
Chair of the UK Statistics Authority, Sir Michael Scholar KCB

Rt. Hon. Keith Vaz MP
Chair, Home Affairs Committee
House of Commons
LONDON
SW1A 0AA

21 October 2011

Dear Mr Vaz

STATISTICS ON JUVENILE RE-OFFENDING

I am writing to you about statistics on juvenile re-offending rates which have been the subject of recent political and media interest, and of comment by the Mayor of London during recent oral evidence to your Committee. In that evidence, it was suggested that re-offending rates in the Heron Wing at Feltham Young Offenders Institution have been cut from 80 per cent to 19 per cent. This was repeated in Press Notices published by the Mayor's Office and in the national press on 19 September 2011.

I attach a note by UK Statistics Authority officials which sets out the facts on this matter, so far as they can discover them. This note shows that the Mayor's evidence to your Committee is not supported by the Ministry of Justice's published statistics (the Ministry of Justice is responsible for the relevant National Statistics); nor is it supported by any statistical analysis published by the Mayor's Office.

I believe that it would assist informed public debate on this matter if there were a proper presentation of the relevant statistical material. I should point out that the Statistics Authority does not have any powers to require publication of statistical analysis of this kind; that the work of the Mayor's office is not covered by the Code of Practice for Official Statistics; and that the Mayor declined to agree with my request several months ago that he should voluntarily undertake to conform with the requirements of the Code.

Your Committee may wish to consider whether it would support the Authority's call for the full statistical background to these figures to be published by the relevant bodies.

I am copying this letter to the Mayor of London, to the Justice Secretary, the Chair of the House of Commons Justice Committee, the National Statistician, and the Head of Profession for Statistics at the Ministry of Justice.

Yours sincerely



Sir Michael Scholar KCB

Issues

1. Claims made by the Mayor of London about reoffending rates at the Heron Unit at Feltham Young Offenders' Institution do not appear to stand up to scrutiny. Advice about the limitations of the figures was not followed.
2. Claims made about the national juvenile reoffending rate are at odds with the National Statistics.
3. The comparisons that have been made between national reoffending rates and reoffending rates at the Heron Unit are inappropriate; it is not explained that these comparisons do not control for the different characteristics of offenders.

Claims made

1. *18 November 2010 – Mayor of London press release¹*:
“Launched by the Mayor one year ago as part of his Time for Action programme to tackle youth violence, the Heron Unit, at Feltham Young Offenders Institution is the UK’s first dedicated resettlement unit for 15 -17 year olds and has a low re-conviction rate of 14 per cent, compared to the 78 per cent re-offending rates for young offenders nationally.”
2. *20 June 2011 - Mayor of London, writing in The Sun²*:
“I've taken a different approach to the revolving door of offending with the prison wing - Heron - I opened at Feltham Young Offenders Institute. On the wing we've managed to halve that national youth re-offending rate of 78 per cent by allocating each prisoner an individual "motivational" member of staff who helps them sort out their lives during their jail term, then works with them for a year after their release.”
3. *6 September 2011 – Oral evidence by the Mayor of London to the House of Commons Home Affairs Committee³*:
“That is why I think what we are doing with the Heron wing at Feltham is so important where by taking people, young people, who are willing to turn their lives around, who seem most able to be redeemed if you want, they are educated, they are given inspiration. We cut reoffending rates in that wing from 80 per cent to 19 per cent. That is a model that I think should be replicated around the country.”
4. *19 September 2011 – Mayor of London, writing in The Telegraph⁴*:
“We are working with the Justice Department to expand the work of the Heron unit in Feltham, where re-offending rates have been brought down from about 80 per cent to about 20 per cent.”

Statistics Authority comment

1. Reoffending at Heron

We understand that the figures for reoffending at the Heron Unit come from internal, unpublished, management information. We also understand that the management information contains the following caveat:

“This is based on anecdotal information and does not represent a re-conviction rate and should not be used publicly”

The figures do not use the recognised Ministry of Justice (MoJ) method for calculating reoffending rates: i.e. that reoffending should be calculated one year after release from custody. It is therefore likely to be an underestimate of reoffending, and is not comparable with the national figure.

¹ http://www.london.gov.uk/media/press_releases_mayoral/boris-johnson-nick-herbert-visit-pioneering-prison-cutting-re-offen

² <http://www.thesun.co.uk/sol/homepage/news/3647252/Boris-Johnson-tells-Ken-Clarke-No-soft-justice.html>

³ <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmhaff/uc1456-i/uc145601.htm>

⁴ <http://www.telegraph.co.uk/comment/columnists/borisjohnson/8772730/Britain-should-bang-up-the-trouble-makers-but-lets-turn-them-round-too.html>

2. Reoffending nationally

The Mayor makes two claims: 1) reoffending nationally is 78 per cent, 2) reoffending at the Feltham wing has been brought down from 80 per cent. It is not clear what information the latter claim is based on.

MoJ has confirmed that the figure of 78 per cent is not immediately recognised. The correct figure for reoffending rates for young offenders nationally is 36.9 per cent (2009 National Statistics figures published March 2011).

The rate for offenders released from custody is higher – 71.9 per cent for the 2009 cohort.

Annex Further information on the available official statistics and their comparability with management information on the Heron Unit

The National Statistics provide different rates for different sentence types and different offences. However, MoJ warns that “frequency rates by sentence type should not be compared to assess the effectiveness of sentences, as there is no control for known differences in offender characteristics or other factors that may affect both re-offending and the type of sentence given”.

The Heron Unit

The Heron Unit is a 30-bed enhanced resettlement unit in Feltham. It has been commissioned by the Youth Justice Board in partnership with the London Criminal Justice Board, the London Development Agency (LDA) and the Greater London Authority (GLA) as a pilot project for two and a half years beginning 29 September 2009. The programme aims to “break the cycle of youth reoffending by delivering an enhanced resettlement programme to young people”.

Criteria for placement

Young people aged 15 to 18 (not including those sentenced at aged 18 or over) from one of six Boroughs (Croydon, Hackney, Lambeth, Lewisham, Newham, Southwark) made subject to a Detention and Training Order.

- Young people are assessed according to their levels of motivation and readiness to engage. Complexity of resettlement needs is taken into account.
- There is a presumption that young people participating on the programme will be suitable for Release on Temporary Licence (ROTL) as ROTL can make a significant contribution to effective resettlement. However, in certain circumstances those not eligible for ROTL may still be considered.
- This group includes young first timers in custody, as well as those who may have been in custody previously.

Young people deemed not eligible for consideration of a placement on the Heron Unit

- Young people subject to Mandatory life sentence for murder.
- Young people subject to Detention for public protection.
- Young people subject to sentence of over four years (extended sentence for certain violent or sexual offences).
- Young people who demonstrate “consistently challenging or disruptive behaviour and a lack of engagement with interventions”.
- “Determined disruptives” who “take every opportunity to challenge the regime in an establishment”.

Available statistics on juvenile reoffending

There is a single, headline national reoffending measure, published by MoJ. This was developed to measure a national target. The measure does not track all the offenders in a given year, but instead looks at a ‘cohort’. The cohort is made up of all offenders discharged from a custodial sentence or starting a community sentence in the first three months of each calendar year (January to March) – for juveniles the cohort also includes those receiving an out-of-court disposal (reprimand or final warning) and other court convictions.

The results drawn from the cohort are not representative of reoffending over the whole year but provide a point of comparison which can be used to indicate progress in reducing reoffending. The same time period is used each year to ensure consistent and fair comparisons can be made over time.

Statistics are published annually by the Ministry of Justice in *Re-offending of juveniles*⁵. Results from 2010 and 2011 would have been the most recent statistics available to the Mayor of London for his press release of November 2010 and his appearance at the Home Affairs Select Committee in September 2011.

The results cover juveniles released from custody (either from Young Offender Institutions, Secure Training Centres or Secure Children's Homes) or commencing a non-custodial court disposal or given an out-of-court disposal (either a reprimand or final warning).

MoJ produces both 'actual' reoffending rates, i.e. the proportion of the cohort that reoffend, and 'predicted' reoffending rates, i.e. controlling for changes in offender characteristics between the different cohorts. The latter is better for understanding progress in reducing reoffending over time, but the former is a better indicator of the actual level of reoffending in a given year.

Reoffending of juveniles: results from the 2009 cohort (published 17 March 2011)

Total number of juvenile offenders who reoffended was 36.9 per cent.

Table 1: Actual re-offending rates by index offence, 2009 cohort

| | Actual re-offending rate |
|--|--------------------------|
| Violence (serious) | 30.3 |
| Violence (non serious) | 34.1 |
| Robbery | 46.7 |
| Public order or riot | 42.8 |
| Sexual | 25.0 |
| Sexual (child) | 15.2 |
| Soliciting or prostitution | * |
| Domestic burglary | 54.2 |
| Other burglary | 41.3 |
| Theft | 29.6 |
| Handling | 47.5 |
| Fraud and forgery | 35.4 |
| Absconding or bail offences | 67.0 |
| Taking and driving away and related offences | 42.9 |
| Theft from vehicles | 48.7 |
| Other motoring offences | 44.0 |
| Drink driving offences | 22.5 |
| Criminal or malicious damage | 38.0 |
| Drugs import/export/production/supply | 34.1 |
| Drugs possession/small scale supply | 38.0 |
| Other | 58.6 |
| Total | 36.9 |

* Data removed as extremely low numbers (less than or equal to 10 offenders or 10 offences) make the data unreliable for interpretation.

⁵ <http://www.justice.gov.uk/publications/statistics-and-data/reoffending/juveniles.htm>

Table 2: Actual re-offending rates by index disposal, 2009 cohort

| | Actual re-offending rate |
|--------------------------------|--------------------------|
| Out-of-court disposal | 23.7 |
| First-tier penalty | 45.3 |
| Discharge | 52.3 |
| Fine | 56.5 |
| Referral Order | 37.1 |
| Reparation Order | 67.2 |
| Community penalty | 66.9 |
| Attendance Centre Order | 66.0 |
| Supervision Order | 70.4 |
| Action Plan Order | 61.1 |
| Community Rehabilitation Order | 66.1 |
| Community Punishment Order | 61.5 |
| Curfew Order | 67.1 |
| Unknown | 68.2 |
| Custody | 71.9 |
| Other disposal | 61.5 |
| Total | 36.9 |

Information not available from official statistics

- Reoffending at regional level
- Reoffending rates for the specific type of offender that meets the criteria for the Heron Unit – e.g. 'most motivated to change'.