall offending by 17%.
47. There are specific provisions for those children who are convicted of offences involving bladed articles and offensive weapons. The government has legislated for mandatory minimum custodial sentences for offences of threatening with a bladed article and offensive weapon; as well as those who commit multiple offences of possessing bladed articles and offensive weapons who are colloquially referred to as ‘second-strikers’. There are different mandatory sentences for adults, being six months custody, and children for whom the minimum sentence is a four-month detention and training order.

Recommendations

- 48. The YJB believes that diversion can be effective when dealing with knife offences, however, it is essential to ensure needs are met at an early stage and further**

offending is prevented. The YJB would recommend that the police and prosecuting authorities consult specialist Youth Justice services in the decision making of appropriate disposals and in the identification and delivery of appropriate robust evidence-based interventions. Diversion often provides quicker support for children, and a faster response for victims and communities. It is also cost effective, as the earlier the intervention takes place, the greater the likelihood of rehabilitation and prevention of further offences.

49. The YJB believes that the Government need to incentivise and better fund localities, so thresholds are not set so high. A sustained cross government commitment and investment is required to prevent children from entering the justice system.

Acquisition of Bladed Articles

50. The YJB fully supports the restriction of online sale of offensive weapons and welcomes any changes to legislation that would prevent their sale to children, for example, Ronan's Law, where retailers need to report suspicious and bulk purchases of knives on their platforms to police, with tougher sentences for selling knives to children. However, given sharp instruments used in homicides (by both adults and children) in the year ending March 2024 were kitchen knives, which could be taken from home, it would be unwise to think that focusing on the restriction of online sales alone will reduce serious violence.

Recommendations

51. **There is concern about the link between the carrying of knives or other offending behaviour and social media, in particular the way in which algorithms operate. Once the child shows an intention for looking at particular material they are then bombarded with similar material. Research is required in this area and a positive burden placed on social media providers to amend algorithms in order to reduce risk.**

Overarching Recommendations – The Role of the Youth Justice Board

52. As the statutory body responsible for monitoring the operation of the system and providing advice to Ministers on how to prevent offending and reoffending, we consider that reform should include clarity of our role in monitoring the effectiveness of the

system. With a further strengthening of this responsibility with a greater emphasis on the operation of the youth justice system, namely, to prevent offending, and levers to ensure connectivity in a locally delivered multi-agency landscape where a number of agencies have statutory responsibility to work together to prevent offending. An increased oversight role of the YJB would allow the YJB to be responsible for assessing the risks posed by children, and in consultation with the relevant bodies, consider what steps are necessary to provide protection to the community and identify good practice that can be replicated.

53. At the time of the Southport attack in July 2024, the YJB was operating under ministerial steer that required engagement with other areas of government to be channelled solely through the Ministry of Justice, relying on the department to disseminate our advice and evidence across government. This process was not consistent, particularly if our advice and recommendations conflicted with the policy position, underlining the need and importance of independent cross-departmental advice.
54. While youth justice has often received less focus compared with the adult system, it remains essential that the distinct challenges facing youth justice are given sufficient attention. The YJB's Board and staff have considerable experience of working in the youth justice system, their knowledge and expertise must be utilised and in order to avoid more children committing offences and more victims in society.
55. The board has carried out a detailed piece of cost benefit analysis on how much it costs to divert one child from the system, showing clear benefits to true preventive practice. However, in late 2022 to early 2023 we were asked to dial down the focus we place on our research function by the then Secretary of State and Ministers.
56. Ultimately, there should be a more coordinated approach to departmental responsibilities for children in justice. The alternative risks a focus on adult justice and a disregard for the operation of the youth justice system and the benefits it can offer in preventing children becoming persistent adult offenders, reducing harm, victims and creating safer communities.
57. Finally, the YJB wishes to once again express its profound sympathies to all who have been impacted by the tragic events of 29 July 2024.