

National Assembly for Wales
Communities and Culture Committee

Youth Justice: The experience of Welsh
children in the Secure Estate

February 2010



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children in the Secure Estate**

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Communities and Culture Committee

The main function of scrutiny committees is to examine within their remit the expenditure, administration and policy of the government and associated public bodies.

The Committee's remit covers:

- Housing;
- Community Safety;
- Community Inclusion including Communities First and the Spatial Plan;
- Welsh Language, sport and culture.

Powers

The Committee was established on 26.6.07 as one of the Assembly's scrutiny committees. Its powers are set out in the National Assembly for Wales' Standing Orders, particularly SO 12. These are available at www.assemblywales.org

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Chair's foreword

Improving the Youth Justice System and the experiences of Welsh children in the secure estate is in all our interests. Justice systems can have many purposes, including punishment, deterrence against others committing crimes, incapacitation of potential threats to the public, and rehabilitation of individuals. Throughout the course of this inquiry the Communities and Culture Committee has been mindful that victims should be at the top of our agenda, but that victims do not want the crimes that have occurred to them to happen again. A key role of the youth justice system must therefore be to prevent future offending.

With this in mind, we consider that there is much to welcome in the Welsh Government's rights-based approach to developing policies for children and young people, based around the UN Convention on the Rights of the Child. Indeed, we have recommended that the Welsh Government should consider seeking to have devolved responsibility for the juvenile secure estate, and that the Welsh Government considers the evidence presented in this report as part of its review of whether the responsibility for the youth justice system should be devolved to the Welsh Ministers. However, recognising that this is a complex political debate, we have also set out a number of practical steps that we believe this Welsh Government can undertake, within its existing devolved responsibilities, to start affecting positive change on the experiences of Welsh children in the secure estate.

Having joined the Committee at the close of this inquiry, I would like to thank and pay tribute to the work of Janice Gregory AM for her work in developing this committee, and her skilful chairing of this inquiry. On behalf of Janice and myself, I would also like to thank all the former and present Members of the Communities and Culture Committee for their personal commitment to this inquiry, in which we have sometimes had to recognise and reconsider our preconceptions of the experiences of Welsh children in the secure estate. Indeed, one Committee member notably remarked, after a visit to a Secure Children's Home that: "I thought that we might have seen some streetwise young kids who knew the system and could work the system, but they were far more vulnerable than I had ever appreciated or thought that they might be."

Finally, on behalf of the Committee, I would also like to offer my thanks to all those individuals and organisations who gave us the benefit of their experience and advice in formal committee meetings, during visits, or by responding to our call for evidence, and whose expertise greatly helped us in our deliberations.

The Committee's Recommendations

The Committee's recommendations to the Welsh Government are listed below, in the order that they appear in this Report. Please refer to the relevant pages of the report to see the supporting evidence and conclusions:

Recommendation 1. We recommend that the Welsh Government should consider seeking to have devolved responsibility for the juvenile secure estate, and that the Welsh Government considers the evidence presented in this report as part of its review of whether the responsibility for youth justice system should be devolved to the Welsh Ministers.....**Page 37**

Recommendation 2. We recommend that the Welsh Government should consider where further improvements can be rendered to support agencies in identifying young people at risk of offending in the future, in line with the preventative agenda.....**Page 40**

Recommendation 3. We recommend that the Welsh Government look at ways of challenging media representations and public perceptions of children and young people so that they provide an environment where there is a 'positive focus on achievement overall and what young people have to contribute.'.....**Page 43**

Recommendation 4. We recommend that the Welsh Government works with the Youth Justice Board, local authorities and Sentencers to review use of custody, to establish that custody is used only in appropriate circumstances in line with the UN Convention on the Rights of Child and the principles set out in the All Wales Youth Offending Strategy.....**Page 46**

Recommendation 5. We recommend that The Welsh Government works with HM Court Service to ensure that no Welsh child or young person goes through the adult court, in line with UN Convention on the Rights of the Child, and that all Welsh children and young people are tried by youth magistrates who are highly trained to deal with young people.....**Page 47**

Recommendation 6. We recommend that the Welsh Government, together with the Youth Justice Board, works with youth offending teams to improve young people's compliance with the requirements of

supervision for those on community sentences or release from custody, helping to reduce the number of children and young people from Wales in custody and ensuring that custody is reserved for the most serious offences.....Page 49

Recommendation 7. We recommend that the Welsh Government commissions a review into the availability and suitability of bail accommodation for children and young people in Wales, with the intention of reducing the number of juvenile offenders who are remanded to custody because of an absence of suitable accommodation.....Page 50

Recommendation 8. We recommend that the Welsh Government engages in dialogue with the Youth Justice Board towards enabling greater use of video conferencing facilities in court appearances. We anticipate this would reduce the need for children and young people to travel long distances to court, and with adult offenders.....Page 51

Recommendation 9. We recommend that the Welsh Government consider the potential implications of raising the criminal age of responsibility as part its review of the wider subject of devolving responsibility for youth justice to Welsh Ministers. We anticipate that this would take place before the Welsh Government entered into any discussions with the UK Government on this issue.....Page 52

Recommendation 10. We recommend that the Welsh Government works with the Youth Justice Board and local authorities to develop further suitable and effective alternatives to custody for juvenile offenders, including a robust evaluation of such programmes..Page 57

Recommendation 11. We recommend that the Welsh Government should work with the Youth Justice Board to ensure that children and young people are better able to maintain contact with their families and carers through better access to affordable phone lines whilst in custody.....Page 65

Recommendation 12. We recommend that the Welsh Government continues to engage with the UK Government, towards enabling the development of new secure estate placements in Wales, using the Hillside secure unit as a model, and including the development of provision in an appropriate location in North Wales.....Page 69

Recommendation 13. We recommend that the Welsh Government works with the National Offender Management Service (NOMS) to review the suitability of Young Offender Institutions (YOIs) in Wales for holding Welsh juvenile offenders in line with the All Wales Youth Offending Strategy.....**Page 71**

Recommendation 14. We recommend that the Welsh Government works with local authorities, local safeguarding children boards (LSCBs) and Integrated Family Support Teams (IFSTs) to deliver practical improvements in care planning and to improve multidisciplinary work in relation to juvenile offenders. There is a need for local safeguarding children boards, working with youth offending teams and secure estate providers, to have clear policies and procedures in place, in relation to the assessment and management of those young people who may be vulnerable in terms of self-harm, suicide or harm to others.....**Page 77**

Recommendation 15. We recommend that the Welsh Government takes action towards ensuring that Welsh juvenile offenders are not delayed in accessing treatment because of different NHS commissioning arrangements between England and Wales.....**Page 78**

Recommendation 16. We recommend that the Welsh Government make a public guarantee that tiers 2 and 3 of Child and Adolescent Mental Health Service (CAMHS) support will be made available to all children in the secure estate.....**Page 82**

Recommendation 17. We recommend that the Welsh Government engage with local authorities towards enabling consistency over mental health psychiatric nurse support for Youth Offending Teams (YOTs). Consideration should also be given to ensuring that young people leaving the secure estate, who are not engaged with Youth Offending Teams, are able to access mental health support.....**Page 82**

Recommendation 18. We recommend that the Welsh Government ensure that all Welsh children and young people in custody have the same access to education, training and employment as every other child or young person in Wales. In order to make this happen, the Welsh Government should issue strategic guidance to local authorities to ensure they do more to secure full-time education, training or employment for children and young people given custodial sentences.....**Page 91**

Recommendation 19. We recommend that the Welsh Government ensure that all Welsh children and young people in custody have an equal entitlement to education, training and employment as those outside it, ensuring that the educational standard of all those entering custody is both assessed and addressed. In order to make this happen, the Welsh Government should work with relevant partners to ensure that every young person in custody has an individual learning plan in place and that this is regularly monitored as required by the All Wales Youth Offending Strategy (AWYOS).....**Page 93**

Recommendation 20. We recommend that the Welsh Government engages in dialogue with the Youth Justice Board, towards enabling a review of the provision and effectiveness of advocacy arrangements in the juvenile secure estate.....**Page 96**

Recommendation 21. We recommend that the Welsh Government enables pilot work to be done in Wales on the potential benefits of speech and language therapy for juvenile offenders: both in custody and on release.....**Page 100**

Recommendation 22. We recommend the Welsh Government liaise with the Youth Justice Board to ensure that there is adequate training for all professionals and support staff working with children and young people in the secure estate, ensuring that services are child-focussed and tailored to individual needs.....**Page 107**

Recommendation 23. We recommend the Welsh Government continue to support the facilitation of sharing of good practice in the secure estate through an annual seminar hosted by Estyn.....**Page 107**

Recommendation 24. We recommend the Welsh Government liaise with the Youth Justice Board to review the current system of targets, performance indicators and measures of reoffending to produce a robust dataset that is focused on successful outcomes. We feel this should include 'soft' measures for this group to recognise distance travelled rather than just inputs (e.g. the number of hours of attended). We also recommend that the Welsh Government works with the Youth Justice Board to issue guidance to local authorities, secure estate providers and relevant partners to clarify what data they should be collecting and sharing in relation to juvenile offenders and to ensure this is being regularly updated and stored appropriately.....**Page 110**

Recommendation 25. We recommend that the Welsh Government engages in dialogue with the Youth Justice Board and UK Government towards having a link resettlement officer in England based institutions who should work with Welsh juvenile offenders during their sentence and to prepare for them for their release.....**Page 112**

Recommendation 26. We recommend that the Welsh Government, working with the Youth Justice board should issue guidance to local authorities, ensuring that Youth Offending Teams in every local authority in Wales are working together as effectively as possible to deliver an integrated service to young people when they are released from custody. We believe that Youth Offending Teams should report directly to the chief executive of an authority, who should be responsible for ensuring that the work of the youth justice services in their local authority is co-ordinated effectively in line with the All Wales Youth Offending Strategy.....**Page 115**

Recommendation 27. We recommend that the Welsh Government issues statutory guidance to local authorities to enable housing to be a statutory partner on youth offending team management board.....**Page 118**

Recommendation 28. We recommend that the Welsh Government, working with local authorities, employment organisations and third sector bodies, consider how employment opportunities for young people leaving custody can be increased.....**Page 121**

Introduction

1. The Communities and Culture Committee agreed terms of reference for conducting an inquiry into *‘Youth Justice: the experience of Welsh children in the secure estate’* in March 2009.

2. We took oral evidence for this inquiry in meetings between 26 March 2009 and 4 November 2009, along with written evidence. We also undertook a series of fact finding visits to Young Offender Institutions (YOIs), Secure Training Centres (STCs) and Secure Children's Homes (SCHs) in Wales and England, which housed young Welsh people.

3. In this process we took evidence from a wide range of witnesses, including:

- representatives of Government, such as the Welsh Government’s Minister for Health and Social Services, and the UK Government’s Minister of State for the Ministry of Justice;
- representatives of government sponsored bodies;
- representatives of government executive agencies;
- representatives of local government;
- academic experts;
- informed observers;
- representatives of magistrates;
- inspectorate agencies;
- staff working within the secure estate;
- and children and young people with experience of the secure estate.

4. We are very grateful to all our witnesses for contributing to this inquiry.

Terms of Reference

5. In March 2009, we agreed to:

- scrutinise the delivery of the Welsh Government’s policies in relation to children and young people in the secure estate;
- identify areas where there are particular problems in implementation and the delivery of positive outcomes for children and young people in the secure estate, including specific groups of children and young people;
- examine the extent to which the Welsh Government’s “rights based agenda”, in its support to children and young people, is delivered to children and young people in the secure estate;
- review use of custody and alternative measures to detention for children in conflict with the law;
- identify issues relevant to the debate on the devolution of the youth justice system to Wales as set out in the One Wales agreement;
- make evidence-based recommendations to the Welsh Government and others as necessary.

Why did we want to look at the experiences of children in the secure estate?

“The children now love luxury; they have bad manners, contempt for authority; they show disrespect for elders and love chatter in place of exercise. Children are now tyrants, not the servants of their households. They no longer rise when elders enter the room. They contradict their parents, chatter before company, gobble up dainties at the table, cross their legs and tyrannise their teachers.”¹

- Attributed to Socrates by Plato.

6. As illustrated by Socrates, disruptive children and young people are not a new phenomenon, but rather have always existed in human societies, and perhaps always will. The issue we wanted to look at in this inquiry was how we in Wales seek to deal with them in a humane way.

¹ Quote attributed to Socrates by Plato, according to William L. Patty and Louise S. Johnson, “Personality and Adjustment,” (1953) page 277.

7. Whilst youth justice is a non-devolved matter, the Welsh Government oversees issues in relation to youth crime and the implementation of the *All Wales Youth Offending Strategy (AWYOS)*² in partnership with the Youth Justice Board (YJB) for England and Wales.

8. The *One Wales* document committed the Welsh Government to preventing offending and re-offending amongst young people. This included prioritising of preventative intervention and non-custodial solutions in relation to youth offending and youth justice matters.

9. The Welsh Government published the *AWYOS* in partnership with the YJB in July 2004. The Strategy sets out the way in which the Welsh Government works with the YJB and local agencies with the aim of significantly reducing rates of youth offending in Wales. At the heart of the strategy is the view that the best way to stop young people offending is to prevent it from happening in the first place and to reduce the number of young people entering the criminal justice system. Key points in the strategy include:

- taking action to identify children and young people at risk of offending and provide programmes to divert them away from offending behaviour;
- having effective community-based alternatives to custody where this is in the best interests of the child;
- and ensuring that Welsh children and young people entering custodial facilities in England are given the same rights as their English counterparts and as other children and young people in Wales.

10. Additionally, the framework for youth justice services in Wales is different from that in England. As in England there are local, multi-disciplinary Youth Offending Teams but the funding arrangements are different, as is the configuration of adjacent services vital to the prevention of youth offending. The *AWYOS* is therefore important to ensure that Youth Offending Teams and other agencies are able to work more effectively to prevent offending by young people in Wales.

² Welsh Assembly Government and Youth Justice Board, [All Wales Youth Offending Strategy](#), July 2004

11. We therefore considered Youth Justice to be an entirely appropriate subject for a Committee inquiry. We support the principle focus of the AWYOS on stopping young people offending by preventing it from happening in the first place, and reducing the number of children and young people entering the criminal justice system. However, we considered it pertinent to focus on the experiences of those Welsh children and young people who do enter the secure estate, to ensure these children are not forgotten.

12. This was also a key concern of a number of stakeholders whom we consulted prior to launching this inquiry, who expressed particular concern about the secure estate and its impact on outcomes for children and young people in the Youth Justice System in Wales.³

³ On 15 January 2009 We decided to consult a number of key stakeholders, with a clear strategic interest or expertise in the area of youth justice, to help inform the scope of the inquiry. These stakeholders were asked to consider the following questions in their written response to the Committee:

- What should the primary aims of the youth justice system in Wales be?
- What one objective should the Committee prioritise in relation to youth justice and how would this benefit children and young people in the youth justice system and/or those at risk of offending?
- How effective do you consider the implementation of the *All Wales Youth Offending Strategy* to have been and what further action do you think needs to be taken to move the agenda forward?
- Are you aware of any barriers in the delivery of devolved youth justice matters and how effective do you consider arrangements for implementation of measures that blend reserved and devolved functions?
- Are there any issues relating to particular groups of offenders (e.g. BME groups, children with learning disabilities or females) within the youth justice system?

We received written responses from 8 Consultees to this short consultation exercise.

Background

13. Youth justice is a complex area because of the semi-devolved nature of youth justice delivery in Wales. Whilst no part of the youth justice system itself is currently devolved, the Welsh Government has responsibility for a range of social policy issues that influence and impact on juvenile offenders, including education, health, and housing policy. Furthermore, the key partner agencies involved in tackling youth crime at a local level are also devolved.

14. This section of the report looks at the legislative developments in relation to the youth justice system and sets out the Welsh policy context for Welsh juvenile offenders. Our inquiry has focused on juvenile offenders in secure accommodation, that is, young people under 18 years of age, though we have touched on issues relevant to young people aged between 18 and 20 years (known as young offenders).

15. However, we acknowledge that it is important to make this distinction. A young offender is someone who is aged between 18 and 20 years. Prison life for a young offender held in a YOI often isn't that different to prison life for adult prisoners, however there are some differences in the way YOIs are run. A juvenile offender is a young person under the age of 18 years charged with a crime. The Prison Service provides secure accommodation for young people between 15-17 years. Younger children are held at STCs or SCHs.

Secure Estate for Children and Young People

16. There are three types of secure accommodation in which a juvenile offender can be placed. Together the following make up the juvenile secure estate for children and young people:

- Secure Training Centres (STCs);
- Secure Children's Homes (SCHs);
- Young Offender Institutions (YOIs).

17. The table below shows how many places in each type of custodial establishment were purchased in England and Wales as at March 2006.

Table 1: The number of places in each type of custodial establishment that were purchased in England and Wales as at March 2006

Gender	Number of places		
	Young Offender Institutions (YOIs)	Secure Training Centres (STCs)	Secure Children's Homes (SCHs)
Male	2,730	301	235 (with the opportunity to 'spot purchase' additional places)
Female	91		

(Source: Youth Justice Board, March 2009)

18. Secure Training Centres (STCs) are purpose-built centres for juvenile offenders up to the age of 17. They are run by private operators under contracts, which set out detailed operational requirements. STCs house vulnerable young people who are sentenced to custody or remanded to secure accommodation. They provide a secure environment where they can be educated and rehabilitated. They differ from YOIs in that they have a higher staff to young offender ratio and are smaller in size. There are four STCs in England. There are currently no STCs in Wales.

19. Secure Children's Homes (SCHs) are run by local authority social services departments and are intended to provide young people with support tailored to their individual needs. They have a high ratio of staff to young people and are generally small facilities, ranging in size from six to 40 beds. SCHs are generally used to accommodate juvenile offenders aged 12 to 14, girls up to the age of 16, and 15 to 16-year-old boys who are assessed as vulnerable. There is one secure children's home in Wales, at Hillside in Neath.

20. Young Offender Institutions (YOIs) are facilities run by both the Prison Service and the private sector, and can accommodate 15 to 21-year-olds. The YJB is only responsible for placing young people under 18 years of age in secure accommodation. Consequently, some of these institutions accommodate older young people than STCs and SCHs. The YJB commissions and purchases places for under-18s (i.e.

15 to 17-year-olds), who are held in units that are completely separate from those for 18 to 21-year-olds.

21. YOIs generally have lower ratios of staff to young people than STCs and SCHs and accommodate larger numbers of young people. YOIs are inspected by Her Majesty's Inspectorate of Prisons (HMIP).

Legislative developments

The Crime and Disorder Act 1998

22. The youth justice system has undergone significant changes in recent years. The most significant changes have occurred since 1998, with the introduction of the *Crime and Disorder Act 1998*, which followed the publication of three key reports identifying a number of problems with the existing youth justice system⁴.

23. The *Crime and Disorder Act 1998* legalised many reforms to youth justice, stating that the principal aim of the system was to prevent offending by children and young people⁵. It placed a duty on local authorities to set up multi-agency Youth Offending Teams (YOTs)⁶ and established the YJB⁷, which would monitor youth justice services, advise the Secretary of State, and research, make known, and promote good practice in preventing and tackling youth crime. The *Act* also stated that a child under 14 does not know the difference between right and wrong and introduced Reparation Orders, Action Plan Orders and Anti-Social Behaviour Orders (ASBOs).

⁴ Audit Commission Report, [*Misspent Youth: Young people and crime*](#) (1996); UK Government White Paper, [*No More Excuses: A new approach to tackling youth crime in England and Wales*](#) (1997); Audit Commission Report, *Misspent Youth '98: the challenge for youth justice* (1998).

⁵ The *Crime and Disorder Act 1998* placed all those working in the youth justice system under a statutory duty to have regard to a principal aim of preventing offending by children and young people: Youth justice: The statutory principal aim of preventing offending by children and young people.

⁶ There is a YOT in every local authority in England and Wales. They are made up of representatives from the police, Probation Service, social services, health, education, drugs and alcohol misuse and housing officers. Each YOT is managed by a YOT manager who is responsible for co-ordinating the work of the youth justice services.

⁷ The YJB is an independent Board sponsored by the Ministry of Justice. The YJB is tasked with advising the Home Secretary on the operation of the youth justice system; how to prevent offending by children and young people; and the content of national standards for youth justice services; monitoring the operation and performance of the youth justice system; identifying and disseminating good practice in youth justice and in preventing offending by children and young people; and commissioning and purchasing places for children and young people remanded or sentenced to secure facilities.

24. The *Act* also introduced the Detention and Training Order (DTO), which replaced the sentences of detention in a YOI for 15 to 17-year-olds and the secure training order for 12 to 14-year-olds. The DTO sentences a young person to custody, which can be between four months and two years. The first half of the sentence is spent in custody while the second half is spent in the community under the supervision of the YOT.

25. In addition, the *Crime and Disorder Act 1998*, made it a requirement for each local authority (after consultation with the relevant persons and bodies) to formulate and implement a 'youth justice plan'⁸ setting out how youth justice services in their area are to be provided and funded. The plan should also address how services are to operate and what functions they are to carry out.

Youth Justice and Criminal Evidence Act 1999

26. The *Youth Justice and Criminal Evidence Act 1999* created a new sentence for young people pleading guilty to a first-time offence – referral to a youth offender panel.

27. Eligible young people are referred by the courts⁹ to a youth offender panel made up of trained volunteers, a member of the local YOT and, sometimes, victims. The panel meet with the young person, and their parents or guardians, to agree a tailor-made contract aimed at putting things right. Contracts are designed to help the young person change the attitudes and behaviour that led to the offending in the first place and include some element of reparation, drawn up by the panel.

⁸ *The Crime & Disorder Act 1998*, Section 40.

⁹ When a young person is charged with an offence, they will appear before the youth court. If the case cannot be dealt with immediately, the court will make a decision as to whether the young person will be bailed or remanded into custody. Adult magistrates' courts deal mainly with cases involving people over the age of 18. They can deal with young people, but only if they are being tried with an adult. The youth court is a section of the magistrates' court and can be located in the same building. It deals with almost all cases involving young people under the age of 18. This section of the magistrates' court is served by youth panel magistrates and district judges. They have the power to give Detention and Training Orders of up to 24 months, as well as a range of sentences in the community.

Statutory Instrument 2000 No.1160

28. *The Youth Justice Board for England and Wales Order 2000* gave the YJB the power to oversee the secure estate for children and young people. The *Order* added to the powers awarded to the YJB in the *Crime and Disorder Act 1998* by stating that the YJB would be responsible for:

- placing under-18-year-olds sentenced or remanded to custody in secure accommodation;
- commissioning secure facilities;
- commissioning escort providers to transport young people from court to custody;
- monitoring the secure estate.

The Application of the Children Act 1989 to children in Young Offender Institutions (2002)

29. Young people held in prison have historically been excluded from the mainstream services most children and young people are statutorily entitled to. However, on 29 November 2002, Mr Justice Munby judged that the *Children Act 1989* should apply to children detained in YOIs, that duties owed by local authorities continue to be owed to children in YOIs, and that human rights legislation, particularly the *Human Rights Act 1998*, applies to children in custodial facilities

Criminal Justice Act 2003

30. The *Criminal Justice Act 2003* introduced two custodial sentences, the indeterminate sentence (Detention for Public Protection) and the Extended Sentence, for use in cases where there is an assessed need for the public to be protected on the ground of the dangerousness of the offender.

Anti-social Behaviour Act 2003

31. The *Anti-social Behaviour Act 2003* introduced new measures, which built on the legislation already established in the *Criminal Justice Act 1998*, aimed at cracking down on anti-social behaviour. It

strengthened the Anti-social Behaviour Order and Fixed Penalty Notice and amended Parenting Orders, which help parents improve their skills in dealing with the behaviour that puts their child at risk of offending. The Act also introduced Parenting Contracts, which involve parents in tackling truancy, and made foster care a possible requirement of a Supervision Order.

The Children Act 2004

32. The *Children Act 2004* provided the legislation to support the *Every Child Matters* strategy for improving children's lives. It covered all the universal services accessed by children, as well as more targeted services for those with additional needs.

33. The legislation's overall aim was to encourage integrated planning, commissioning and delivery of services, as well as improve multi-disciplinary working, remove duplication, increase accountability, and improve the co-ordination of individual and joint inspections in local authorities. It provided local authorities with a considerable amount of flexibility in the way they implement its provisions.

Criminal Justice and Immigration Act 2008

34. The *Criminal Justice and Immigration Act* received Royal Assent on 8 May 2008. The passing of the Act may lead to the most important legislative changes to the youth justice system since 1998, including:

- clarifying the purpose of sentencing for the youth justice system, ensuring prevention is the principal aim
- the introduction of the Youth Rehabilitation Order, Youth Conditional Caution and Youth Default Order
- extending Referral Orders and enabling early discharge for good behaviour
- new anti-social behaviour measures.

Key UK policy developments

Commissioning places within the secure estate for children and young people (2000)

35. In April 2000, the YJB took on responsibility for commissioning and purchasing all places for 10 to 17-year-olds sent to custody. There was an acknowledgement that there were a number of pressing issues within the secure estate. This change was intended to make the placing of children and young people more strategic and to ensure that secure placements better meet the varied needs of those in custody.

36. The YJB published its *Strategy for the Secure Estate for Children and Young People* in 2005, setting out the assumptions and principles that the YJB would use in developing the secure estate. The key aims were:

- all boys under 15 and girls under 17 to continue to be cared for in STCs or SCHs;
- the complete separation in custody of female children and young people from adults, with new units for girls and young women who are pregnant;
- development of smaller-scale accommodation units within YOIs that are able to offer a higher level of support to older boys who have assessed risks and needs.

37. An update to the strategy was published in 2007.

Managing Children and Young People's Behaviour in the Secure Estate: A Code of Practice (February 2006)

38. The YJB published its document, *Managing Children and Young People's Behaviour in the Secure Estate: A Code of Practice* in February 2006. In the same year, Lord Carlile published his report of the Inquiry into the treatment of children in custody, including the use of restraints, separation and searches, following the death of 15-year-old Gareth Myatt in Rainsbrook STC on 19 April 2004. The Home Office commissioned Lambert report was also published in September 2006 following the death of Joseph Scholes at Stoke Heath YOI on 24 March 2002. The report examined the operational issues surrounding YOTs, YOIs and the YJB's placement of young people in custody.

Responsibility for commissioning healthcare services in YOIs transferred to NHS primary care trusts/ local health boards (2006)

39. Responsibility for prison healthcare services was transferred from the prison service to the NHS under Section 23 of the *National Health Service Reform and Health Care Professions Act 2002*. In Wales, the provision of healthcare services in prisons became an integral part of the NHS in April 2006, since when Local Health Boards have been responsible for commissioning healthcare for public sector prisons in their areas. In England, NHS Primary Care Trusts are responsible for healthcare services in prisons.

Responsibility for commissioning learning and skills provision

40. The provision of education and training for juvenile offenders in custody is currently the responsibility of the YJB. The YJB's requirements for the delivery of education and training is regulated under a service level agreement with the prison service for those held in YOIs and are set out in the '*The learning journey for young people placed by the Youth Justice Board in Young Offender Institutions (For juveniles)*'¹⁰. Learning providers working in juvenile establishments are required to deliver a service that enables the prison service to comply with the requirements set out in this document. However, privately run YOIs with long contracts, like Parc, will not have to comply with the new arrangements until the contract is re-negotiated.

41. The UK Government has announced plans to make local authorities responsible for commissioning and funding education and training for young people in custody from 2010. The *Apprenticeships, Skills, Children and Learning Bill* will require Local Education Authorities (LEAs) in England and Wales with youth detention accommodation in their area to secure suitable education for children and young people held in these establishments. This means that LEAs with YOIs, STCs and SCHs in their area must arrange suitable education for the children and young people in the youth justice system who are held in these establishments. It is expected that the funds currently in YJB budgets for this purpose will be transferred to Wales.

¹⁰ Welsh Government, *The learning journey for young people placed by the Youth Justice Board in Young Offender Institutions (for juveniles)*, September 2008.

Joint UK Government Youth Justice Unit, 2007

42. On 13 November 2007, the UK Government's Minister of State, responsible for the National Offender Management Service (NOMS)¹¹ and youth justice, launched the joint UK Government Youth Justice Unit¹². The Joint Youth Justice Unit merged the responsibilities of the former Ministry of Justice, Youth Justice and Children Unit and those of the Young Offender Education Team of the Offenders Learning and Skills Unit of the former Department for Education and Skills (DFES).

43. Youth justice policy and sponsorship of the YJB were made the joint responsibility of the Ministry of Justice and Department for Children Schools and Families (DCSF) in June 2007. The Unit has two aims:

- To contribute to the protection of the public by developing policy and law in relation to children and young people who offend and are at risk of offending;
- To ensure that children and young people in contact with the criminal justice system achieve all five outcomes of Every Child Matters i.e. to be healthy, stay safe, enjoy and achieve, make a positive contribution and achieve economic well-being.

Safeguarding review 2008

44. In 2003, the YJB and the Prison Service completed a joint review¹³ of child protection and safeguarding practices across YOI establishments holding young people under the age of 18. Following this, the YJB and Prison Service launched a child protection and

¹¹ The National Offender Management Service (NOMS) is an executive agency of the Ministry of Justice, and brings together HM Prison Service and the Probation Service. NOMS is responsible for commissioning and delivering offender management services in custody and in the community helping to deliver punishments and reparation and co-ordinate rehabilitative, health, educational, employment and housing opportunities for offenders to reduce re-offending as well as overseeing the contracts of privately run prisons, managing probation performance and creating probation trusts. There are four prisons in Wales, three of which are managed by HM Prison Service. These are Cardiff, Swansea and Usk/Prescoed. The fourth, Parc prison, is the only private prison in Wales. It is managed by G4S on behalf of the Prison Service. The National Probation Service for England and Wales comprises of 42 Probation Services throughout England and Wales, with four Probation Service areas in Wales aligned to Police Authority areas.

¹² Ministry of Justice Press Release, [Launch of Joint Youth Justice Unit](#), 13 November 2007

¹³ Youth Justice Board, National Children's Bureau, *A review of Safeguarding in the Secure Estate*, 2008.

safeguarding development programme resulting in the implementation of six initiatives:

- introduction of safeguard managers;
- introduction of local authority social workers;
- advocacy services;
- use of young people-specific policy and operational documents;
- child protection and safeguarding training;
- consideration of building and cell design.

45. To strengthen the relationships between local authority child protection units, YOIs and social services, it is recommended that all secure estate providers are now expected to sit on the Local Safeguarding Children's Boards (LSCBs), that staff working with children and young people in custody attend training (i.e. the Juvenile Awareness Staff Programme (JASP)), and the employment of local authority social workers to work in the secure estate for children and young people.

Welsh policy developments

Children and Young People Policy

46. The Welsh Government published its document *Children and Young People: A Framework for Partnership*¹⁴ in November 2000, which began with a commitment to the United Nations Convention on the Rights of the Child (UNCRC). It set out how the Welsh Government should act in all dealings with children and young people in Wales. The framework also proposed a new method of planning services for children and young people through partnerships of local bodies. It set out a commitment to listening to children and young people and proposed plans to establish a Children's Commissioner for Wales.

47. The document *Children and Young People: Rights to Action*¹⁵ was published in January 2004 and outlined the Welsh Government's future plans for working for children and young people in Wales. It laid out the seven Core Aims, which were based on the UNCRC, and were to ensure that all children and young people in Wales:

- have a flying start in life;
- have a comprehensive range of education and learning opportunities;
- enjoy the best possible health and are free from abuse, victimisation and exploitation;
- have access to play, leisure, sporting and cultural activities;
- are listened to, treated with respect, and have their race and cultural identity recognised;
- have a safe home and a community which supports physical and emotional well-being;
- are not disadvantaged by poverty.

48. *Extending Entitlement*¹⁶ is the flagship youth policy in Wales and should form the basis on which all work with young people should be undertaken. Extending Entitlement differs from approaches in England,

¹⁴ Welsh Government, *Children and Young People: A Framework for Partnership*, November 2000.

¹⁵ Welsh Government, *Children and Young People: Rights to Action*, January 2004

¹⁶ Welsh Government, *Extending Entitlement: Supporting Young People in Wales*, 2000.

which focus on a more individualised support service for children and young people, by promoting universal access to services for children and young people up to the age of 25 years.

The All Wales Youth Offending Strategy (AWYOS)

49. The AWYOS¹⁷ was jointly published by the Welsh Government and YJB in 2004. It provides a national framework for preventing offending and re-offending among children and young people in Wales, which is underpinned by the UN Convention on the Rights of the Children and its requirement for consideration of the rights of the young person. It was the result of the Welsh Government, the YJB and local agencies working together with the aim of significantly reducing the rates of youth offending in Wales.

50. Key points in the AWYOS strategy include taking action to identify children and young people at risk of offending and provide programmes to divert them away from offending behaviour; having effective community-based alternatives to custody where this is in the best interests of the child; and Welsh children and young people entering custodial facilities in England being given the same rights as their English counterparts and as other children and young people in Wales

51. The Strategy has now been reviewed and the Welsh Government and YJB jointly published a new delivery plan in 2009¹⁸.

Safer Communities Fund

52. In 2006, the Welsh Government committed the £4.5 million per year Safer Communities Fund to the prevention of youth offending. This aligned the Safer Communities Fund criteria with the YJB's principal aim of preventing offending and reducing reoffending, and encouraged Community Safety Partnerships to fund Youth Inclusion Programmes and Youth Inclusion and Support Panels in Wales.

Youth Crime Prevention in Wales: Strategic Guidance published (2008)

53. The document *Youth Crime Prevention in Wales: Strategic Guidance* was jointly produced by the Welsh Government and the YJB and

¹⁷ Welsh Government, *All Wales Youth Offending Strategy*, August 2004

¹⁸ Welsh Government and Youth Justice Board, *All Wales Youth Offending Strategy Delivery Plan: 2009-11*

published in June 2008. It set out the YJB and the Welsh Government's vision for the strategic positioning of targeted youth crime prevention in local authorities in Wales. The guidance promotes a model that uses the Youth Inclusion and Support Panel as the multi-agency hub of prevention activity.

Public Service Review

54. The Welsh Government's review on local service delivery in Wales was led by Sir Jeremy Beecham and resulted in the publication of the report, *Beyond Boundaries: citizen-centred local services for Wales, and the development of Local Service Boards (LSBs)* in 2006. Its main findings stated that public service performance in Wales was patchy and transformation was needed. It also identified the barriers to improving this.

55. In response to the Beecham review, the Welsh Government supported the development of LSBs in each local authority in Wales. LSBs would develop Local Delivery Agreements, which would concentrate on a small number of priority themes, outlining the measures needed to ensure that service delivery improves.

56. The new local government performance arrangements in both England and Wales required the YJB to revise the way it monitors the performance of the entire youth justice system. In Wales, this would be done through the Youth Justice Plan Cymru in 2008/09 and the development of distinct performance measures for the devolved aspects of YOTs' work.

Children and Families (Wales) Measure

57. The *Children and Families (Wales) Measure*¹⁹ makes provision for implementing an Integrated Family Support Team (IFST) model. The IFST model consists of statutory, multi-disciplinary partnerships which aim to strengthen support to vulnerable children and families through reconfiguring services towards more targeted support delivered by multidisciplinary professional teams. It is anticipated that IFST will make the links with the youth justice system and provide important support earlier to children and young people before their problems escalate. Earlier intervention with vulnerable children should also

¹⁹ [*Children and Families \(Wales\) Measure*](#), as passed by the National Assembly for Wales, 10 November 2009.

impact on the levels of children moving into the care and youth justice systems.

Review on responsibility for youth justice services

58. During the course of our inquiry the Minister for Health and Social Services, Edwina Hart AM, announced at our Committee meeting on 9 July 2009 that Professor Rod Morgan (former chair of the YJB for England and Wales) would be undertaking a review as to whether responsibility for youth justice services should devolved to the Welsh Ministers:

“I thought that Members would be interested to know that the Cabinet has been discussing the possible devolution of the youth justice services to Wales, and I am pleased to announce today that I have engaged Professor Rod Morgan to undertake a study and to prepare a report to Cabinet on the risks and benefits of devolving responsibility for youth justice to the Welsh Ministers. The Cabinet has agreed that the benefits of devolving responsibility for youth justice are potentially significant, but more work is required to identify and quantify these accurately if a convincing case for devolution is to be made to the UK Government.”²⁰

59. At the time of this report’s publication, the results of Professor Morgan’s findings had not been made public. Whether youth justice should be devolved is clearly a matter for considerable political debate. In preparing this report we have also been mindful that the UK Government has been considering devolving youth custodial budgets to local authorities and we are aware of the broader debate around whether local authorities should be responsible for juvenile offenders in their local areas.²¹ More recently, when we asked whether our own report would be able to contribute to the Government’s consideration of the potential devolution of youth justice, the Welsh Government told us that:

“Welsh Ministers continue to consider this issue, including the commissioning of work by Professor Rod Morgan on devolving

²⁰ National Assembly for Wales, Record of Proceedings (RoP) [Para 3] 9 July 2009, Communities and Culture Committee.

²¹ See for example The Standing Committee for Youth Justice, *The Funding of Custody for Children: Devolving the Budget*, July 2009 or Chambers, M. (2009) *Arrested Development: Reducing the number of young people in custody while reducing crime*, Policy Exchange 2009.

responsibility for the Youth Justice System to the Welsh Assembly Government. That work is due to be completed by the end of the year, and Cabinet will consider Professor Morgan's findings in 2010. We will also take careful account of Sir Emyr Jones Parry's report.

“Any decision to seek devolution of responsibility for the CJS would have significant financial and legislative implications, and it is therefore essential that we fully consider all the issues, before seeking any framework powers. In the meantime, we continue to exploit opportunities to maximise the Welsh Assembly Government's influence in relation to criminal justice issues, such as through the recently established National Criminal Justice Forum for Wales, which I Chair in my capacity as Minister for Social Justice and Local Government.”²²

²² Letter to Chair of Communities and Culture Committee, from Minister for Social Justice and Local Government, 11 January 2010, page 1. Letter available at: http://www.assemblywales.org/cc_3__awe_16_-_letter_from_minister_for_social_justice_and_local_government.pdf

Key issues

60. Having carried out our inquiry, we are now able to provide a set of conclusions and evidence-based recommendations to the Welsh Government, and to relevant others. A summary of our recommendations is detailed on page 8.

61. We consider that youth offending causes everyone to suffer: a young person's community, their family, and themselves. There was agreement among our witnesses on the benefits of preventing young people offending by minimising the potential for it happening in the first place and thereby reducing the number of young people entering the criminal justice system.

62. Our witnesses were broadly positive about the principles underpinning the AWYOS, with regard to pro-actively seeking to prevent young people entering the secure estate. A limited number of witnesses did make suggestions on how preventative measures could be further improved, but this was not specifically sought after in our inquiry.

63. However, our witnesses raised significant concerns regarding the Strategy's effectiveness in relation to decisions about the secure estate, and in relation to reconnecting young people with services following a period of time in the secure estate. For example, Barnardo's Cymru commented that:

“one of its biggest flaws is that it cannot influence or make key decisions about the secure estate and where young people are sentenced within and outside Wales. For example, the strategy cannot address the lack of appropriate custodial provision in Wales... the glaringly obvious shortfall is that we cannot support and administer the children's rights agenda that we have in Wales in English institutions.”²³

64. Similarly, Professor Howard Williamson, Professor of European Youth Policy at the University of Glamorgan, told us that:

“Where it has fallen down, of course, has been on the things that you have already asked quite a lot of questions about,

²³ RoP [Para 11] 7.10.09. Communities and Culture Committee.

such as reconnecting young people with education, mental health, substance misuse and accommodation.”²⁴

65. As our witnesses recognised that the secure estate is currently a non-devolved area, we have detailed their arguments for and against the potential devolution of the secure estate as our first key theme.

66. However, our witnesses also noted that, regardless of whether the secure estate was devolved, more immediate action could be undertaken to improve the quality of experience of Welsh children and young people currently in the secure estate. For example, The Children’s Commissioner for Wales told us that:

“If we start to think about devolving a component of youth justice, we need to think about it in the much broader context. That is a big debate, and I would welcome it. While that is going on, we have to focus on the current failings for so many children and young people. There are some practical steps that we can take, within our devolved areas, to start influencing that change.”²⁵

67. Following our first section on the devolution of the secure estate, we have therefore sought to detail our themes in a chronological order, from decisions over the use of custody, through to our witnesses views on how young people who did enter the secure estate could best be handled, and then finally on how they could be supported to reduce re-offending. We consider that 7 key issues emerged in the course of our inquiry, detailed below:

- Devolution of the Secure Estate to Wales;
- Preventing young people offending;
- Responding to young people offending;
- Existing provision of secure estate placements in Wales;
- Specific issues within the secure estate;
- Additional support for specific groups of children and young people in the secure estate;
- Staff Training;
- Resettlement and aftercare.

²⁴ RoP [Para 93] 7 May 2009, Communities and Culture Committee.

²⁵ RoP [Para 5-7] 21 May 2009, Communities and Culture Committee

1. Devolution of the secure estate to Wales

68. The focus of this inquiry has been on the experiences of children and young people within the secure estate. A number of witnesses who gave evidence to this Committee indicated that they were in favour of devolving responsibility for the secure estate to Welsh Ministers. Three broad arguments were put forward by witnesses in favour of such devolution:

- The Welsh Government’s existing policies in relation to children and young people;
- Devolved responsibility would enable Wales to make significant changes to Youth Justice Policies to better align them with the Welsh Government’s “rights-based” agenda;
- Devolution could simplify workings for practitioners seeking to reduce offending.

69. Several witnesses supported devolution of the secure estate to Wales on the basis that they perceived its existing policies for children and young people as being more in line with the UNCRC, than those of the UK Government. For example, the Howard League for Penal reform commented that:

“one of our main reasons for supporting the devolution of the youth justice system to the Welsh Assembly Government is because a rights-based agenda is being delivered for children in Wales, which is considerably more advanced than the agenda delivered by Whitehall.”²⁶

70. Similarly, Children in Wales noted that:

“we in Wales do not support ASBOs as part of our philosophy of crime prevention, whereas that was not the UK Government’s philosophy originally, in which children were regarded as young criminals, which led to a huge rise in locking up children... if you take Communities First and the Flying Start areas and the way in which some parents are being engaged in those

²⁶ RoP [Para 95] 9 July 2009, Communities and Culture Committee

agendas, it does not naturally have a cross-match with policies in England.”²⁷

71. Indeed, the Minister for Health and Social Services acknowledged that there were differences in perspective between England and Wales, commenting that:

“The UK Government over-emphasises some issues that I would not when, for example, trying to deliver children back into society.”²⁸

72. Other witnesses argued that devolved responsibility would enable Wales to make significant changes to Youth Justice policies in the future. For example, the Children's Commissioner for Wales commented that "we could set sentencing guidelines for how we would like the youth justice system to work."²⁹ Barnardo's Cymru commented that if the responsibility for the secure estate were to be devolved to Wales, the biggest single thing to help that transition would be to reduce the number of custodial sentences given across Wales.³⁰

73. Similarly, the Howard League for Penal Reform observed that:

"A lot of money is currently being spent on custody. That money could be used for early intervention and community programmes, but it is currently locked in these prisons."³¹

74. A final argument put forward in favour of the devolution of responsibility for the secure estate was that, in the words of Julie Morgan MP, representing the All Party Group on Children in Wales, it could simplify "workings between the local authorities, the Assembly Government and the secure estate."³² Barnardo's Cymru also considered that:

“Issues around the learning pathways in education and around substance misuse and mental health are much more difficult to pull and knit together when you are dealing with the legislation and perspective of different countries... Given the ethos and philosophy that we work to in terms of children's rights in

²⁷ RoP [Para 68] 21 May 2009, Communities and Culture Committee

²⁸ RoP [Para 34] 9 July 2009, Communities and Culture Committee

²⁹ RoP [Para 29] 21 May 2009, Communities and Culture Committee

³⁰ Ibid.

³¹ RoP [Para 95] 9 July 2009, Communities and Culture Committee

³² RoP [Para 183] 23 September 2009, Communities and Culture Committee

Wales, it would be quite a feather in our cap if we could do things differently and better.”³³

75. Indeed, several witnesses questioned whether the rights based philosophy in Wales is not fundamentally at odds with the UK government, especially in relation to those aged 18 to 25 years of age. They suggested that for this age group, there does not appear to be a youth approach or entitlement approach because it is very hard for the prison service to deal with the different agendas of the devolved and central government. The Youth Offending Team Managers Cymru (YMC) commented that:

“the rights based agenda promoted by Welsh Assembly Government cannot adequately function in English institutions.”³⁴

76. However, witnesses also identified potential complexities and barriers for such devolution. Two key concerns were put forward:

- that appropriate resourcing would need to follow the devolution of responsibilities;
- that such devolution could inadvertently complicate, rather than simplify, workings for practitioners seeking to reduce offending.

77. For example Barnardo’s Cymru told us that they were only in favour of devolving responsibility for the secure estate if sufficient funding came with that devolved responsibility.³⁵ Similarly Professor Williamson commented that while:

“I believe that devolved youth justice may well be a very sensible idea... I am very happy for youth justice to be delegated at the moment. I would rather have 200 people in London dealing with all the intricacies of the youth justice system, producing their papers, and then Sue in her office in Swansea interpreting that material to see whether it has any resonance for Wales—whether it is immediately transferable, not transferable at all, or needs adjustment to fit the Welsh context. If we devolved it, we would probably find ourselves

³³ RoP [Para 101] 7 October 2009, Communities and Culture Committee

³⁴ Written evidence, Youth Offending Team Managers Cymru, CC(3)-11-09 - Paper 2 - 9 July 2009

³⁵ RoP [Para 33] 7 October 2009, Communities and Culture Committee

with a rather thin pool of 10 or 12 people in a youth justice unit within the Assembly Government.”³⁶

78. Other witnesses were concerned that such devolution could complicate, rather than simplify the landscape for practitioners working within Youth Justice. The Minister for State, from the Ministry for Justice, observed that:

“I would not necessarily want to split off the young person’s estate from the adult estate, policing, sentencing and courts— all of which are not devolved.”³⁷

79. Similarly, the YMC were concerned by the implications of separating responsibility for a key element of the youth justice system, considering that:

“You may end up with more difficulties than you sought to solve, so it may be that the ambition to have the whole of the youth justice system devolved to Wales is rather more realistic than just part of it being devolved.”³⁸

80. We recognise that there are strong arguments for and against the devolution of the juvenile secure estate, and are mindful that such devolution would need to be followed by an appropriate reallocation of resources from Westminster to Wales to support such. We are of the view that the juvenile secure estate should be devolved to the Welsh Ministers.

1. We recommend that the Welsh Government should consider seeking to have devolved responsibility for the juvenile secure estate, and that the Welsh Government considers the evidence presented in this report as part of its review of whether the responsibility for youth justice system should be devolved to the Welsh Ministers.

We believe that this would:

- **empower the Welsh Government to develop a distinctively Welsh approach to youth justice and services that are delivered to the standards required by the Welsh Government;**

³⁶ RoP [Para 113] 7 May 2009, Communities and Culture Committee

³⁷ RoP [Para 282] 26 March 2009, Communities and Culture Committee

³⁸ RoP [Para 76] 9 July 2009, Communities and Culture Committee

- **enable a child-focused youth justice system that promotes the integration of such children into society and thus serves the best interests of the children themselves and the wider community;**
- **reflect the welfare-based approach to youth justice set out in the All Wales Youth Offending Strategy (AWYOS);**
- **assist in enabling the policies of the Welsh Government, expressed through Extending Entitlement³⁹ and the 7 core aims⁴⁰, to be delivered to all children and young people in Wales;**
- **be a precursor to considering seeking the devolution of the whole of the youth justice system to Wales.**

³⁹ Welsh Assembly Government, *Extending Entitlement*

⁴⁰ Welsh Assembly Government, *Rights to Action*

2. Preventing Young People Offending

81. The principle aim of the AWYOS is focused on preventing children and young people from offending in the first place and in providing alternatives to custody for those who do progress through the system. The Children's Commissioner for Wales commented that:

“The thing that the youth offending service has done really well – the Youth Justice Board and Welsh Assembly Government have been a clear part of this – is make a real commitment to preventative work. That is one of the absolute strengths and successes of the AWYOS so far. We need to ensure that we do not lose that preventative focus and that we maintain it, to try to stem the flow that comes into what we call the system. When children and young people get into the system, there needs to be development, and some real effort needs to be put into alternatives to custody and sentencing provision.”⁴¹

82. Most of our witnesses welcomed the Welsh Government's commitment that young people should be 'treated as children first and offenders second' as stated in the AWYOS. This reflects an overarching welfare approach to youth justice in Wales which many considered to stand apart from the position taken at the UK level. Similarly, a number of witnesses considered that the Welsh Government's adoption of the UNCRC as the basis of all its work with children and young people represented an important divergence from the UK position and toward a rights-based approach for children and young people in Wales.

83. However, witnesses did suggest individual areas where Wales' capacity to prevent young people initially offending could be improved, including:

- using a more holistic, integrated family approach to youth justice: there are usually agencies already involved with the wider family that could identify young people at risk;⁴²

⁴¹ RoP [Para 44] 21 May 2009, Communities and Culture Committee

⁴² For example ACPO Cymru commented that “there are usually agencies already involved with the wider family that could identify young people at risk. By the time that they get into the secure estate, it is almost a failure, because we have missed lots of opportunities to identify.” RoP [Para 7] 25 June 2009, Communities and Culture Committee

- improving information sharing between agencies, including youth justice services, housing, health and children’s services;⁴³
- doing further work with children of offenders, for whom research has shown are at a high risk of offending, in particular the need for Children and Young People Partnerships to prioritise children of offenders in their plans.⁴⁴

84. We believe that the Welsh Government should consider how best to incorporate these issues into the AWYOS and its related delivery plan, helping to reduce the number of first time entrants into the youth justice system and to deliver positive outcomes for Welsh children and young people.

85. As the remit of our inquiry was focussed on the experiences of Welsh children in the secure estate, we did not actively seek evidence on how young people could be prevented from offending. It is therefore not possible for us to make evidence-based, specific recommendations in this area. However, we have sought to make a broad recommendation, recognising the value of preventative work.

2. We recommend that the Welsh Government should consider where further improvements can be rendered to support agencies in identifying young people at risk of offending in the future, in line with the preventative agenda.

From the limited evidence received in this inquiry we anticipate that this would:

- **Include raising the priority of children of offenders with Children and Young People Partnerships;**
- **Include working with different agencies to develop a culture of information sharing, potentially including the integration of information technology systems;**

⁴³ For example, NOMS Cymru commented that “it tends to be a problem of integrating information technology. Infrastructures and systems are very separate.” RoP [Para 115] 21 October 2009, Communities and Culture Committee.

⁴⁴ For example, Barnardo’s Cymru told us that a “longitudinal study found that 48 per cent of boys who were separated from their fathers in their first 10 years of life as a result of parental imprisonment were convicted as adults, compared with 14 per cent of boys separated for other reasons.” RoP [Para 72] 7 October 2009, Communities and Culture Committee.

- **Include considering whether sufficient provision is made for speech and language therapy funding in programmes such as Flying Start.**

3. Use of custody

“society seems to demand immediate custodial sentences because it demonises so many youngsters.”⁴⁵

- Eleanor Burnham AM

86. Custody is notoriously ineffective in reducing re-offending, which the majority of witnesses considered to be the principal aim of the youth justice system. Julie Morgan MP told us that:

“victims should be at the top of our agenda, but victims do not want the crimes that have occurred to occur again. The historical records show that putting young people into secure accommodation away from home and punishing them with custody does not give a good result. It results in more offending.”⁴⁶

87. Despite this, a range of witnesses commented that use of custody for children and young people in Wales is high. On a proportional basis, Wales has one of the highest rates of children and young people in custody in Europe. However, research shows that only 31 per cent of children in prison are charged with or convicted of violent or sexual offences.⁴⁷

88. Witnesses suggested that this may be indirectly indebted to common perceptions of juvenile offenders in the media. Barnardo’s Cymru commented that “the media blows up cases that demonise children and young people,”⁴⁸ so that juvenile offenders were often viewed as “an essentially undeserving group of young people who require punishment and prison sanctions.”⁴⁹ Recent analysis by the YJB and HMIP reveals that 30 per cent of young men and 37 per cent of young women in custody report being in care at some point in their lives, with one in three girls and one in twenty boys reporting having been sexually abused. 90 per cent of young men and women in prison have used illegal drugs and nearly all have been excluded from

⁴⁵ RoP [Para 92] 11 June 2009, Communities and Culture Committee.

⁴⁶ RoP [Para 139] 23 September 2009, Communities and Culture Committee.

⁴⁷ Ministry of Justice, *Population in Custody Monthly Tables* April 2009, Table 2. Other offences include robbery, burglary, theft, fraud, drug offences and motoring offences.

⁴⁸ RoP [Para 44] 7 October 2009, Communities and Culture Committee.

⁴⁹ RoP [Para 11] 23 September 2009, Communities and Culture Committee.

school.⁵⁰ In reality, juvenile offenders are often among the most vulnerable children in society, with the Health Inspectorate Wales (HIW) noting that:

“of the number of cases reviewed, 11 per cent had greater physical needs than those who do not come into contact with the youth justice system, 43 per cent had emotional and mental health needs, and 49 per cent had substance misuse needs... the separation into ‘sad children’ and ‘bad children’ is a completely false dichotomy, because they are, in fact, the same children.”⁵¹

3. We recommend that the Welsh Government look at ways of challenging media representations and public perceptions of children and young people so that they provide an environment where there is a 'positive focus on achievement overall and what young people have to contribute' (Extending Entitlement, 2004).

Consistency over use of custody

89. There was a broad consensus amongst witnesses that when children and young people do enter the youth justice system, the use of custody should remain a measure of last resort and/or reserved for the most serious of offences. There was also agreement that in all cases the use of custody should be accompanied by appropriate systems and programmes of rehabilitation, support and resettlement.⁵²

90. The YJB told us that public protection is a priority for them. We recognise that custody, of course, plays a crucial role in public protection. However, we also agree with the view of the Children’s Commissioner for Wales that custody should be used as a last resort, and only in a small number of cases where the risks posed are extremely serious.

⁵⁰ HM Inspectorate of Prisons, Youth Justice Board, *Children and Young People in Custody 2008–2009. An analysis of the experiences of 15–18-year-olds in prison* (Deborah Tye), http://www.justice.gov.uk/inspectors/hmi-prisons/docs/Children_and_Young_People_in_Custody_2008-09_rps.pdf

⁵¹ RoP [Para 9] 11 June 2009, Communities and Culture Committee.

⁵² For example, in the written evidence of the Police Authorities in Wales, CC(3) YJ12 and the Welsh Local Government Association, CC(3) YJ11.

91. Witnesses agreed that it is vital that there is a consistency of approach to use of custody. The majority of witnesses also agreed that it will always be necessary to lock up some young people. The youth justice system in England and Wales reflects this consensus, recognising the need to give magistrates and judges the necessary tools to protect the public and punish serious offenders. In August 2009, 147 young people from Wales were serving custodial sentences.⁵³

92. Value judgments about the 'right number' of children and young people in prison are clearly outside the scope of this inquiry, but a range of witnesses commented that every local area should be taking every possible step to prevent youth crime, to ensure that custody is used only in appropriate circumstances, and then to prevent re-offending for those who do end up in prison. The Magistrates Association stressed that custody is already only used as a last resort, and asserted that they did "not agree at all that there is a postcode lottery, because the guidelines are the same for us all."⁵⁴

93. However, other witnesses were concerned that there was variation in sentencing patterns across Wales. Julie Morgan MP, representing the All Party Group on Children in Wales, commented that there was a need:

"to get a clearer way to ensure that ending up in custody, or not, is not a postcode lottery... there are guidelines, but it needs to be reviewed and that is being done. The Government is looking at the situation to see why there are such wide variations within Wales."⁵⁵

94. From the statistical evidence we have received, it does appear that the concentration of children and young people in custody across the country differs between local areas. For example, across Welsh Youth Offending Team areas there is variation in custody rates. In 2007/08, Merthyr Tydfil's rate of custody as a percentage of all court convictions was 12.8 per cent, Bridgend's was 10.1 per cent and Cardiff's was 8 per cent, whereas Ceredigion's rate was 2.7 per cent, Powys' was 2.5 per cent and Pembrokeshire's was 1.7 per cent⁵⁶.

⁵³ YJB figures, 28 August 2009

⁵⁴ RoP [Para 137] 7 October 2009, Communities and Culture Committee.

⁵⁵ RoP [Para 179] 23 September 2009, Communities and Culture Committee.

⁵⁶ *Youth Justice Board Annual Workload Data 2007/08*.

95. Barnardo's Cymru told us that some Welsh courts take a more punitive line than others:

“On the strategy and the new delivery plan, for us, the key is to make a concerted effort to reduce the level of custody, that is, the number of children and young people who are given custodial sentences. That must include achieving some consistency in sentencing, because the patterns across Wales vary so much. I know that it is an overused phrase, but custodial sentencing is a ‘postcode lottery’. If you are a young person, it is best not to get into trouble in Merthyr, as it has one of the highest custodial sentencing rates of the whole of England and Wales. If a young person who had committed the same offence and who had the same sort of background were tried in another court, the disposal would be altogether different. Much more work needs to be done to ensure that sentencing is more consistent across Wales. The magistrates are all given the same guidelines and they operate according to those, but there is obviously some discretionary decision making going on, to account for the wide discrepancies in sentencing patterns.”⁵⁷

96. We are conscious that in some areas a relatively small number of decisions around use of custody can potentially equate to a significant percentage difference. We are also conscious that some young people may be sentenced to custody for what may appear a less serious offence, because it may be the latest in a series of offences, and that alternatives to custody have previously been tried. Nevertheless, we consider that it is crucial that there is consistency of approach in the way local areas deal with juvenile offenders across the country: if some young people are going to prison when this outcome is avoidable or unnecessary, this is bad for them and bad for society.

97. We recognise that the new Youth Court Sentencing Guidelines, which for the first time means that Youth Court Magistrates will have guidelines to assist their sentencing, should go a long way towards improving the consistency of sentencing- particularly custodial sentencing. We recognise that differential patterns of sentencing across Wales (and England) are related to a number of factors including: seriousness, diversion from court, use of fines and discharge and reparation orders, breach rates, remands to custody,

⁵⁷ RoP [Para 15] 7 October 2009, Communities and Culture Committee

alternative to custody programmes, and quality of pre-sentence reports, which produce differential custody rates. The Magistrates Association told us that good relations between YOTs and courts is essential to address this issue.

4. We recommend that the Welsh Government works with the Youth Justice Board, local authorities and Sentencers to review use of custody, to establish that custody is used only in appropriate circumstances in line with the UN Convention on the Rights of Child and the principles set out in the All Wales Youth Offending Strategy.

We believe this would include:

- Local authorities taking more responsibility for young people who enter custody. The Welsh Government should issue guidance for local authorities to examine circumstances around every child who goes into custody from Wales;**
- The development of multi-agency serious case reviews for all custodial sentences for the younger age group, formed with representatives of the Youth Offending Team (YOT), Children’s Services and the voluntary sector;**
- Ensuring there is a good working relationship between Welsh Youth Offending Teams (YOTs) and sentencers, with a focus on the quality of pre-sentence reports and ensuring there are robust alternatives to custody for young people;**
- An examination of how the role of the local authority Independent Reviewing Officer (IRO) could be extended in relation to those remanded to local authority accommodation.⁵⁸**

Youth Courts

98. In their evidence to the Committee, the Magistrates Association told us:

⁵⁸ RoP [Para 61] 11 June 2009, Communities and Culture Committee

“Members should be aware of the concern of Welsh magistrates with the reduction in youth court sittings in certain parts of Wales to once or twice a month. This means that occasionally young people are appearing in adult courts. The MA is totally against this practice. Youth magistrates are highly trained to deal with young people, accustomed to engaging with them and with their parents/carers. They are conversant with the principles of sentencing youths and hopefully most courts are adapted to being youth courts. Youths must be sentenced by youth panel magistrates - not even remand decisions should be made in an adult court.”⁵⁹

99. The Children’s Commissioner for Wales also expressed concerns about this issue:

“On the sentencing guidelines, I was at a meeting of the Dyfed branch of the Magistrates’ Association a month or so ago, where I heard about the reorganisation of the magistrates’ courts in Mid and West Wales. That means that youth courts are closed in that area, and, as a consequence, children and young people must travel long distances to be sentenced and for their remand hearings. I am told that no young person has been sentenced in an adult court as a consequence of that. If that had happened, it would be a complete breach of the UN Convention on the Rights of the Child, and it just should not happen. However, I have met magistrates who have said that they are trained for adult courts, but who have young people appearing before them. They will remand them on bail or in custody but they are not trained to deal with them. They do not understand the youth courts system, and they actually feel quite vulnerable as magistrates in that situation. I am looking into this matter and will make representations about it.”⁶⁰

5. We recommend that The Welsh Government works with HM Court Service to ensure that no Welsh child or young person goes through the adult court, in line with UN Convention on the Rights of the Child, and that all Welsh children and young people are tried by youth magistrates who are highly trained to deal with young people.

⁵⁹ Written Evidence, Magistrates Association, CC(3)-13-09 - Paper 2 - 7 October 2009

⁶⁰ RoP [Para 28] 21 May 2009, Communities and Culture Committee

Use of short term custodial sentences

100. Additionally, there were high levels of agreement among witnesses that short sentences were particularly ineffective in reducing re-offending.⁶¹ For example, ACPO Cymru asked:

“When you have people with short sentences, what can you do? If the sentence is for less than six weeks, you can do absolutely nothing and there is no package for those people when they come out.”⁶²

101. We were told by prison staff during our visits that they felt that short sentences are particularly ineffective given that few rehabilitative programmes can be delivered in such short timescales.⁶³

102. The Prison Reform Trust stated in their evidence to this Committee that:

“the current custody threshold allows sentencers to use custody for children who have committed non-violent crimes, including those who have not turned up for appointments with the Youth Offending Team (YOT) and have thus breached their community orders. Children who have committed these crimes get the shortest Detention and Training Orders – either four or six months.”⁶⁴

103. While there was a clear consensus regarding the ineffective use of short custodial sentences, there were mixed views as to whether custody should be used for children and young people who breach their community sentences. We were told by Children in Wales that this was inappropriate:

“There are far too many children locked up, and far too many children are locked up for breaches – they do not turn up for a meeting and so they are locked up”⁶⁵.

⁶¹ See for example, Written evidence, Prison Reform Trust, CC(3) YJ05, page 5.

⁶² RoP [Para 79] 25 June 2009, Communities and Culture Committee.

⁶³ Note of Members’ visits to Young Offender Institutions, Secure Training Centres and Secure Children’s Homes in Wales and England, CC(3) AWE17, available at: http://www.assemblywales.org/bus-home/bus-committees/bus-committees-scrutiny-committees/bus-committees-third-ccc-home/cc_inquiries/cc_3_-youth_justice/cc_3__awe_17.htm

⁶⁴ Written evidence, CC(3) YJ05, Prison Reform Trust.

⁶⁵ RoP [Para 18] 21 May 2009, Communities and Culture Committee

104. However, the Police Authorities of Wales (PAW) stated in their written evidence to this Committee that:

“An instance where the use of custody as a last resort may be appropriate is where there is repeated non-compliance with a community sentence. This is an important aspect in terms of increasing community confidence in the justice system.”⁶⁶

6. We recommend that the Welsh Government, together with the Youth Justice Board, works with youth offending teams to improve young people’s compliance with the requirements of supervision for those on community sentences or release from custody, helping to reduce the number of children and young people from Wales in custody and ensuring that custody is reserved for the most serious offences.

Remands to custody

105. Witnesses also expressed concerns that remand acts as a significant driver to custody⁶⁷. In 2007/08, the rate of remand to custody as a percentage of all remands across Welsh YOTs varied from 9.7 per cent to 0.7 per cent⁶⁸.

106. In their evidence to this Committee, the Prison Reform Trust stated that:

“The All Wales Youth Offending Strategy acknowledges the need for ‘the development and extension of appropriate accommodation’ to support its aim of providing community based alternatives to custody. Remand to non-secure local authority accommodation (RLAA) has decreased significantly in recent years, yet research conducted by the Prison Reform Trust with YOT officers highlighted a lack of specialist accommodation for children on bail as one of the key drivers to remand. If courts are to be confident in their decision to give bail or use non-secure RLAA, they need to know that the accommodation provided by local authorities is stable, well-supervised and does not house unsuitable peers or adults.”⁶⁹

⁶⁶ See, for example, Written evidence, Police Authorities of Wales, CC(3)-YJ-12, page 1

⁶⁷ Written evidence, CC(3) YJ05 - Prison Reform Trust, page 1

⁶⁸ Ibid.

⁶⁹ Written evidence, CC(3) YJ05 - Prison Reform Trust, page 4

107. Similar concerns around the disparity in the percentage of those remanded into custody who then go on to get a disposal of custody were highlighted by the Association of Chief Police Officers (ACPO) Cymru who told us that:

“One also looks at the attrition rate for those remanded from charge into custody and to the point of final disposal. There is something more that we learn in that intervening time. There is the question—and I do not have the answer—of exactly what it is that we did not know when we had to remand the person into custody. Was it that there was no good bail place for them to go under proper supervision? What was it that tipped the balance so that they had to go into custody? Later, a certain percentage of those remanded into custody will not get a disposal of custody. So, I think there is a piece of work to be done on that.”⁷⁰

108. Witnesses agreed that it is unacceptable that for some children and young people, custody is being used for remand purposes due to a lack of suitable bail alternatives. Further, during our visits we heard evidence that while children and young people should be held separately from sentenced children, in practice this usually does not happen.⁷¹

7. We recommend that the Welsh Government commissions a review into the availability and suitability of bail accommodation for children and young people in Wales, with the intention of reducing the number of juvenile offenders who are remanded to custody because of an absence of suitable accommodation.

Transporting children between court and the secure estate

109. We also heard that the lack of custodial facilities in Wales means that remand prisoners are often transported long distances to make court appearances leading to delays and the need for prisoners to spend long periods in transit.

⁷⁰ RoP [Para 6] 25 June 2009, Communities and Culture Committee, page 6.

⁷¹ Note of Members' visits to Young Offender Institutions, Secure Training Centres and Secure Children's Homes in Wales and England, CC(3) AWE17. See also Policy Exchange, [Arrested Development. Reducing the number of young people in custody while reducing crime](#), page 19, and Max Chambers; The Standing Committee for Youth Justice, [The Funding of Custody for Children: Devolving the Budget](#), July 2009, page 14.

110. During our visits to secure establishments we were told that when young people do have to travel to court, nine times in 10 they travel to court with other adult prisoners.⁷²

8. We recommend that the Welsh Government engages in dialogue with the Youth Justice Board towards enabling greater use of video conferencing facilities in court appearances. We anticipate this would reduce the need for children and young people to travel long distances to court, and with adult offenders.

Raising the age of criminal responsibility

111. Several witnesses suggested that one way to tackle the problem of custody, was to raise the age of criminal responsibility.⁷³

112. In their evidence to this Committee, the Prison Reform Trust stated that:

“the case for raising the current age of criminal responsibility in Wales is strong not just because this would automatically lead to a reduction in the number of children sentenced to custody, but also because custody is inappropriate for children and young teenagers.”⁷⁴

113. The Prison Reform Trust believes the age of criminal responsibility should be raised to at least 14, to bring it into line with most of the rest of Europe. This view is fully supported by the Children’s Commissioner for Wales who told us:

“With regard to the age of criminal responsibility, the Welsh Assembly Government has a very clear commitment to young offenders being seen as children first and offenders second, but we have an age of criminal responsibility as low as 10. The devolved Government in Wales says that it is committed to a rights-based piece of work, but there is that low age of criminal responsibility.”⁷⁵

⁷² Note of Members’ visits to Young Offender Institutions, Secure Training Centres and Secure Children’s Homes in Wales and England, CC(3) AWE17.

⁷³ See, for example, Written evidence, CC(3) YJ05 - Prison Reform Trust: p.5; RoP, 21 May 2009, Communities and Culture Committee, RoP, 9 July 2009, Communities and Culture Committee

⁷⁴ Written evidence, Prison Reform Trust, CC(3) YJ05.

⁷⁵ RoP [Para 4] 21 May 2009, Communities and Culture Committee

114. The age of criminal responsibility in Scotland has recently been raised from eight to 12, bringing Scotland into line with most of Europe. The minimum age at which a child can be charged and brought before a court is 10 in the rest of the UK.

115. We consider it appropriate that the Welsh Government considers the potential for raising the age of criminal responsibility, as part of its review on the potential for devolving responsibility for youth justice to the Welsh Ministers. However, we are mindful that raising the age of criminal responsibility would necessarily need to still be accompanied by appropriate systems and programmes of support with enhanced measures that would enable authorities to place younger children, below that age of criminal responsibility, on programmes crucial to preventing further offending and/or disruptive behaviour.

9. We recommend that the Welsh Government consider the potential implications of raising the criminal age of responsibility as part its review of the wider subject of devolving responsibility for youth justice to Welsh Ministers. We anticipate that this would take place before the Welsh Government entered into any discussions with the UK Government on this issue.

4. Alternatives to Custody

Value of a range of different options for alternatives to custody

116. We are conscious that sentencers need to have effective alternatives to custody from which to select, if they are to reduce use of custody, or to utilise it consistently. This point was made by the Children's Commissioner for Wales, who commented that there was a need for:

"A range of community-based options is needed that magistrates can be confident about using and understanding... when they give a young person a community-based sentence or custody, they do not get to hear what happens unless that young person appears in court again and the magistrates happen to be the same."⁷⁶

117. The Magistrates Association agreed with this assessment, commenting that:

"the starting point is to ensure that magistrates understand what youth offending teams have to offer, and youth offending teams discuss sentencing with magistrates."⁷⁷

118. The AWYOS sets out the aim of ensuring effective community-based sentencing alternatives to custody. The youth justice system allows for the use of pre-court disposals, including reprimands, final warnings and restorative justice tools to promote victim satisfaction.

119. We therefore consider that the relationship between a youth offending team and a court is crucial in promoting alternatives to custody, and enabling Magistrates to select the most appropriate form from a menu of different programmes. From the evidence taken in this inquiry, we do not consider any one alternative to custody to be intrinsically superior to the rest, but rather consider that all the different options detailed to us by witnesses have their own individual merits for handling different young people.

120. For example, we heard evidence of the potential benefits for children and young people of the intensive fostering scheme currently

⁷⁶ RoP [Para 24] 21 May 2009, Communities and Culture Committee.

⁷⁷ RoP [Para 156] 7 October 2009, Communities and Culture Committee.

being piloted in England. The YJB told us that intensive fostering has the potential to provide a real alternative to custody.⁷⁸

121. Intensive fostering involves placing children and young people who have offended with specially-trained foster carers who work with them, and their families, to address their offending behaviour. The YJB has told us that early results have been promising:

“On intensive fostering, the reason why the three pilot schemes are in England is that the funding stream is from the English Department for Children, Schools and Families. In our submission, we said that we think that there is potential for the Welsh Assembly Government to think about whether it would wish to sponsor a similar scheme in Wales. They are not cheap, but, relative to the cost of custody, they are phenomenally cheap. What we are talking about here is the chance to turn things around for a young person. While it is for you to decide what cost you place on that, we would advocate a national roll-out of intensive fostering in England and Wales. The scheme is being evaluated as we speak. I know, from reading the evaluation, that the scheme has been really successful for the period in which the young person has been subject to intensive fostering. They are less successful post the year of intensive fostering, but I would not expect anything other than that⁷⁹.

122. Julie Morgan MP, on behalf of the All Party Group on Children, made clear her support for the intensive fostering scheme but emphasised that is not “a cheap option”:

“It can be very successful. However, the other point that I would like to make is that, if you want successful fostering, it is not a cheap option. It is cheaper than secure care—there is no doubt about that—but the support has to be put in. There must be someone available, all day and all night, who can deal with difficult, damaged children. There must be someone there who can give support to foster parents. I had to be available all night, for example, when I was the family placement officer. I was on the phone, talking people through crises. It seems to me that that sort of investment is absolutely worth it.”⁸⁰

⁷⁸ RoP [Para 68] 7 May 2009, Communities and Culture Committee

⁷⁹ RoP [Para 13] 7 May 2009, Communities and Culture Committee

⁸⁰ RoP [Para 148] 23 September 2009, Communities and Culture Committee

123. However, the Welsh Local Government Association (WLGA) made clear in their evidence to this Committee that they have previously shied away from intensive fostering support because of the resources it takes, favouring instead a small number of supported places⁸¹.

124. Other witnesses outlined the merits of community-based programmes, such as the Intensive Supervision and Surveillance Programme (ISSP) for prolific and serious juvenile offenders. ACPO Cymru advocated that:

“The intensive supervision programme is one of the most successful diversion methods for young people. It gives their lives structure for 25 hours per week when, under supervision, they are required to do certain activities. Without doubt, it is a fantastic pre-emptive measure to try to prevent persistent offenders from going into custody.”⁸²

125. Similarly, NOMS Cymru suggested that:

“we could deliver more focused interventions through attendance centres’ 32-hour orders and that the courts would potentially use those as consideration for potential diversion. The basis for that is our intensive supervision and control order pilot schemes currently running in west and south Wales. So, we believe that there is a great potential in using attendance centres, but by doing so in a more focused and more programme-based way, liaising with centres to deliver a better outcome... the profile and use of attendance centres could be improved... [through]... a greater awareness by the YOTs of attendance centres and to recommend them to sentencers.”⁸³

126. Other witnesses focussed on the potential benefits that Restorative Justice programmes could deliver. The Children’s Commissioner for Wales suggested that:

“what we should see in the all-Wales youth offending strategy is a commitment to restorative approaches, because that would build beautifully on a preventative approach.”⁸⁴

127. Similarly, ACPO Cymru suggested that:

⁸¹ RoP [Para 262] 21 October 2009, Communities and Culture Committee

⁸² RoP [Para 28] 25 June 2009, Communities and Culture Committee

⁸³ RoP [Para 96] 21 October 2009, Communities and Culture Committee

⁸⁴ RoP [Para 49] 21 May 2009, Communities and Culture Committee

“restorative justice has a huge role to play for young people to fully understand. I suppose that it is the old-fashioned way, whereby we would take them home, tell mum and dad, who would march them down to the shop and make them apologise to the shopkeeper, and they would stop their pocket money for a week, or however long it would be. I am sure that some of that still goes on, but restorative justice is a grown-up version of that and it works exceedingly well.”⁸⁵

128. Indeed, the Minister for Health and Social Services noted that Restorative Justice was a relatively economic alternative to custody, commenting that North Wales Police estimated that they made “an efficiency saving of £103.21 per instance a YRD is used instead of a reprimand.”⁸⁶

129. We also agree with the view of the Children’s Commissioner for Wales that:

“In relation to youth justice in particular—and this is critical—article 12 of the UN Convention on the Rights of the Child in the context of sentencing decisions and all decisions in the youth justice system, is a big one for us in as much as we have a Welsh Assembly Government that is clear about rights to action and children’s voices being listened to. At the moment, they are not being listened to. So, there is an issue about commissioning services and children’s participation in that. The Youth Justice Board in Wales is also keen to work with us on getting children to participate in developing a response to those who get caught up in the secure system and in the youth justice system and I am keen to work with it on that. For example, who better to determine the effectiveness of an alternative to a custodial sentence than a young person who has been through that process? When we undertake effectiveness evaluations, we tend to look at recidivism rates: if someone has reoffended and whether the scale or proportion of their offending has been reduced. We are not terribly good at talking to young people about what made a difference for them.”⁸⁷

⁸⁵ RoP [Para 57] 25 June 2009, Communities and Culture Committee

⁸⁶ Written evidence, CC(3) AWE 13, North Wales Police

⁸⁷ RoP, [Para 57] 21 May 2009, Communities and Culture Committee

10. We recommend that the Welsh Government works with the Youth Justice Board and local authorities to develop further suitable and effective alternatives to custody for juvenile offenders, including a robust evaluation of such programmes.

We anticipate this would include:

- Adequate funding for the provision of robust community alternatives to custody, and monitoring their performance;**
- Communicating with sentencers at a national and (through youth offending teams) at a local level, to promote the effectiveness of community sentences;**
- Working with youth offending teams to improve their performance in areas of practice that are likely to reduce use of custody;**
- Developing strategies that will improve other factors likely to reduce the use of custody (such as parenting interventions, resettlement and accommodation arrangements) for young people in the youth justice system;**
- A strategy for engaging juvenile offenders themselves in the evaluation of alternatives to custody, in line with Article 12 of the UN Convention on the Rights of the Child (UNCRC);**
- Increased multi-agency working, joining up agencies and putting the offender at the centre of service provision;**
- Consideration of the costs-benefits of devolving custody budgets to local authorities as part of the Welsh Government’s review of whether youth justice services should be devolved to the Welsh Ministers.**

Working with offenders’ families

130. We consider several important themes run through these different forms of alternatives to custody:

- The importance of the wider family network;**
- Effective multi-agency/ partnership working;**

- Funding arrangements.

131. Several witnesses commented that families could have a critical role in alternatives to custody, with HMI Prisons commenting that there was a need to:

“work with the family, and his or her environment—assuming that the individual child is an island is a huge mistake.”⁸⁸

132. Similarly, the YJB told us that it sees working with parents of young people within the secure estate as crucial in the prevention of reoffending. Research⁸⁹ indicates that the quality of parental supervision, as well as other family circumstances, can play a significant role in offending. We recognise that the YJB, working together with YOTs has increased the number of parenting interventions in recent years. However, some witnesses have told us that improvements need to be made to the quality and quantity of parenting interventions. As noted in recommendation 10 (above) we consider that the Welsh Government could develop strategies to improve the impact of such parenting interventions, ensuring that such interventions are based on evidence and are of the highest quality. For example, we believe that:

- Parenting interventions for the families of juvenile offenders could be prioritised by Children and Young People’s Partnerships through their Children and Young People Plans, reducing the number of children and young people entering custody and preventing re-offending among this group;
- The Welsh Government could work with the YJB to ensure National Standards on parenting interventions are in line with the Welsh Government’s approach to parenting in Wales;
- The Welsh Government, together with the YJB, could work with local authorities and the third sector to ensure parenting support is available to the families of juvenile offenders whilst in custody and upon their release, ensuring there is adequate funding for parenting interventions for this group and improving parenting

⁸⁸ RoP [Para 215] 21 October 2009, Communities and Culture Committee

⁸⁹ RoP [Para 72] 7 October 2009, Communities and Culture Committee

needs assessments made by YOTs in the recommendations they make to sentencers.

Value of integrating programmes

133. We also believe it is a huge mistake to assume, in delivering alternatives to custody, that an individual child is ‘only’ a young offender, when they may also be a mental health patient, or a victim of abuse. Barnardo’s commented that:

“A young person may be in touch with many different agencies about many different issues, and I do not think that there is enough evidence that agencies are working together consistently. So, a young person may have a lot of appointments in one week with many different agencies, and some of those appointments may be conditional, but it is questionable whether those agencies are working together properly to get the most effective impact from those interventions.”⁹⁰

134. However, in our inquiry, we heard about individual examples of good practice, such as the Bont project, and Women's Turnaround Project for female offenders, as models for delivering multi-agency services wrapped around a juvenile offender. NOMS Cymru noted the value of:

“joining up agencies and putting the offender at the centre of service provision, because the person whom I look at as an offender is usually a mental health patient for the local health board, or could be a NEET for DCELLS. They tend to be the same population, as you will be aware. There are compelling arguments, socially and economically, for taking that approach, and we are actively working on that.”⁹¹

135. Similarly, ACPO Cymru advocated “the integration of all these fantastic initiatives, because that is where we would get the funding—by working closer together.”⁹²

136. As noted in recommendation 10, we consider that increased multi-agency working, joining up agencies and putting the offender at the centre of service provision could be of significant benefit, and

⁹⁰ RoP [Para 13] 7 October 2009, Communities and Culture Committee

⁹¹ Written evidence, CC(3)-15-09, NOMS Cymru

⁹² RoP [Para 61] 25 June 2009, Communities and Culture Committee

consider that the Welsh Government should develop guidance to enable such.

Funding

137. We believe funding is the third critical theme running throughout these different forms of alternatives to custody. Children in Wales noted that “we would have the money to provide the alternatives first- that would be critical to do it properly.”⁹³ Similarly, ACPO Cymru commented that:

“as ever, it is about money. Many of the agencies doing this work are in the third sector. During the recession, they are finding it more difficult, and local authority provision of some of these activities is also affected.”⁹⁴

138. NACRO Cymru told us that because custody is funded centrally, there is no financial incentive for local authorities to seek to prevent it.⁹⁵ The Prison Reform Trust highlighted in their evidence to this Committee, their view that devolving custody budgets to local authorities has the potential to incentivise investment in alternatives as well as to reduce the numbers of children and young people imprisoned:

“Currently, the costs of custody (except one third of the costs of court-ordered secure remands) are borne by the government through the Youth Justice Board, with local authorities bearing the costs of all community sentences. Custody is extremely expensive and has some of the worst rates of reoffending of all sentences, with 75% of children reconvicted within a year of release. If the costs of custody were made more visible to local authorities and youth offending teams, they would be more likely invest in community alternatives to custody and in preventative and early-intervention work.”⁹⁶

139. As referenced in recommendation 10, we believe that the Welsh Government should consider devolving custody budgets to local authorities, within the context of reducing the overall use of custody,

⁹³ RoP [Para 78] 21 May 2009, Communities and Culture Committee

⁹⁴ RoP [Para 19] 25 June 2009, Communities and Culture Committee

⁹⁵ RoP [Para 81] 11 June 2009, Communities and Culture Committee. The Youth Justice Board (YJB) is currently responsible for all commissioning, funding and placement arrangements for children’s custody.

⁹⁶ Written Evidence, CC(3) YJ05, Prison Reform Trust

and as part of the review of whether youth justice services should be devolved to the Welsh Ministers.

5. Existing provision of secure estate placements in Wales

“Try to imagine what it might be like for a 12-year-old boy, who has been sentenced under a secure training centre order and has to go to an English institution hundreds of miles away from home. He may never have been away from home before, but he is placed in a really strange setting, which is completely new to him. The family may have problems gaining access to that institution. It may be too far to get there and back in a day on public transport. The transport costs could be so prohibitive that the family cannot get there... If you have children, perhaps you can imagine what it might be like for those kids, given the sense of isolation, the loneliness, and the fear that they feel. I do not think that we should be placing children out of Wales, in England.”⁹⁷

- Barnardo’s Cymru

140. While urging the Welsh Government to ensure that alternatives to custody are utilised, and that custody remains a measure of last resort and reserved for the most serious of offences, we recognise that there will be occasions when it is required. We heard clear evidence in our inquiry that there is currently insufficient provision of juvenile secure estate placements in Wales to meet the existing demand for such placements from Welsh courts.

141. A range of witnesses also indicated that the insufficient provision of juvenile secure estate placements in Wales has a number of negative effects for Welsh young people placed in England-based establishments, including that:

- Welsh young people in English establishments are frequently placed far away from their home making family contact very difficult;
- professional contacts, which are critical to successful rehabilitation, are difficult for YOTs;
- access to continuous service from Child and Adolescent Mental Health Services (CAMHS), education, careers and other services is difficult.

⁹⁷ RoP [Para 28] 7 October 2009, Communities and Culture Committee

142. For example, NACRO Cymru commented that:

"Proximity to home brings better links to family and a greater ability for families to remain in touch with their children. There is also better access to youth offending teams, which are often travelling massive distances to see their young people... We have also touched on another benefit, namely access to specialist services. Careers Wales is in Wales. However, it is not just Careers Wales, but all the other agencies, such as housing agencies and children's services, that could visit people prior to their leaving custody."⁹⁸

143. Similarly, officials from the Welsh Government told us that:

"When children are put somewhere that is some considerable distance from their home, which sometimes happens, it is very difficult for their parents, the constituent local authorities, and the other agencies that want to maintain some role and involvement with those young people to do so, if they are based some distance away."⁹⁹

144. The YJB asserted that they fully recognise the benefit of seeking to place Welsh children and young people in secure accommodation within Wales and are committed to achieving this where possible.¹⁰⁰ The YJB has reduced the number of placements outside of Wales, from around 95 per cent in June 2001, to around 50 per cent in February 2009.¹⁰¹ However, this has still left a high proportion of Welsh juvenile offenders in secure accommodation outside Wales.

145. The Royal College of Nursing Wales highlighted their specific concerns with the lack of provision for children and young people from North Wales in their written evidence to this Committee:

"Our members are particularly concerned with the lack of provision for children and young people from North Wales. These children and young people are frequently sent to England Secure Units. From the furthest part of North Wales, the nearest unit is over 3 hours drive away making it very

⁹⁸ RoP [Para 162] 11 June 2009, Communities and Culture Committee

⁹⁹ RoP [Para 76] 26 March 2009, Communities and Culture Committee

¹⁰⁰ Communities and Culture Committee Paper, CC(3)-07-09:Paper 3, *Inquiry into Youth Justice in Wales; Submission from the Youth Justice Board for England and Wales*, 7 May 2009

¹⁰¹ Ibid.

difficult indeed for relatives to visit. Some youngsters have even been sent over 200 miles away from their homes. Being away from their community and familiar surroundings is distressing and renders the children vulnerable to bullying".¹⁰²

146. In the context of the geography of Wales and its transport infrastructure, we are concerned by evidence that there are some very long journey times for young people's families and for professionals working with them.

147. We learned during our visits to secure establishments that the YJB has an 'assisted family visits scheme', which provides financial support to the families of juvenile offenders so that they are able to visit their children in custody. Through the assisted visits scheme families can reclaim the cost of visiting a child in prison.¹⁰³ However, we do have some concerns that families living on a low income and having to travel long distances, often on public transport, may find it difficult to pay upfront costs for travel.

148. Indeed, we were told by one young person during our visits that he had stopped his mother visiting him because he was aware of the long distances she had to travel to see him and how difficult it was getting to the prison by public transport.¹⁰⁴

149. We consider that where children and young people do need to be placed in secure accommodation, they should be placed as close to home as possible. We consider the principle that children and young people going into the secure estate should normally be placed 'as close to home as possible,' to be of utmost importance. In this consideration we recognise that, on a practical level, this may sometimes require placements on a cross border basis, particularly for those children and young people from North Wales where there is currently no juvenile secure estate provision, and where the nearest juvenile secure estate provision to home remains in England.

¹⁰² Written Evidence, CC(3)-YJ-08, Royal College of Nursing, Wales.

¹⁰³ YJB Website: *Information on prison visiting*

¹⁰⁴ Note of Members' visits to Young Offender Institutions, Secure Training Centres and Secure Children's Homes in Wales and England, CC(3) AWE17.

11. We recommend that the Welsh Government should work with the Youth Justice Board to ensure that children and young people are better able to maintain contact with their families and carers through better access to affordable phone lines whilst in custody.

Increasing Juvenile provision in Wales

150. Amongst witnesses there was almost universal acknowledgement that Welsh juvenile offenders should be held closer to home, and preferably within Wales. The case for providing new custodial facilities in North Wales, where there is currently no provision was particularly strong. It was also recognised that new provision is needed for girls and young women, though several witnesses suggested that increasing the availability of alternatives to custody would be more appropriate for this group.¹⁰⁵

151. During the course of this inquiry, the YJB stated that it would commission less places at Hillside Secure Children's Home than originally planned. Six additional places were to be provided at Hillside through Welsh Government capital funding, and the YJB were to commission these places to increase the number of Welsh children placed in Wales as opposed to further afield in England. The YJB decided to commission an extra three rather than six places. Several witnesses indicated concerns about what they perceived as the high level use, by the YJB, of YOIs for 15 year olds and above.

152. The Welsh Government made clear in their evidence to this Committee their preference for smaller units and establishments for children and young people in Wales:

“We think that Welsh children in the secure estate, whether in England or Wales, should be placed in smaller establishments close to their families and home communities, so that they can maintain regular contact with them. That is not the current pattern of events across the United Kingdom”¹⁰⁶.

153. The Minister was fully supported by the Children's Commissioner for Wales in her views that more small centres that have more of a community focus should be established in Wales to deliver

¹⁰⁵ RoP [Para 157] 23 September 2009, Communities and Culture Committee

¹⁰⁶ RoP [Para 3] 9 July 2009, Communities and Culture Committee

for those Welsh children and young people who do have to go into custody:

“On secure provision, we will never be in a situation in which we can do away with secure provision for children who are caught up in that system—for their own protection and safety, as much as anything else. That is fundamentally true. The counterbalance to what I am saying is that we cannot afford to work it in that way, and what we really need are small units located in Wales for children who are normally located here, and which operate on a human scale. I do not like institutions that are tagged onto massive prisons and called Young Offender Institutions. I do not believe that secure training centres operate a care model. I just do not see that. I do not think that the children and young people whom I have met and who have been through the secure training centre model would say that that was a care environment. The issue is about a secure care environment. The only way in which you can deliver a secure care environment, I think, is to have small units that work much closer to home, rather than something that is based on a prison system.”¹⁰⁷

154. This approach was also favoured by a number of witnesses. Barnardo’s Cymru told us that: “As for the models that we have seen for custody, the secure children’s centre is far and away the best.”¹⁰⁸ We also heard evidence from the YMC who told us that new stock needed to be provided in the secure estate in Wales if any improvement was to be made:

“YMC would recommend that the use of the secure estate for those below 16 years of age should be further restricted. As a sentencing option it should extend only to cases where it is necessary to protect the public from serious harm.

“Secondly all young people below 16 years of age should serve their sentence in Local Authority Secure Units within a 50 mile radius of their family home. This would ensure that the positive practice evidenced at Hillside Secure Unit could be replicated across Wales. This would require legislative change, a building programme and an examination of the role and

¹⁰⁷ RoP [Para 8] 21 May 2009, Communities and Culture Committee

¹⁰⁸ RoP [Para 45] 7 October 2009, Communities and Culture Committee

function of Local Authorities in respect of children in the secure estate. To achieve this Welsh Assembly Government would need to either influence the decision making of London or acquire the responsibility for the secure estate in Wales.”¹⁰⁹

155. Similarly, NACRO Cymru told us:

“I suppose that you have to ask yourselves initially whether you want to build more prisons and establishments to incarcerate young people. What is Wales’s policy and its direction? That seems to have been clearly set out in the Wales youth offending strategy of prevention in the first place, because that affects everything down the line, and alternatives to custody, which immediately leads to a reduction in the prison population. So, there is that issue. If there is expansion, what type of units and establishments do you want to provide for young people? So far, the Welsh Assembly Government seems to prefer small units rather than large warehouses of young people. We would support units with smaller staff-to-child ratios. However, there is also the need, as in Hillside, for a range of specialist support. That requires capital investment. The money seems to be the biggest barrier, along with the will and the desire to do it. As I said at the beginning of my contribution, it is not just the physical structures but the whole administration of what goes with it. Around 75 per cent of the Youth Justice Board’s budget is spent on administering the secure estate, commissioning the places and running the arrangements. So, it is not just about the type of establishment and the bricks and mortar, but the whole thing that goes with it.”¹¹⁰

156. However, Barnardo’s Cymru told us that care would need to be taken to ensure that the number of places made available in Wales did not inadvertently increase the number of children and young people in custody:

“It would be important to avoid a situation where the knowledge that there were Welsh based custodial options led to decisions to increase the number of custodial sentences.”¹¹¹

¹⁰⁹ Written Evidence, Youth Offending Team Managers Cymru, CC(3)-11-09 - Paper 2 - 9 July 2009

¹¹⁰ RoP [Para 164] 11 June 2009, Communities and Culture Committee

¹¹¹ Written Evidence, Barnardo’s Cymru, CC(3)-13-09 - Paper 1 - 7 October 2009

157. Similarly, Julie Morgan MP, on behalf of the All Party Group on Children in Wales, told us that:

“There is a dilemma here, because you can work to have more provision and get the children back to Wales, or you can work to get the children back into the community and not use so much provision. I think that it is a step forward if we can get the children nearer to their families, but we need another policy move in order to consider whether all those children need to be in those places.”¹¹²

158. Likewise, in their written submission to this Committee, the Howard League for Penal Reform expressed concerns about the development of new secure estate placements in Wales. They made clear in their evidence that the only form of custody that they would say is acceptable for children (and only then when used as a last resort) is the secure children’s home:

“Discussion of criminal justice issues in Wales often centres around the lack of custodial facilities in Wales and the large numbers of individuals who are placed in custody in England rather than Wales as a result of this. As stated at the beginning of this letter, this is the wrong way to frame the discussion. The Howard League for Penal Reform would strongly oppose any expansion of the youth justice estate in Wales simply because of the problems experienced by young people who end up being placed in custody in English prisons.

“In England and Wales, there are three forms of custody for children under the age of 18: young offender institutions (YOIs), privately run secure training centres (STCs) (England only) and local authority secure children’s homes (SCHs). Of these, the only form of custody we would say is acceptable for children (and only then when used as a last resort) is the secure children’s home. These homes are small, local and have a high staff to child ratio. Staff will usually have a social work background and the environment is more therapeutic than that found in either young offender institutions (YOIs) or secure training centres (STCs). Wales currently has one secure children’s home, Hillside in Neath.

¹¹² RoP [Para 21] 9 July 2009, Communities and Culture Committee

“If funding was made available to introduce a local authority secure children’s home in north Wales as an alternative to Hillside for those very few children who would require custody, then this would be welcome as long as steps were taken to close the YOI element of Parc prison. Indeed, removing children from Parc would free up YJB funding which could be diverted into the setting up of a north Wales secure children’s home as well as release funding to better support solutions based in the community.”¹¹³

12. We recommend that the Welsh Government continues to engage with the UK Government, towards enabling the development of new secure estate placements in Wales, using the Hillside secure unit as a model, and including the development of provision in an appropriate location in North Wales.

We believe this would:

- **enable prisoners to maintain better contact with their families, and assist their resettlement on release;**
- **be focused on the development of secure children’s homes (SCHs) which are capable of providing a child-centred service to Welsh children and young people, and which would reflect a unique approach to custody in relation to children and young people in Wales;**
- **include smaller units set up to deal with the particular needs of children and young people in custody, such as those who have drug and alcohol problems or specialist mental health facilities.**

Existing juvenile provision in Wales

159. The juvenile secure estate consists of YOIs, run mainly but not entirely by the prison service; STCs of which there are none in Wales and which are managed by private companies on long term contracts for profit; and SCHs, which are generally managed by local authorities.

160. Generally speaking, boys of 15 years or over will be held in YOIs, and younger boys in STCs or SCHs. 17 year olds girls are likely to be held in YOIs and younger girls in STCs or SCHs. However, during our visits we have heard evidence that significant numbers of those sent to

¹¹³ Written Evidence, CC(3) YJ05 - Prison Reform Trust

YOIs will have been assessed as too vulnerable to cope with the regime and should be accommodated in SCHs.¹¹⁴

161. As at August 2009, there were 57 Welsh male juvenile offenders held at YOI Parc, which accounts for nearly half (46 per cent) of all Welsh male juvenile offenders held in YOIs in England and Wales.¹¹⁵ Notably, the Director of the NOMS Cymru recommended that the overall suitability of the juvenile facility at HMP/YOI Parc should be considered.:

“The final, and perhaps the biggest, point that I would like the committee to consider is the overall suitability of the facility. Parc is an adult male prison. It is a category B prison. While the 64-bed children’s facility there is well, decently and humanely run, we have reservations about the appropriateness of such a facility within an adult male establishment. From my perspective, a longer-term strategy of more appropriate provision of an appropriate size would be something on which we would welcome a review. In conjunction with that, the matter of diverting that population from a custodial sentence in the first place is also something that we would welcome and support very heavily.”¹¹⁶

162. Different forms of custody have different financial implications. Professor Williamson explained that:

“As soon as you leap to Secure Training Centres, you are talking of three times more the cost than that for Young Offender Institutes. If you start talking about most local authority secure children’s homes—although not Hillside, which is a relatively cheap one but is still as costly as a Secure Training Centre—you are talking about four times as much as a Young Offender Institute.”¹¹⁷

163. However, from the evidence we received it is clear that many witnesses feel that YOIs are not suitable for children and young people. For example, Dame Anne Owers, Her Majesty’s Chief Inspector for Prisons told us that:

¹¹⁴ Note of Members’ visits to Young Offender Institutions, Secure Training Centres and Secure Children’s Homes in Wales and England, CC(3) AWE17. See also Written Evidence, Nacro Cymru, CC(3)-09-09 : Paper 2 : 11 June 2009

¹¹⁵ YJB figures

¹¹⁶ RoP [Para 91] 21 October 2009, Communities and Culture Committee

¹¹⁷ RoP [Para 116] 7 May 2009, Communities and Culture Committee

“If you look over to England you can find some examples of what not to do in Wales, which would be very helpful. It seems that what not to do is to have very large units in which children and young people cannot be looked at individually, which are very difficult to make safe, and where staff and children really struggle. What we have found to work best, particularly for children and young people, are small units close to home, that are staffed by people who have chosen to work there, want to work with children and young people, and have training, support and multidisciplinary support in doing so.”¹¹⁸

164. We also recognise that the secure estate for children and young people is under pressure from the numbers in custody. We are concerned by the rise of the number of young people in custody, particularly young men aged between 15 and 17 held in YOIs.

13. We recommend that the Welsh Government works with the National Offender Management Service (NOMS) to review the suitability of Young Offender Institutions (YOIs) in Wales for holding Welsh juvenile offenders in line with the All Wales Youth Offending Strategy.

Provision of custody for Young Offenders (18-21 years olds)

165. The focus on this inquiry related to juvenile young people in the secure estate, those aged 10 – 17 years of age. However, within the remit of our inquiry, it is appropriate for us to comment on the provision for all young people, particularly those young offenders (aged 18-21 years) held at YOIs.

166. We were concerned by comments from NOMS Cymru that a number of YOIs in England have taken the decision to merge the under 21 population with the adult prison population. NOMS Cymru explained that this was still under review in relation to HMP/ YOI Parc:

“A small number of institutions in England mix the under 21 population. There is no English or Welsh policy to do so. We are currently undertaking a population review, which was prompted by the fact that there are currently 400 young men in Parc, in what is probably the biggest and most problematic unit of its type. That has been obvious from the differences in serious

¹¹⁸ RoP [Para 213] 21 October 2009, Communities and Culture Committee

assaults in that unit, because they always run higher than in any other establishment in Wales, although it is consistent with other facilities of its type. There are two schools of thought on this. There is a school of thought that says that under 21s should be held separately, and there is a school of thought that says that it can be helpful to mix carefully selected under 21s to their benefit. When I say 'to their benefit', I have concerns around that, because we will all be familiar with the very local nature of communities in Wales, and many of the young offenders held in Parc are from Cardiff and the surrounding areas. If they are from Swansea, which has the second biggest population after Cardiff, there can be local tensions. It is not an ideal location, and it is certainly not ideal in that if you coop up 400 young men in one place, you get what you would expect...

"Of the 2,800 or thereabouts prison population in Wales, almost 1,100 of them fall into the age group of 18 to 25. We have a number of dynamics in Wales that we must consider. I will call it tribalism, but there is the English/Welsh dynamic, because we suffer from a number of transfers from England because of the prison population problems. So, we have that dynamic and we also have the local eastern valley/western valley, Cardiff/Swansea, Newport/Cardiff dynamics. Put all that together in, effectively, four house blocks in Parc, and it can be a problem. Stability can come about; for many years, we have accommodated lifers in general population areas, which is good practice, because they bring stability. There is an argument that mixing older adults with younger adults can have the same effect. However, perpetrators can become victims in those circumstances. There is already an existing practice and procedure whereby young adults can be placed in the adult area, normally because of their physical size and behaviour. Sometimes, they need a more mature group than their peer group to survive. Quite often, big prisoners get bullied by smaller prisoners and they find that they need to migrate to an adult population. So, there is an argument for a combined unit, but you need a risk assessment process that will allow that to be safe, because of the risks. Although they

may be adults, they are susceptible to significant degrees of bullying or other influences by more mature adult prisoners.”¹¹⁹

167. While noting this explanation, we also considered comments from HMIP, who observed that:

“Another thing that we are very concerned about is the great break that happens when a child is 18 years old. Suddenly and mysteriously, by osmosis, they become an adult. All of those kinds of services and support, both legal and actual, fall away and suddenly they are put into an adult prison. That cannot be right. Surely, we should be looking at young people up to at least the age of 21.”¹²⁰

168. We feel considerable caution should be taken against the possibility of ending the separation of young offenders from the adult prison population. Recognising that there is currently no UK or Welsh policy to do so, we would nevertheless urge the Welsh and UK Governments not to implement such a measure in the future.

169. We also urge the Welsh Government to monitor the YJB’s policies of moving those aged 18 or over from the secure estate for children and young people. We consider that the well-being of vulnerable young people should be safeguarded in line with Welsh Government’s flagship policy, Extending Entitlements.

¹¹⁹ RoP [Paras 127 and 128] 21 October 2009, Communities and Culture Committee

¹²⁰ RoP [Para 216] 21 October 2009, Communities and Culture Committee

6. Specific Issues within the Secure Estate

The safeguarding agenda

170. The safeguarding agenda is critical to the debate on youth justice. The Children's Commissioner for Wales told us:

“To go back to the practical application of the principle of their being children first and offenders second in the youth offending strategy, that means that safeguarding or protection is the number 1 priority of that system; it is not about punishment or reform but about safeguarding.”¹²¹

171. This view is fully supported by Children in Wales:

“I know that it is regarded a punishment to be placed in a secure setting, but the loss of liberty is a sufficient punishment and there should be safeguarding within that setting.”¹²²

172. A range of witnesses advocated that the vulnerability of those ending up in custody, and the costs associated with imprisonment, suggest that a new welfare-based approach to custody is needed. Several witnesses also commented that more needs to be done to analyse why so many looked-after children are processed through the criminal justice system, and to address gaps in their care.

173. The majority of witnesses argued that children and young people would be better served if they were able to remain close to their home authorities, to their families and to serve custodial sentences under a rights-based administration in Wales. However, witnesses concurred that while it would be desirable for any child or young person in Wales who has been sentenced to custody to remain in Wales, the first priority should be to safeguard and protect the welfare of that child or young person.

Communication between local authorities and the secure estate

174. Custodial establishments are responsible for safeguarding some of the most vulnerable children and young people. In the context of the safeguarding agenda, we were very concerned by comments from witnesses that there was a lack of communication and continuity

¹²¹ RoP [Para 7] 21 May 2009, Communities and Culture Committee

¹²² RoP [Para 106] 21 May 2009, Communities and Culture Committee

between local authorities and the secure estate. Her Majesty's Inspectorate for Prisons told us that:

“What tends to happen throughout England and Wales is that, once they go into prison, they somehow cease to be the responsibility of the services that have cared for them outside prison. The services that have cared for them on the outside often breathe a sigh of relief because the child is off their budget and is no longer their concern. These are very difficult, damaged and troublesome, as well as troubled, children. I have heard many people who have worked with children outside prisons say that once they go into prison, they lose them. So, the connections are not always good enough, even though they are better than they were.”¹²³

175. Similarly, the YMC stated that “issues of Safeguarding established by secondary legislation and the Children Act 2004 cannot be followed as they should be by YOTs and Local Authorities.”¹²⁴ YMC told us that:

“If we were working within a completely Welsh environment, there would be an absolutely straight follow through in provision. The links back to the home area are the critical issue. If, for instance, we have a young person in Ashfield, the responsibilities for safeguarding now exist in all establishments across England and Wales, but the provision is provided through services from Bristol. The link is then to the safeguarding board in Bristol and none of these issues come back into Wales. It requires a significant amount of duplication of effort to make sure that the needs of the young person are actually met. While it might provide reassurance on some of the issues of immediate difficulty within the prison establishment, it does not address any of the issues that we might be experiencing as long term needs for that young person. It is an issue of linkage and coherence in the planning of sentencing and access to services in the community on release.”¹²⁵

¹²³ RoP [Para 168] 21 October 2009, Communities and Culture Committee

¹²⁴ Written Evidence, Youth Offending Team Managers Cymru written paper, CC(3)-11-09 - Paper 2 - 9 July 2009

¹²⁵ RoP [Para 46] 9 July 2009, Communities and Culture Committee

176. However, HMIP told us that during a recent inspection of the YOI at HMP Parc they identified good practice at this facility, which they said they rarely find in English establishments:

“The positive thing at Parc prison, which we do not always find—and which, in fact, we rarely find in establishments in England—is that there are very good links; it has links with Bridgend social services and with the Bridgend Local Safeguarding Children Board. So, there are some positive and helpful links. That applies to those Welsh children and young men who are able to be at Parc prison. Many Welsh children and young people are an awfully long way away and, therefore, the safeguarding arrangements would not be so good for them.”¹²⁶

177. In relation to the role of Local Safeguarding Children Boards (LSCBs), the WLGA told us:

“It has been patchy, in all honesty. The journey from area child protection committees to local safeguarding boards has been varied, and people have accepted the breadth of responsibilities differently. However, there should be a linked element there and it should be the reporting and oversight responsibility of the local safeguarding board. As we said earlier, people should be held to account for assessment of the risks to a young person in custody and the risks posed by young people in custody, and there should be links back and forth between the agencies as those people come around the circle back into the community. The safeguarding board seems to me the place to do that, because it focuses on the child as a child first.”¹²⁷

178. We consider that LSCBs may have a vital role to play in relation to first time entrants to custody and for safeguarding the welfare of the younger age group. We fully support the view expressed by the All-Wales Chief Housing Officers Panel (AWCHOP) that now is the time to look further at the role of LSCBs in relation to youth justice.¹²⁸

¹²⁶ RoP [Para 158] 21 October 2009, Communities and Culture Committee

¹²⁷ RoP [Para 275] 21 October 2009, Communities and Culture Committee

¹²⁸ RoP [Para 276] 21 October 2009, Communities and Culture Committee

14. We recommend that the Welsh Government works with local authorities, local safeguarding children boards (LSCBs) and Integrated Family Support Teams (IFSTs) to deliver practical improvements in care planning and to improve multidisciplinary work in relation to juvenile offenders. There is a need for local safeguarding children boards, working with youth offending teams and secure estate providers, to have clear policies and procedures in place, in relation to the assessment and management of those young people who may be vulnerable in terms of self-harm, suicide or harm to others.

The Placement Process

179. In the context of safeguarding, we were also concerned by comments from witnesses about the decision-making process for placing children and young people within the secure estate. Julie Morgan MP, on behalf of the all party group on Children in Wales, commented that:

“Places are often not allocated on the basis that they would fulfil the rights of the child, but on the basis that accommodation happens to be available.”¹²⁹

180. The YJB asserted that:

“within quite limited different types of resource, we will try to match the needs of the young person to the establishment.”¹³⁰

181. We consider it vital that the needs of young people are matched to appropriate establishments. Recognising the limitations of available resources, we hope that our recommendation 12 (that the Welsh Government engage with the UK Government towards enabling the development of new secure estate placements in Wales) will address this issue, by enabling sufficient spare capacity in the system to give the flexibility to place young people in the most suitable type of institution, and as close to home as possible.

Prison healthcare

182. Responsibility for prison healthcare services was transferred from the prison service to the NHS under Section 23 of the National

¹²⁹ RoP [Para 172] 23 September 2009, Communities and Culture Committee

¹³⁰ RoP [Para 28] 7 May 2009, Communities and Culture Committee

Health Service Reform and Health Care Professions Act 2002. In Wales, the provision of healthcare services in prisons became an integral part of the NHS in April 2006, since when Local Health Boards have been responsible for commissioning healthcare for public sector prisons in their areas.

183. There are high levels of healthcare need amongst prisoners. We were told by Healthcare Inspectorate Wales (HIW) that newly detained juvenile offenders often need considerable medical attention for physical conditions, drug and alcohol dependence, and for mental health problems of which there is a high incidence among this group of young people:

“Those who come into contact with the youth justice system have more needs – physically, emotionally, and in terms of mental health and substance misuse. The Healthcare Commission in England has correlated some of the findings of youth offending team work, which showed that, of the number of cases reviewed, 11 per cent had greater physical needs than those who do not come into contact with the youth justice system, 43 per cent had emotional and mental health needs, and 49 per cent had substance misuse needs. So, you are looking at a group of children and young people with far greater needs than the general populace.”¹³¹

184. We heard during our visits that differences in NHS commissioning practices between England and Wales mean that there can be a delay in accessing medical care for Welsh children and young people. For example, prison staff told us that young people from England could typically access hospital care quicker compared to Welsh young people held at English institutions.¹³²

15. We recommend that the Welsh Government takes action towards ensuring that Welsh juvenile offenders are not delayed in accessing treatment because of different NHS commissioning arrangements between England and Wales.

¹³¹RoP, [Para 9] 11 June 2009, Communities and Culture Committee.

¹³² Note of Members' visits to Young Offender Institutions, Secure Training Centres and Secure Children's Homes in Wales and England, CC(3) AWE17.

Mental health

“one of the disturbing things that we found at Parc prison was that, because there were no children and adolescent mental health services there, a small number of young people who had acute needs and needed that service were moved to England. So, some of the most vulnerable children in the system were being moved the furthest away.”¹³³

- Her Majesty’s Inspectorate of Prisons

185. The evidence we have received suggests that the most significant healthcare issue for juvenile offenders from Wales is mental ill-health. A recent National Assembly for Wales Committee report on Community Mental Health Services highlighted the high levels of mental ill-health amongst juvenile offenders:

“The failure to adequately address the mental health needs of young people in Wales is nowhere more apparent than in the criminal justice system. There are high rates of mental ill-health amongst young offenders, problems that, if addressed earlier might help to divert them from further contact with the criminal justice system.”¹³⁴

186. We have been told that mental health services for young people who offend are failing to support them and their needs are not being addressed.¹³⁵ We consider that mental health services must get the attention they deserve. It is not good enough to have young people in the secure estate whose mental health needs are not being dealt with.

187. The Children’s Commissioner for Wales told us that much more work needs to be done if the high level of mental ill-health amongst juvenile offenders is to be addressed:

“The principal issue that I have become concerned about in my time as commissioner is the provision of child and adolescent mental health services. I have had several promises of level 2 and 3 CAMHS provision being made available at Parc. The staff at Parc keep asking why this is not happening. It is in the gift of the Welsh Assembly Government to make this happen. When I went to Ashfield, I met two young people from Wales who had

¹³³ RoP, [Para 193] 21 October 2009, Communities and Culture Committee

¹³⁴ National Assembly for Wales: Health, Wellbeing and Local Government Committee, Inquiry into Mental Health Services, September 2009, [Para 2.56] page 17

¹³⁵ Written Evidence, CSSIW, CC(3) YJ 17

very challenging behaviour, and there were absolutely no plans in place for them, although the staff were doing the best that they could in that institution. I also met three young people from England who had similar challenging behaviour, and their care plans were sorted. It was very clear who was going to fund them, what the resettlement packages looked like, and where they fitted in. It is not good enough that the same did not apply to those from Wales, and it represents a fundamental breach of the UN Convention on the Rights of the Child. What we need is fewer idle promises and more action... I would like you to pursue a guarantee from the Welsh Assembly Government that tiers 2 and 3 of CAMHS support will be made available to children in the secure estate.”¹³⁶

188. On 24 September 2009, the Minister for Health and Social Services, Edwina Hart AM, wrote to our Committee to inform us of the progress that had been made since she gave evidence on 9 July 2009. The Minister told us that the Bridgend CAMHS provider, Cwm Taf NHS Trust, has agreed to establish an interim presence at HMP/YOI Parc. This will be a Tier 2-3 CAMHS service.¹³⁷

189. However, many witnesses, including HMIP, told us that there continues to be an urgent need to meet the mental health needs of this vulnerable group of young people.¹³⁸

190. We consider that CAMHS is a key area in which investment is needed. Furthermore, we have heard evidence that the current arrangements for ensuring effective links between services provided inside and outside the prison are failing to address the needs of young people, particularly for those held in English establishments. We were told by the YMC that mental health provision in English institutions is not continuous with services in Wales and that serious delays in the assessment and placement of appropriate medical care occur due to the different systems in England and Wales.¹³⁹ Indeed, the Minister for Health and Social Services told us that:

“There are particular concerns about the assessment of the mental health needs of young people in prison establishments in England in relation to gaining access to services that are

¹³⁶ RoP [Para 10] 21 October 2009, Communities and Culture Committee

¹³⁷ Minister’s letter to committee , 24 September 2009

¹³⁸ RoP [Para 193] 21 October 2009, Communities and Culture Committee

¹³⁹ RoP [Para 59] 9 July 2009, Communities and Culture Committee

then commissioned within Wales. There have been notable difficulties in accepting assessments by English NHS staff, affecting spending decisions made in Wales. Those issues need to be seriously considered, because the young people on the receiving end of those decisions have already been sent to custody and mental health issues may have been identified that are frequently associated with the risk that they may pose to the general public.”¹⁴⁰

191. The evidence received in this inquiry suggests that providing mental health support to young people on their release and as part of the resettlement programme is a key area. The AWYOS and associated delivery plan suggests that this will be addressed. However, the YMC told us that sometimes the details of such delivery can be critical, commenting that although all YOTs now have access to mental health psychiatric nurses, some teams:

“have less access to services than others... It may mean that half a day or a day a week is available to youth offending teams [whereas] Some youth offending teams have permanent specialist psychiatric nurses; I am fortunate to have one of those members of staff.”¹⁴¹

192. Barnardo’s Cymru expressed similar concerns that:

“While it is stipulated that psychiatric nursing support should be available to all youth offending teams, some teams have permanent staff members—which works well and the linkage with local plans is strong—but far too many have to try to get their CAMHS support from the general pot of CAMHS support in their local authority area; they do not have dedicated staff to do that. So, there are real issues in relation to the mental health of young people involved in the whole of the youth justice system, but particularly in custodial settings. By and large, if we are honest, those issues are not being addressed.”¹⁴²

193. We note and support recommendations 20, 21 and 22 of the September 2009, Health, Wellbeing and Local Government Committee report of their Inquiry into Mental Health Services, which recommended that:

¹⁴⁰RoP [Para 43] 9 July 2009, Communities and Culture Committee

¹⁴¹RoP [Para 59] 9 July 2009, Communities and Culture Committee

¹⁴²RoP [Para 80] 7 October 2009, Communities and Culture Committee

“We recommend that the Welsh Government reviews the level of mental health support provided to Youth Offending Teams with a view to ensuring that each has sufficient capacity to address the mental health needs of the young people with whom it works. [Recommendation 20]

We recommend that the Welsh Government works with the Youth Justice Board and UK Ministers to secure adequate resources for Youth Offending Teams. [Recommendation 21]

We recommend that the Welsh Government takes action to ensure that young people with mental health problems who are in custody have an effective mental health treatment plan whilst in custody and on release. [Recommendation 22]¹⁴³

194. We are pleased that the Welsh Government fully accepted recommendations 20 and 21 of this report, and accepted in principle recommendation 22.¹⁴⁴ Bearing this dialogue in mind, and the November 2009 joint report of the HIW, Wales Audit Office, Estyn, and the Care and Social Services Inspectorate Wales, ‘Services for children and young people with emotional and mental health needs,’¹⁴⁵ we have sought to make two additional recommendations in this area:

16. We recommend that the Welsh Government make a public guarantee that tiers 2 and 3 of Child and Adolescent Mental Health Service (CAMHS) support will be made available to all children in the secure estate.

17. We recommend that the Welsh Government engage with local authorities towards enabling consistency over mental health psychiatric nurse support for Youth Offending Teams (YOTs). Consideration should also be given to ensuring that young people leaving the secure estate, who are not engaged with Youth Offending Teams, are able to access mental health support.

¹⁴³ National Assembly for Wales: Health, Wellbeing and Local Government Committee, Inquiry into Mental Health Services, September 2009, [Para 2.60] page 18.

¹⁴⁴ Welsh Government, Welsh Government written response to the Health, Wellbeing and Local Government Committee’s report on its Inquiry into Community Mental Health Services, October 2009.

¹⁴⁵ Healthcare Inspectorate Wales, Wales Audit Office, Estyn, CSSIW, ‘Services for children and young people with emotional and mental health needs,’ 24 November 2009, available at:

http://www.wao.gov.uk/assets/englishdocuments/CAMHS_eng.pdf

Substance Misuse

195. There is a clear link between offending behaviour and drug and alcohol abuse. During our visits to secure establishments, prison staff told us that there are a significant number of Welsh children and young people with drug and alcohol problems. We were told that drug rehabilitation is offered to juvenile offenders but this is often voluntary and sometimes difficult to deliver to young people with short sentences.¹⁴⁶

Education and Training

196. Juvenile offenders can be held in one of three types of custody: SHCs, STCs and YOIs. Educational provision for those in SCHs is provided by the local authority education department in which the home is situated. STCs are all managed by private sector providers and the YJB specifies the education provision to be provided. In YOIs, where the majority of Welsh juveniles are held, responsibility for commissioning education and training falls to the Learning and Skills Councils in England and the NOMS in Wales.

197. It was widely accepted that education and training were a critical factor in reducing reoffending in the future, whether in terms of teaching young offenders lifeskills, such as how to better interact with other members of the public, or in terms of opening up opportunities for employment.

198. In addition, witnesses agreed that the short sentences served by many juvenile offenders and the level of prisoner transfers from one institution to another, mean that the opportunities for making a significant difference to their level of education and skills are limited. A number of specific issues relating to Education and Training were also identified, detailed below:

- Access to the Welsh Education Curriculum;
- Consistency of Educational Provision Inside and Outside Prison;
- Continuity of Education Provision for Young Offenders with Special Education Needs;
- Basic Education Skills;

¹⁴⁶ Note of Members' visits to Young Offender Institutions, Secure Training Centres and Secure Children's Homes in Wales and England, CC(3) AWE17.

- Work Based Training;
- Further Education;
- Rewards and Sanctions schemes;
- Careers Advice.

Access to the Welsh Education Curriculum

199. The YJB told us in their evidence that the Welsh curriculum is available at YOI Parc and at Hillside Secure Children’s Home, with some elements provided at YOI Stoke Heath. The YJB also told us that some Welsh language lessons are provided at YOI Ashfield.¹⁴⁷ However, we also heard evidence during the course of this inquiry, of the difficulties faced by Welsh children and young people who are held in custody in England in accessing the Welsh curriculum. Estyn’s written evidence also stated that in a few YOTs “there is a lack of choice in the curriculum offered to young people from Wales in custody in England.”¹⁴⁸ Indeed, when we visited YOI Ashfield we were told that Ashfield had its own education curriculum, but that qualifications gained there were nationally recognised UK ones.¹⁴⁹

200. In addition, witnesses told us that because of the level of prisoner transfers from one institution to another, there is a lack of coordination and consistency in education provision across the juvenile secure estate.

201. However, we have heard positive feedback¹⁵⁰ about the Welsh Government’s ‘Young Offenders Learning Project’, which employed youth workers to work with young Welsh people in the secure estate in England, which we recognise is important in this respect.

Co-ordination of educational provision inside and outside prison

202. The WLGA told us there needed to be consistency in the educational assessments undertaken and delivery of educational/skills programmes within the secure estate. The WLGA stressed the importance that these programmes should be consistent with programmes that children and young people can access on release

¹⁴⁷ RoP [Para 110] 7 May 2009, Communities and Culture Committee

¹⁴⁸ Written evidence, Estyn, CC(3)-13-09 – Paper 1 – 7 October 2009

¹⁴⁹ Note of Members’ visits to Young Offender Institutions, Secure Training Centres and Secure Children’s Homes in Wales and England, CC(3) AWE17.

¹⁵⁰ For example from the WLGA: see RoP, 21 October 2009, Communities and Culture Committee.

from custody, enabling continuity of education provision, and which are relevant to the labour market opportunities in their local areas.¹⁵¹

203. A key tool in ensuring consistency and continuity of education provision for juvenile offenders both inside and outside the secure estate is the individual learning plan. The AWYOS sets out the requirement that all children and young people who offend should have individual learning plans which address their educational needs.¹⁵² However, we have been told by a number of witnesses that these plans are rarely in place for children and young people in custody. ESTYN stated in written evidence that:

“Most children and young people who offend do not have an Individual Learning Plan (ILP) as required by both the Assembly and the Youth Justice Board (YJB.)”¹⁵³

204. ESTYN suggested that:

“Much more effort needs to be made to ensure that they have a plan that is passed coherently from one place to another, whether they are in the secure estate or in the community. We need to make sure that we monitor their progress.”¹⁵⁴

205. Moreover, Joyce Watson AM suggested that continuity of education provision, inside and outside the secure estate, needed to build on individual learning plans, but go:

“somehow deeper than that. Smaller, locally based units that had a natural catchment area and a set of local authorities engaged with those units would provide a better context for getting that informal, or formal feedback about how young people are progressing after leaving, building on an individual learning plan. That is clearly one of the mechanisms you would use to ensure continuity from one setting to the next.”¹⁵⁵

206. Estyn also suggested that local authorities should be doing more to support the educational needs of children and young people in custody:

¹⁵¹ WLGA written evidence, CC(3) YJ11, [Para 3]

¹⁵² *All Wales Youth Offending Strategy*

¹⁵³ Written evidence, Estyn, CC(3)-13-09 – Paper 1 – 7 October 2009

¹⁵⁴ RoP [Para 19] 23 September 2009, Communities and Culture Committee

¹⁵⁵ RoP [Para 81] 23 September 2009, Communities and Culture Committee

“Our view is that local authorities could do more to ensure that youth offending teams in Wales secure full-time education, training or employment for children and young people in the youth justice system, as well as promote the educational attainment of these children and young people (in custody and the community) better and ensure continuity of educational provision as quickly as possible following their release.”¹⁵⁶

207. The WLGA agreed that further work needed to be done between schools, FE colleges, and youth support services to meet the needs of young people in custody. They suggested that this would require such organisations to work closely together before, during and after a young person spends time in the secure estate.

208. The WLGA said that the needs of juvenile offenders could be better identified and addressed using a coordinated, multi agency approach with specific agencies taking the lead at appropriate times. They acknowledged that this would require rigorous information sharing protocols to ensure those working directly with offenders during and after time in the secure estate have appropriate information to understand and meet the young persons’ needs.¹⁵⁷ The WLGA also suggested that funding could have a role in prompting individual schools to maintain contact with a pupil in custody, suggesting that:

“If [a] young person leaves the institution to enter the secure estate, in most cases, that funding does not follow the learner but rather it remains with the institution. If the funding did follow the young person it often has a positive effect in that the school are then keen to ensure that the funding is being used appropriately and maintain links/oversight regarding the young person’s learning. This can have a knock-on impact of fostering a sense of belonging for the individual and 'ownership' on behalf of the school.”¹⁵⁸

209. The WLGA also stated that:

“It is understood that Westminster and WAG are in discussion around a system which will generate a Unique Learner Number (ULN) which will follow an individual throughout his/her life

¹⁵⁶ Written evidence, Estyn, CC(3)-13-09 – Paper 1 – 7 October 2009

¹⁵⁷ Written evidence, WLGA, CC(3) YJ11

¹⁵⁸ Written Evidence, WLGA, CC(3) YJ11 [para 4]

(from aged 14) and will store all information on what has been achieved, including details on their education. Called the MIAP (Managing Information Across Partners) it could be a method by which, and amongst other things, achievement of credit can be recorded and mapped against the Credit and Qualifications Framework, meaning that learners will be recognised for achieving part qualification, not just full qualification.”¹⁵⁹

Continuity of Education Provision for Young Offenders with Special Education Needs

210. NACRO Cymru observed that improving the co-ordination of Education provision would have serious ramifications for people from Wales, and particular those with Special Education Needs, suggesting that:

“Even though there is a different educational system in England, if individual learning plans could be developed for young people with special educational needs, perhaps account could be taken of those needs in English establishments through the English curriculum. It could then link back to the Welsh curriculum.”¹⁶⁰

211. Indeed, a number of witnesses expressed concern that the special educational needs statement does not apply in custody. This can create problems as the young person loses all their specialist support and access to their educational psychologist.¹⁶¹ Estyn commented that:

“Any statement of educational needs is suspended when young people go into secure provision and that is an issue. Local authorities feel that they do not continue that responsibility, and that is important. One of the particularly vulnerable groups that we refer to in the remit is those with particular special educational needs who are not being catered for appropriately... [It] would be good if young people were not taken out of the statementing system and statements were not suspended. On the contrary, there should be an obligation for a

¹⁵⁹ Written Evidence, WLGA, CC(3) YJ11 [para 4]

¹⁶⁰ RoP [Para 69] 11 June 2009, Communities and Culture Committee

¹⁶¹ Note of Members’ visits to Young Offender Institutions, Secure Training Centres and Secure Children’s Homes in Wales and England, CC(3) AWE17.

proper assessment to take place if a young person does not already have a pre-existing statement”¹⁶²

212. Similarly, The Royal College of Language and Speech Therapists told us:

“There is also a difficulty with some young people if they have had a statement of special educational needs and have had support out in the community, because that is void once you enter the criminal justice system. So, you do not receive the amount of hours of support that you were assessed as needing. It is difficult to pick that up again once you are released.”¹⁶³

213. During our visits to secure establishments prison staff told us that they felt there needed to be educational psychologists available to secure units to help with the identification of special education needs when a child or young person arrives there. Staff were also concerned that if a child or young person was identified as having special educational needs whilst in the secure estate, there is no legal framework to ensure their needs are addressed in the community on release.¹⁶⁴

214. We consider that there should be an obligation on home authorities to enable the assessment of their young offenders for special education needs, as part of ensuring that every juvenile offender has an individual learning plan.

Basic Education Skills provision

215. The evidence received in this inquiry is that there are high levels of basic skills needs among Welsh juvenile offenders.¹⁶⁵ We heard evidence from Estyn that there is not enough basic skills provision for juvenile offenders and that many young people drop out of work-based training and education because of basic skills difficulties.

Work Based Training

216. During our visits, prison staff told us about the benefits of ‘Release on Temporary License’ (ROTL) to enable young people to take

¹⁶² RoP [Para 35] 23 September 2009, Communities and Culture Committee

¹⁶³ RoP [Para 36] 4 November 2009, Communities and Culture Committee

¹⁶⁴ Note of Members’ visits to Young Offender Institutions, Secure Training Centres and Secure Children’s Homes in Wales and England, CC(3) AWE17.

¹⁶⁵ RoP [Para 36] 4 November 2009, Communities and Culture Committee – Royal College of Speech and Language Therapists

up training places in the community, which could lead to increased employment opportunities upon release. We were told that the ROTL scheme worked well when the young person was placed close to their home communities. However, we were told by prison staff that it can be difficult to engage employers and find sufficient or suitable placements for Welsh young people when they are placed in English institutions.

217. Similarly, we were told by ESTYN that more work needs to be done to ensure there are enough appropriate work based training places to meet the needs of all young people who offend:

"Workshop facilities are necessary. Youngsters do not necessarily take to the traditional kind of teaching and learning that they feel they have failed at. That is why we are saying there is a shortage of the workbased, vocational type of provision. Even if they go on work-based and vocational training, they still need literacy and numeracy skills, and ICT skills. They also need wider skills in terms of working with others and communication to build up self-esteem and confidence. They can then engage in vocational education in a meaningful way that might help them gain employment when they go back into the community."¹⁶⁶

Further Education

218. However, we also recognise that a significant minority of children and young people in the secure estate have previously made notable progress within the education system. During our visits we found that some young people did want to pursue educational qualifications beyond GCSE level but we were told by some institutions that they lacked the statutory funding for this level of provision.¹⁶⁷

Rewards and sanctions schemes

219. It was also widely accepted by witnesses that juveniles sentenced to custody have commonly had negative experiences of formal education. Professor Williamson noted that:

¹⁶⁶ RoP [Para 72] 23 September 2009, Communities and Culture Committee

¹⁶⁷ Note of Members' visits to Young Offender Institutions, Secure Training Centres and Secure Children's Homes in Wales and England, CC(3) AWE17.

“It is quite difficult to educate a 17-year-old who is in custody, beyond the school-leaving age, disinterested in education and far happier sweeping the landing... [a] rewards and sanctions regime has to be brought to bear on education participation.”¹⁶⁸

220. However, Barnardo’s Cymru noted that:

“Children with additional and complex needs, who have very chaotic family backgrounds, and who have not had their mental health issues addressed, often have behavioural and emotional difficulties, which mean that they do not succeed well within the merits and sanctions system in the secure estate. That means that they cannot earn the right to have things like family contact, so, in a way, that vicious circle perpetuates the fact that their disadvantage is made worse by that system... those most in need, with the most complex problems, are the least likely to do well within that system... where there are effective therapeutic interventions, a child can succeed within the merits system.”¹⁶⁹

Careers Advice

221. The importance of careers guidance and the development of job search skills was highlighted to us by several witnesses as being critical in deterring young people from reoffending.¹⁷⁰ During the course of this inquiry, we repeatedly heard of the difficulties faced by Welsh children and young people who are held in custody in England in accessing careers advice and the difficulties that some institutions in England had in maintaining contact with Careers Wales.

222. However, Estyn suggested that improvements should now be made because a service level agreement between Careers Wales and the English Justice Board has now been agreed:

“There is now a service level agreement between Careers Wales and the English Justice Board, which should help move things on. The main issue for young people who go into the secure estate in England is that they do not have access to the Careers Wales Clic online service, which is the main driver for young

¹⁶⁸ RoP [Para 126] 7 May 2009, Communities and Culture Committee

¹⁶⁹ RoP [Para 37] 7 October 2009, Communities and Culture Committee

¹⁷⁰ See for example, RoP [Para 84] 23 September 2009, Communities and Culture Committee, or RoP [Para 38] 21 May 2009, Communities and Culture Committee

people in accessing careers advice and information. In terms of the careers agenda, that is one that is one of the things we were concerned about. It is because of security issues on the IT system.”¹⁷¹

223. We are hopeful that this service level agreement will indeed improve access to Careers Wales for Welsh children and young people in the England based secure estate. However, given that access to Careers Wales was repeatedly identified by witnesses as a key issue in reducing reoffending, we consider it appropriate that the effectiveness of this agreement is monitored.

18. We recommend that the Welsh Government ensure that all Welsh children and young people in custody have the same access to education, training and employment as every other child or young person in Wales. In order to make this happen, the Welsh Government should issue strategic guidance to local authorities to ensure they do more to secure full-time education, training or employment for children and young people given custodial sentences.

We consider that this should include:

- Working with Young People’s Partnerships, 14-19 networks and Youth Offending Teams (YOTs) to ensure that every young person leaving custody is able to access their fundamental basic entitlement to services and support (as set out in the Extending Entitlement agenda) and in the transition between young people’s and young adult offenders’ provision;
- Making local authorities more accountable for the Youth Offending Team (YOT) in their area, ensuring that authorities are represented on the Youth Offending Team (YOT) management board by senior officers who can make decisions about resources and ensure the delivery or development of education provision for juvenile offenders in their area;
- Working with local education authorities and schools, ensuring that young people of school age who enter custody remain on the school roll and that schools offer places to children and young people who have

¹⁷¹ RoP [Para 85] 23 September 2009, Communities and Culture Committee

been in custody. The priority for the Welsh Government, working with the Youth Justice Board, local authorities and secure establishments should be to re-engage young people into mainstream education, training and employment where possible. In order to make this happen, funding for education and training should always follow the young person, no matter where they are educated;

- Ensuring that juvenile offenders are offered the 25 hours education per week recommended;**
- Developing an integrated learning and skills service between custody and the community to bring together education and training for juvenile offenders, ensuring consistency between learning provision for juvenile offenders in custody and mainstream provision and to ensure teaching is more compatible between custody and the community;**
- Working with the UK Government and the secure estate to ensure that young people from Wales who continue to serve their custodial sentence in England, have access to the Welsh curriculum and the right to learn the Welsh curriculum through the language of their choice;**
- Working with the UK Government, the secure estate and local authorities to develop coherent approaches between custodial and community provision, helping to address the inconsistency in the education and training provision for juvenile offenders within the secure estate. This should help to ensure that the transfer of young people between establishments does not interrupt training and education programmes as they progress through the system;**
- Co-ordinating activities at a local level with all appropriate agencies working with juvenile offenders and to align education, training and employment efforts for juvenile offenders with each local authority strategic plan, helping to tie educational provision and work-based training places to local communities and local employment opportunities, including making use**

of release on temporary licence (ROTL) when in custody;

- Ensuring that the targets relating to young people who offend are complementary and based on outputs (e.g. progression or a young person's achievements) rather than purely inputs (e.g. the number of hours of education provision made available to the young person);
- Balancing access to mainstream education provision with the need for more specialist services, ensuring that alternative learning environments which do not replicate the traditional classroom are available for this group of young people and recognised the role that the voluntary and community sector can play in offering this provision.

19. We recommend that the Welsh Government ensure that all Welsh children and young people in custody have an equal entitlement to education, training and employment as those outside it, ensuring that the educational standard of all those entering custody is both assessed and addressed. In order to make this happen, the Welsh Government should work with relevant partners to ensure that every young person in custody has an individual learning plan in place and that this is regularly monitored as required by the All Wales Youth Offending Strategy (AWYOS).

We consider that this should include:

- The early production of individual learning plans, which are integrated with sentence plans and resettlement plans post-release, and which are reviewed and updated at regular intervals;
- A focus on early assessment of offenders' needs, including effective screening and assessment for speech and language therapy needs, dyslexia, numeracy and literacy needs, special educational needs and any other additional support required. Although Statements of Special Education Need (SEN) do not apply in custody, there should be the expectation that Special Education Need (SEN) are dealt with according to the Code of Practice;

- **The development of an ICT-based solution for the management and transfer of offending learning records, ensuring the effective transfer of information on educational achievement and education assessment data when transferring between secure estate education providers and community-based education providers. This should also reduce the number of repeat assessments;**
- **The flexibility to meet individual needs, within the constraints of the sentence, ensuring that the level of assessment, guidance and support is appropriate to an individual's needs, that learning reflects the individual's learning style and aspirations, and that work opportunities are consistently attuned to realistic job opportunities available in the area of which the offender plans to re-settle. It should also ensure that no young person with the capacity to benefit from higher education should be denied the opportunity to do so;**
- **All individual learning plans should be completed with the young person, to ensure their views, wishes and feelings are taken into account, ensuring that they are motivated to participate in education, training and employment;**
- **Improving the quality, consistency and visibility of information, advice and guidance within learning and work activities, ensuring that it contributes toward the development of the individual learning plan for juvenile offenders in custody and those approaching release. This should include working with Careers Wales, Jobcentre Plus and local information and advice services to ensure that all juvenile offenders are aware of the learning, skills and work opportunities and support that are available to them and understand how they can access them;**
- **Ensuring that all partners who contribute the individual learning plan have a clear understanding of disability and learning difficulties, and the effect that**

particular disabilities, such as mental health can have on learning.

Advocacy services within the secure estate

224. During our visits, we noted the availability of information about advocacy organisations that provided services at individual secure estates. When we spoke with young people in the secure estate, several expressed confidence that they knew who they could make a complaint to, and how they could do so. However, a number of witnesses raised potential concerns about access to advocacy services. The Children’s Commissioner for Wales commented that:

“The provision of advocacy services for children in the secure estate is patchy and incoherent... the environment militates against children and young people feeling confident to ask whether it is their right to get advice on whatever it is they are concerned about.”¹⁷²

225. Professor Williamson raised similar concerns about the secure estate environment discouraging use of advocacy services, commenting that:

“there is also considerable reluctance on the part of many young people in custody to use that facility because they are not absolutely trusting of where the concerns and complaints go.”¹⁷³

226. Likewise, the Howard League for Penal Reform commented that:

“we have some concerns about the advocacy services, because when you read the reports they never mention—or when I have read them, they have not mentioned—some of the problems that we encounter all the time, such as restraint and the use of segregation. It all seems to be about the quality of food and whether Bobby got a pillow... One way to improve the advocacy service, if there is indeed the problem that I think there is, is having a clear message from the Government saying, ‘We want you to tell us about all the problems. Do not be frightened of telling us that there is such-and-such an issue at such-and-such an institution.’”¹⁷⁴

¹⁷² RoP [Para 13] 21 May 2009, Communities and Culture Committee

¹⁷³ RoP [Para 155] 7 May 2009, Communities and Culture Committee

¹⁷⁴ RoP [Para 141] 9 July 2009, Communities and Culture Committee

227. We consider that the Welsh Government could usefully liaise with advocacy organisations working within the secure estate to send out this message.

20. We recommend that the Welsh Government engages in dialogue with the Youth Justice Board, towards enabling a review of the provision and effectiveness of advocacy arrangements in the juvenile secure estate.

Social worker posts in the juvenile secure estate

228. In their evidence to this Committee, HMIP expressed concern that there is no social worker at HMP/YOI Parc, which they felt presented particular issues for looked-after children who were going to go back into care:

“May I just say something about the situation in prisons? One problem is the split between children categorised as offenders and children categorised as being in need of protection and welfare care. What tends to happen throughout England and Wales is that, once they go into prison, they somehow cease to be the responsibility of the services that have cared for them outside prison. The services that have cared for them on the outside often breathe a sigh of relief because the child is off their budget and is no longer their concern. These are very difficult, damaged and troublesome, as well as troubled, children. I have heard many people who have worked with children outside prisons say that once they go into prison, they lose them. So, the connections are not always good enough, even though they are better than they were, and I think that that raises questions about how and where those children should be held and the services that should be looking after them...

“Where we have seen it work well in a prison setting is when there is the involvement of a social worker as well as prison staff, where you have the engagement of social services and where it is accepted that these are our children. They may be our children who are currently in prison, but they do not stop being our children just because they are there. As I said, there are some examples of services in Parc prison being good at that, with the absence of, at present, a social worker. It is also

about the services that exist once the child leaves prison and the readiness of the services outside to provide more structured support than a child would have ordinarily. One thing that concerns me greatly is the number of children whom I see and speak to in prisons in England and Wales who are in the safest place that they have ever been and who are scared of leaving. Unless we invest in the services outside prison, prison itself will never do much.”¹⁷⁵

229. However, when the Director of NOMS Cymru gave evidence to this Committee on 21 October 2009, she noted that they have agreed with HMP/YOI Parc that a full-time social worker will be taken on immediately. We are hopeful that this will help to address the need for support for looked after children in custody. We consider that the Welsh Government, together with NOMS Cymru, could monitor the effectiveness of this post, and assess whether there is sufficient capacity to address the needs of the large numbers of young people currently held at YOI Parc.

¹⁷⁵ RoP [Para 168-170] 21 October 2009, Communities and Culture Committee

7. Additional support for specific groups children and young people in the secure estate

Speakers of Welsh and other languages

230. We received mixed evidence on the need to improve opportunities for juvenile offenders to communicate in the Welsh language. At a time when offenders can be most vulnerable, we heard evidence that often facilities are not readily available for Welsh language speakers to communicate in their own language, or only in specific Welsh language classes. Children in Wales commented that:

“if you are a Welsh speaker it is not just about having access to a Welsh class—it is about whether or not you are allowed to speak on the telephone to your mam in Welsh when you are upset, in an environment a long way from home. You may not be allowed to speak to another young person from Wales in Welsh, because you may be planning an escape.”¹⁷⁶

231. Other witnesses suggested that the economic costs of increasing opportunities for Welsh language speakers were not justified, commenting that demand from prisoners for Welsh language facilities was actually relatively low and that requests for Welsh language material were rare.

232. However, Children in Wales suggested that many juvenile offenders may be reluctant to identify themselves as Welsh speaking, particularly those who serve their sentences in England.¹⁷⁷ This could potentially mean that Welsh-speaking juvenile offenders are denied the opportunity to learn in their first language.

233. During our visits to secure establishments we saw first hand the commendable efforts being made by some institutions to promote the Welsh language through books and learning materials. However, there was often no capacity to deliver classes in Welsh or for young people to communicate with one another in Welsh:

“There seems to be a connection between the Welsh language and education, because the Department for Children, Education, Lifelong Learning and Skills has done work on that

¹⁷⁶ RoP [Para 75] 21 May 2009, Communities and Culture Committee

¹⁷⁷ Written Evidence, Children in Wales, CC(3)-08-09

in secure accommodation. However, on the emotional side of the language for expressing yourself, there are reports of young people being regarded as withdrawn or uncooperative, but that is because they are not as comfortable speaking English as the people around them.”¹⁷⁸

234. We also found that increasing numbers of Welsh juvenile offenders were originating in countries outside the UK, which means that there is a need to meet their diverse language needs.

235. Consequently, we support and welcome the Welsh Government’s comments that they:

“want to ensure that their [young offenders’] Welsh-language needs and any other cultural needs are fully met, wherever they are placed across the secure estate.”¹⁷⁹

Speech, language and communication difficulties

236. There are high numbers of children and young people in the secure estate who experience a range of impairments, including mental health problems, learning disabilities, learning difficulties and communication difficulties.¹⁸⁰ In the absence of routine and systematic screening the health, welfare and educational support needs of this group frequently remain unrecognised and unmet.

237. The Prison Reform Trust told us that at least 60 per cent of children and young people in contact with youth justice services have speech, language and communication difficulties, which will affect their ability to engage with verbally mediated activities and programmes. This view was fully supported by the Royal College of Speech and Language Therapists who told us male juvenile offenders in particular have identifiable speech, language and communication support needs.¹⁸¹

238. We were told that many juvenile offenders have difficulties with social communication, and in understanding and remembering information, which could result in them breaching their community orders, or which could manifest itself in behaviours to cover up those

¹⁷⁸ RoP [Para 106] 21 May 2009, Communities and Culture Committee

¹⁷⁹ RoP [Para 77] 26 March 2009, Communities and Culture Committee

¹⁸⁰ Detailed in written evidence from Prison Reform Trust and Royal College of Speech and Language Therapists, CC(3)-16-09, 4 November 2009

¹⁸¹ Written Evidence, Royal College of Speech and Language Therapists, CC(3)-16-09, 4 November 2009, page 4

skills, by avoiding engaging with services or engaging in violent or disruptive behaviour to distract from their difficulty.¹⁸²

239. The Royal College of Speech and Language Therapists also suggested that many programmes and interventions delivered to young people who offend might not be suitable for those with additional learning needs, and could be hindering more effective participation by the child or young person in the process to which they are subject. The Royal College of Speech and Language Therapists told us that:

“a lot of the drug rehabilitation programmes and the basic skills programmes are delivered verbally, and they are just not getting half of it. If they do not get it, they just say, ‘yeah’. That is how they end up not going through the criminal justice system well, because of the use of language in the criminal justice system. The boys say, ‘We just keep saying “yes” to everything. We don’t really understand what’s going on and what’s being said to us’. That is where speech and language therapy comes in, because we can identify people who are having that sort difficulty and do something about it.”¹⁸³

21. We recommend that the Welsh Government enables pilot work to be done in Wales on the potential benefits of speech and language therapy for juvenile offenders: both in custody and on release.

We believe that this would:

- **Require effective screening and assessment to be done at the point of entry into the youth justice system, in order that packages of support can be put into place, and to enable better informed and more effective decision making in the best interests of the child or young person, including diversion from custody;**
- **Require specialist interventions to address the needs of juvenile offenders, with speech and language therapy needs, while in custody;**

¹⁸² Written Evidence, Royal College of Speech and Language Therapists, CC(3)-16-09, 4 November 2009, page 4

¹⁸³ RoP [Para 37] 4 November 2009, Communities and Culture Committee

- **Require local authorities to make educational psychologists available to secure estate providers;**
- **Require access to speech and language therapists for juvenile offenders upon release;**
- **Enable juvenile offenders to engage more effectively in interventions designed to reduce their likelihood of re-offending on release, and should improve skills so that the young people can access other services in the community effectively.**

Girls and young women

240. A number of witnesses expressed the view that female juvenile offenders need to be treated differently to male juvenile offenders by the youth justice system.¹⁸⁴ It was argued by some that the treatment of female juvenile offenders presents a distinct set of issues, including the long distances from home at which girls and young women can be held, their roles as primary carers in many cases, the high incidence of self-harm, suicide and mental ill-health and the nature of the offences that many have committed, which differentiate the needs of this group from those of male juvenile offenders. These views echoed the findings of the report by Baroness Corston on vulnerable women in the criminal system.¹⁸⁵

241. Evidence on the experiences of Welsh female juvenile offenders indicated that provision is limited for this group of offenders. However, witnesses to this inquiry showed little enthusiasm for new secure estate provision in Wales for girls and young women. Julie Morgan MP, representing the All Party Group on Children in Wales, told us that a new approach to the way in which female juvenile offenders are dealt with in Wales is required and that simply building more secure units is not the answer.¹⁸⁶ In general there was a feeling among witnesses that less use should be made of custodial sentences for female juvenile offenders. This approach finds favour in Baroness

¹⁸⁴ See for example NOMS Cymru (RoP, 21 October 2009, Communities and Culture Committee) and Julie Morgan MP (RoP, 23 September 2009, Communities and Culture Committee)

¹⁸⁵ Home Office publication, *The Corston Report: a review of women with particular vulnerabilities in the criminal justice system*, March 2007, available at <http://www.homeoffice.gov.uk/documents/corston-report/>

¹⁸⁶ RoP [Para 157] 23 September 2009, Communities and Culture Committee

Corston's report which recommended that existing women's prisons be replaced with small custodial centres.¹⁸⁷

242. We consider that the model of good practice provided by the Women's Turnaround project, Cardiff, could usefully be extended to provide a similar service for Welsh juvenile offenders.

Children detained on welfare grounds

243. We are also aware that offending is not the only route by which young people are currently able to enter the secure estate. Barnardo's suggested in their written evidence that:

"Evidence gathered through over 15 years of specialist practice by Barnardo's strongly suggests that the use of secure accommodation for children abused through sexual exploitation is expensive and ineffective. The use of secure accommodation on welfare grounds indicates a failure of the social care system. Evidence from our specialist child sexual exploitation service in Wales, the Seraf Service, demonstrates that the use of secure accommodation leaves young people with a sense of guilt about their abuse and does not reduce risks following release."¹⁸⁸

244. Barnardo's explained that:

"because these children are often problematic and difficult, we do not have any input until there is a perceived danger that they might die, if, for example, they have gone missing and there has been a crisis. At that point, the response is often to put them in secure accommodation for their own safety on welfare grounds... the problem is solved while the child is within secure accommodation, but there is no intervention to help the child to overcome the things that make them vulnerable to being sexually exploited, and the perpetrators just wait until the child is released."¹⁸⁹

245. CSSIW argued that there were merits to placing victims of sexual abuse within secure units or a children's home, noting that:

¹⁸⁷ Home Office publication, The Corston Report: a review of women with particular vulnerabilities in the criminal justice system, March 2007.

¹⁸⁸ Written Evidence, Communities and Culture Committee - Scrutiny Inquiry - Youth Justice in Wales - Response from: Barnardo's Cymru, p3, available at http://www.assemblywales.org/cc_3_yj04_-_barnardos_cymru.pdf

¹⁸⁹ RoP [Para 54] 7 October 2009, Communities and Culture Committee

“Sometimes children need the security that a secure unit or a children’s home can provide. So, the child needs to be able to access the service that they require to keep them and others safe. That has to be based on good assessment and a determination to meet the child’s needs”¹⁹⁰

246. We are conscious that limited evidence was taken around the use of detention on welfare grounds, as this was not a focus of our inquiry. We have therefore not sought to make a specific recommendation on this issue. Nevertheless, we are concerned that the use of secure accommodation may potentially be an ineffective response to child sexual exploitation, and that funding may be better invested in tools like the SERAF service¹⁹¹, and in ensuring:

“that a multi-agency strategy meeting under the All Wales Safeguarding Children and Young People at Risk of Sexual Exploitation Protocol is held in relation to any child or young person where there are concerns about risk of CSE. The meeting should lead to a protection plan and include intensive direct work with the child or young person where appropriate.”¹⁹²

¹⁹⁰ RoP [Para 161] 21 October 2009, Communities and Culture Committee.

¹⁹¹ The Seraf service is operated by Barnardo’s Cymru in Wales, and is intended to: provide specialist training and practice development support; support best practice in the identification of and responses to children and young people at risk of Child Sexual Exploitation; provide preventative work with vulnerable children and young people and; provide specialist direct work with children and young people at risk of or abused through sexual exploitation.

¹⁹² Barnardo’s Cymru, Child Sexual Exploitation in Wales: 3 years on, page 7.

8. Staff training

247. The importance of staff training within secure establishments was emphasised by several witnesses. For example, Children in Wales told us that there was a need for training to ensure that staff within the secure estate:

“think of the children as young people who fall within the provisions of the Children Act, other legislation and the UNCRC. It is not in the training or the methodologies. That is a shame, because my staff have given me feedback that they are very concerned about it.”¹⁹³

248. Children in Wales commented that this was a particular issue because juvenile offenders could also be victims themselves, commenting that:

“In the case of children who have been abused—and quite a lot of these children have—they are then put into another environment, so it is not just an issue of the lack of the service being put in to ensure that they are safe, but the methods by which their needs are dealt with. The staff are not trained in that field.”¹⁹⁴

249. Similarly, the Magistrates Association told us:

“the last time I spoke to the YJB about this, it could not guarantee that there was someone with a young person every moment of the day who had been trained to deal with young people. That is clearly of concern to us. Again, that is beyond our remit, but we are naturally concerned about it, and we will continue pressing the YJB to reassure us on that point.”¹⁹⁵

250. HMIP told us that training was critical in influencing prison staff’s general interaction with juvenile offenders:

“The Children Act 2004 applies to children and young people in prisons, even though the prison service itself is not subject to the Act. That has caused quite a bit of movement, more multidisciplinary work, greater use of training and planning

¹⁹³ RoP [Para 103] 21 May 2009, Communities and Culture Committee

¹⁹⁴ RoP [Para 86] 21 May 2009, Communities and Culture Committee

¹⁹⁵ RoP [Para 141] 7 October 2009, Communities and Culture Committee

that is based around the child, as well as the development of a more child-centred approach. However—there are a number of howevers—prisons have a default setting of security and of dealing with adult men. Sometimes, the way of dealing with children can be counterintuitive for prison staff, however good they are. There is a distinct absence of enough training and support for residential staff in prisons dealing specifically with children, young people and disturbed adolescents. We have expressed concerns about a range of issues relating to what you might call ‘behaviour management’ within those settings. The use of force, the strip-searching of children and young people, and the use of segregation and adjudications are all adult-centred approaches, which are not necessarily linked to care planning and training planning.”¹⁹⁶

251. Moreover, Estyn told us that a lack of training could prevent specific young people’s needs from being identified, thereby frustrating the use of interventions:

“It goes back to the point about identifying needs. Quite understandably, staff in the secure estate often do not have the skills to identify these needs, so they are hidden for considerable periods. That can happen in the community as well. When you take the range of complex difficulties these youngsters have, that is an additional issue. It comes back to the issue of identification and support for them. Generally, we found the quality of teaching to be at least satisfactory where we went, but it is about getting the expert help and support of the specialist learning support assistant. That is just not there in the secure estate¹⁹⁷.

252. Estyn suggested that good practice in providing education to young people in the secure estate could usefully be shared, commenting that they hosted:

"a seminar for all the learning and skills staff across the prisons and secure estate in Wales. It was the first time they had come together to share good practice—and there is some very good practice there. It is a pity to think that it was Estyn who had to do that. Thanks to our inspection and our remit, we have spent

¹⁹⁶ RoP [Para 158] 21 October 2009, Communities and Culture Committee

¹⁹⁷ RoP [Para 91] 23 September 2009, Communities and Culture Committee

quite a lot of time on this particular piece of work over the last 18 months."¹⁹⁸

253. The Royal College of Language and Speech Therapists also suggested that specific training could be provided to support juvenile offenders with speech and language therapy needs, detailing an example where:

“A young man was a persistent offender and had been in and out of the neighbouring establishment to the one that I was working at... I was approached to make an assessment to see whether support could be offered to him and he transferred into the prison where I was working, so that he could access the speech and language therapy service. The service had been established there for about 18 months and the staff had all received training, which is another part of the speech and language therapist’s role, so the environment was one where staff were used to looking at behaviour in terms of communication, giving people more time and being aware of the types of difficulties that these young people might be experiencing. So, when he transferred to the institution where I was working, he was able to access speech therapy to address his specific difficulties, but, obviously, the environment and the culture was much more supportive, and he was able to pursue an education, get a job in a workshop, and engage with substance misuse programmes, and he did not spend any time in segregation. That is not to say that he did not experience periods of agitation, when he potentially could have been violent, but the staff were equipped through training and awareness of communication difficulties to deal with him.”¹⁹⁹

254. Furthermore, when asked about the lack of information on the needs of juvenile offenders who are lesbian, gay or bisexual, the WLGA commented that:

“We need to ensure that appropriate training is provided to all staff within the system, so that, should someone wish to discuss an issue that relates to a particular characteristic, everyone is able to do that. We are aware that prejudice exists

¹⁹⁸ RoP [Para 67] 23 September 2009, Communities and Culture Committee

¹⁹⁹ Written Evidence, Royal College of Speech and Language Therapists, CC(3)-14-09, 4 November, page 9

in the broader society, and these are issues that people find it difficult to talk about.”²⁰⁰

255. We consider that adolescent development is a time of exceptionally rapid change in behaviour and attitudes, and that this needs to be recognised and understood by staff if they are to manage young people’s behaviour effectively. We are also conscious that many young people in custody are themselves vulnerable. We consider that staff training could usefully focus on the rights of the child, in line with the UN Convention on the rights of the child, the Welsh Government’s policies in relation to children and young people in Wales, and relevant statutory duties set out in legislation. We consider that such training should be mandatory for all staff and would need to be updated regularly.

22. We recommend the Welsh Government liaise with the Youth Justice Board to ensure that there is adequate training for all professionals and support staff working with children and young people in the secure estate, ensuring that services are child-focussed and tailored to individual needs.

We anticipate that such training would include:

- Appropriate interaction and behaviour management techniques for young people in the secure estate, including those who may have formerly suffered abuse;**
- Supporting those with speech, language and communication needs;**
- The rights of the child, in line with the UN Convention on the rights of the child (UNCRC), the Welsh Government’s policies in relation to children and young people in Wales, and relevant statutory duties set out in legislation.**

23. We recommend the Welsh Government continue to support the facilitation of sharing of good practice in the secure estate through an annual seminar hosted by Estyn.

²⁰⁰ RoP [Para 225] 21 October 2009, Communities and Culture Committee

9. Resettlement and Aftercare

“One thing that concerns me greatly is the number of children whom I see and speak to in prisons in England and Wales who are in the safest place that they have ever been and who are scared of leaving. Unless we invest in the services outside prison, prison itself will never do much.”²⁰¹

- Her Majesty’s Inspectorate for Prisons

Feedback on re-offending

256. Although the management of juvenile offenders in Wales falls within the YJB domain, responsibility for many of the services which contribute to reducing re-offending such as substance misuse services, housing, and education and training outside the secure estate are devolved to the Welsh Government.

257. A wide range of witnesses observed that one of the biggest challenges for staff in the secure estate, for improving resettlement, and reducing re-offending, was the lack of feedback and communication on what was actually working. HMI Prisons commented that nobody “is yet very good, or good enough, at evaluating outcomes, either from individual interventions or from places where children and young people are held.”²⁰² Similarly, NOMS Cymru observed that “If there is a gap in the data that exercises us, it is good data on what works.”²⁰³ Mark Isherwood AM noted comments made by a psychiatrist at Rainsbrook Secure Training Centre that:

“she wanted two-yearly and five-yearly feedback reports, so that she knew what was happening with the young people. However, she received nothing; the system did not provide feedback. So, she was unable to assess the effectiveness of her own programmes.”²⁰⁴

258. This concern was also noted by the Magistrates Association, who observed that “we sentence and we only really know that it has been

²⁰¹ RoP [Para 170] 21 October 2009, Communities and Culture Committee

²⁰² RoP [Para 173] 21 October 2009, Communities and Culture Committee

²⁰³ RoP [Para 116] 21 October 2009, Communities and Culture Committee

²⁰⁴ RoP [Para 26] 9 July 2009, Communities and Culture Committee

successful if we do not see them again. It is a perverse way of managing.”²⁰⁵

259. In response to this concern, the Minister for Health and Social Services stated that:

“that is not something that we have come across or have been asked about. As you have raised it with me, we will certainly mention it to the youth justice board at one of our meetings.”²⁰⁶

260. The UK Government does already publish national statistics on juvenile reoffending, broken down by gender, age, offence group, offending history, disposal and ethnicity, although such statistic bulletins note that:

“Frequency rates by disposal 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 reoffending and the type of sentence given. Analysis of the effect of a particular disposal over time is made difficult due to the changing use of particular disposals.”²⁰⁷

261. Whilst we recognise the merits in publishing national and local reoffending statistics, we feel that more work is needed to further develop measures of effectiveness in terms of the support given to juvenile offenders and the effectiveness of programmes and interventions intended to rehabilitate juvenile offenders and help them to re-settle back into the community. We believe that recommendation 10 of our report will help to inform the debate on 'what works' in reducing reoffending among this group, by ensuring there is a robust evaluation of community-based programmes which take into account the views of children and young people themselves. We also feel that recommendation 19 of our report, which included calling for the development of an ICT-based solution for the management and transfer of offending learning records, should assist with this process.

262. However, we believe further work is needed to ensure information on the success, progress and achievements of young people as they pass through the Youth Justice System should be made

²⁰⁵ RoP [Para 146] 7 October 2009, Communities and Culture Committee

²⁰⁶ RoP [Para 27] 9 July 2009, Communities and Culture Committee

²⁰⁷ Ministry of Justice, Reoffending of Juveniles- Results of the 2007 cohort, page 16, available at: <http://www.justice.gov.uk/publications/docs/reoffending-juveniles-2007.pdf>

available to all relevant partners and that the juvenile offender's sentence plan should be the main vehicle to achieve this. The evidence of this inquiry suggests that such information is not always being recorded in the same place, or shared with the relevant people.

263. We recognise that obtaining and distributing data on re-offending is a sensitive and complex task. Nevertheless, we consider it vital that effort is undertaken towards realising as robust a set of data as possible, ensuring that interventions and measures intended to reduce re-offending are properly evaluated and that sufficient and up-to-date information on individual offenders is shared appropriately. We believe that much more effort should be put into ensuring that the targets relating to young people who offend are complementary and based on outputs rather than inputs.

24. We recommend the Welsh Government liaise with the Youth Justice Board to review the current system of targets, performance indicators and measures of reoffending to produce a robust dataset that is focused on successful outcomes. We feel this should include 'soft' measures for this group to recognise distance travelled rather than just inputs (e.g. the number of hours of attended²⁰⁸). We also recommend that the Welsh Government works with the Youth Justice Board to issue guidance to local authorities, secure estate providers and relevant partners to clarify what data they should be collecting and sharing in relation to juvenile offenders and to ensure this is being regularly updated and stored appropriately.

We anticipate this would:

- **enable better assessment of the effectiveness of techniques and programmes within the secure estate intended to reduce reoffending;**
- **assist magistrates in determining effective sentencing practices.**

Communication in relation to release and resettlement

264. On a related point, local authorities also expressed concern about limited communication they received from the secure estate to enable them to effectively plan for a young person's resettlement. The WLGA noted that:

²⁰⁸ For example in education, behaviour programmes and supervision.

“one of the problems that we have is that, when people come out of custody, information is not made available to other agencies to help them put services in place at the time... we find that agencies are being reactive after the fact, and having to pick up some of those services rather than being aware, with reasonable notice, of the young person’s release, their support needs, and how those needs will be met.”²⁰⁹

265. Similarly, Health Inspectorate Wales suggested that there was a lack of:

“good planning, so that, when children enter these custodial organisations, you start planning for their exit as soon as possible. Sometimes, because people are dealing with the individual’s issues, they do not plan enough for their exit and those plans need to be put in place.”²¹⁰

266. Indeed, the All Wales Chief Housing Officers' Panel noted that:

“what sometimes happens, regardless of the person’s age, is that we are not aware of an individual being released from custody. It may be that we have not received any notification or, if we have, it may be at the stage when it is difficult to provide anything other than emergency accommodation. A typical example is that of someone released from prison late in the day, and particularly on a Friday... Some work has been done on developing a national template through which we can better forward-plan the management of people being released from custody into an environment where we can appropriately plan the temporary placement, or even the permanent placement in mainstream housing.”²¹¹

267. The evidence of this inquiry suggests therefore that there is room for improvement in the communication of information between the services contributing to reducing re-offending. We are concerned that a consequence of this lack of communication is that current arrangements are failing to provide high quality resettlement services to children and young people leaving custody. We have heard evidence of the failure of some local authorities to properly manage juvenile offenders upon release, including insufficient planning and a lack of

²⁰⁹ RoP [Para 232] 21 October 2009, Communities and Culture Committee

²¹⁰ RoP [Para 49] 11 June 2009, Communities and Culture Committee

²¹¹ RoP [Para 234] 21 October 2009, Communities and Culture Committee

inter-agency coordination in preparing for a young person's release from custody.

268. In addition, the evidence we received suggests that such communication difficulties are exacerbated when Welsh children and young people are held in English prisons. When we visited English establishments we found that staff were often unaware of which services were available in Wales. We were told that the dislocation of Welsh juvenile offenders from their local communities tends to exacerbate their problems and work against effective continuity of care, especially after release. There is a strong argument that while there remain insufficient facilities in Wales, the work of statutory and voluntary agencies in promoting rehabilitation and reducing re-offending will be constrained. A number of witnesses suggested that this could be improved by having a link resettlement officer in English institutions who should work with Welsh juvenile offenders during their sentence and to prepare them for their release.

25. We recommend that the Welsh Government engages in dialogue with the Youth Justice Board and UK Government towards having a link resettlement officer in England based institutions who should work with Welsh juvenile offenders during their sentence and to prepare for them for their release.

269. Witnesses suggested that the key elements in enabling better communication and co-ordination of services around a young person's release from custody were effective use of care plans, and a responsible body to co-ordinate services based on these care plans.

270. For example, CSSIW suggested that care plans needed to be developed:

“before custody. The fact is that the same vulnerable children are being dealt with by the same services in different ways from a very early stage, and it is very sad that they end up in custody. So, it is about making an holistic assessment, working effectively together, and keeping a constant vigil of what is happening with a particular child and its family. That is the main message: it has to be more joined up... there needs to be a greater emphasis on what will happen when they go home and that they also need help and support to plan and have opportunities to learn before they go home about the things

that they will need when they are back in the community. To me, this always keeps coming back to the care plan. I am afraid that I sound like a broken record. For some children, it works well, but the issue is that it does not work well for all children and the question is why that is the case. It is all about care planning and agencies working together and, where it works well, learning from that and looking to transfer that knowledge.”²¹²

271. Similarly, the WLGA commented that:

“We have the technology and the processes are in place; in all honesty, the problem is our performance in doing this. The bit that does not change, and this is reiterating one of Katy’s comments earlier, is the care plan, right the way through. It is for us to ensure that we do that.”²¹³

272. The WLGA also commented that, to oversee the co-ordination of services, based on an individual young person’s care plan, what was needed was:

“a responsible body. The management structure of youth offending teams varies, in all honesty, and the degree to which it is taken seriously varies from authority area to authority area. Some are led by chief executives and some are not. You have partnerships and you also have local service boards. The reality is that somebody needs to be responsible for an overall outcome.”²¹⁴

273. Indeed, in their evidence to this Committee, Estyn told us that there is currently little consistency between local authorities over who, if anyone, is responsible for co-ordinating support for juvenile offenders after they left the secure estate.²¹⁵

274. A number of witnesses told us that it would be beneficial if local authorities participated in the YOT management board at a senior level, thereby ensuring that there is representation at an appropriate level in terms of education services, housing and health.²¹⁶

²¹² RoP [Para 202] 21 October 2009, Communities and Culture Committee

²¹³ RoP [Para 237] 21 October 2009, Communities and Culture Committee

²¹⁴ RoP [Para 245] 21 October 2009, Communities and Culture Committee

²¹⁵ Written Evidence, Estyn, CC(3)-13-09 - Paper 1 - 7 October 2009

²¹⁶ RoP [Para 99] 23 September 2009, Communities and Culture Committee

275. Indeed, several witnesses raised concerns regarding where YOTs currently sit within the local authority. Neath Port Talbot local authority stated in their evidence:

“YOTs should be returned and managed within social services/ children’s services to ensure a child-centred, better integrated, seamless service to children. The offender first approach stigmatises and labels children and take them through an offender led system that is not child focused.”²¹⁷

276. Similarly, NACRO Cymru told us:

“On the establishment of youth offending teams, there is an issue around where such teams sit – are they part of children’s services or are they part of the criminal justice system? When youth offending teams were established, tremendous emphasis was placed on involving the police, the probation service and health. What was neglected was the role of children’s services; things just evolved organically. In England, youth offending teams are part of children’s trusts, so there is almost a swing back to where things were. I am not sure that we have come up with any answers, but we are starting to think that children’s services need to be more actively involved with the youth offending teams in reviewing the cases of those children who might go into custody, and looking at what has happened to those children who did go into custody with regard to whether anything could have been done differently, and more importantly, whether any resources could have been put in place that might have prevented what occurred from happening.”²¹⁸

277. Additionally, Children in Wales told us:

“It is about the integration of the youth offending teams. There is a systematic structural problem with the fact that YOTs have so many masters that it is difficult for them. They have the chief executive of the local authority, the youth justice board, and the home office, and they are supposed to be within the children’s planning process. They are in the community safety partnerships, too. For a small country, served by small number of staff, it is too much. Integration and focusing on the

²¹⁷ Written evidence, Neath Port Talbot, CC(3) YJ07

²¹⁸ RoP [Para 90] 11 June 2009, Communities and Culture Committee

children's plan and any structures around that planning process is probably the first improvement to make."²¹⁹

278. We are concerned that a lack of communication and co-ordination can lead to failures on the part of local authorities to properly arrange essential services for juvenile offenders on release. There are of course cases where local authorities do make suitable and necessary provisions for juvenile offenders being released from custody. However, witnesses suggested that on too many occasions local authorities fail to fulfil their duties towards these young people.

26. We recommend that the Welsh Government, working with the Youth Justice board should issue guidance to local authorities, ensuring that Youth Offending Teams in every local authority in Wales are working together as effectively as possible to deliver an integrated service to young people when they are released from custody. We believe that Youth Offending Teams should report directly to the chief executive of an authority, who should be responsible for ensuring that the work of the youth justice services in their local authority is co-ordinated effectively in line with the All Wales Youth Offending Strategy.

We believe that this would:

- Assist in ensuring that adequate plans are in place prior to young people's release from custody;**
- Incorporate Children and Young People's Partnerships as an effective vehicle for this responsibility;**
- Establish the work of Youth Offending Teams as a key priority for local authorities.**

279. We also note that Neath Port Talbot local authority suggested that more investment and support is needed to help ensure juvenile offenders resettle back into their communities, possibly with staff providing intensive support during the first 2-3 weeks after discharge. We believe this may help to reduce the number of children and young people who return to custody and would reflect the entitlement approach advocated by the Welsh Government.

²¹⁹ RoP [Para 71] 21 May 2009, Communities and Culture Committee

Specific resettlement issues

Housing

280. The statutory re-housing responsibilities in respect of young people are set out in relevant legislation and strategy documents, including the Children's Act 1989; the Children (Leaving Care) Act 2000; the Housing Act 1996 as amended by the Homeless Act 2002 and the Priority Needs Order 2001; the National Assistance Act 1948; National Homelessness Strategy for Wales; Homelessness (Suitability of Accommodation) (Wales) Order 2006; and The Homeless Persons (Priority Need) (Wales) Order 2001.

281. The importance of suitable accommodation and support in helping to reduce re-offending rates is well established in the literature and through research. Securing appropriate accommodation has long been one of the main problems associated with leaving prison as well as a central focus on resettlement work.

282. In their evidence to this Committee, the YMC expressed concerns that the housing needs of juvenile offenders were not being addressed:

“The accommodation of young people on release from custody is an issue of concern. Where young people over 16 years cannot return to their families there are specific difficulties. The use of bed and breakfast accommodation for young people has been shown to be unsuitable and the Welsh Assembly Government has issued clear guidance that any bed and breakfast accommodation should only be used as a last resort and then for a limited period. The experience of YMC is that this is not always adhered to... The inability to access accommodation where electronic tags can be utilised can delay the release from custody of some young people creating an unjust and discriminatory release process for the most disadvantaged people.”²²⁰

283. NACRO Cymru told us that not having suitable accommodation can affect the ability of a young person to be released from custody.

²²⁰ Written Evidence, Youth Offender Team Managers Cymru, CC(3) YJ03, page 4.

For example, to qualify for early release a young person needs to have an address.²²¹

284. NACRO Cymru also told us that there is often confusion around whether children's services or housing services are responsible for those young people, depending on the age of the young person.²²²

285. We share the concerns of many witnesses about young people in custody not being able to access housing on release. In particular, we were concerned to hear that some local authorities were refusing to take a homelessness application prior to release from custody and insisting on face-to-face interviews with the young person on the day of release or after. We are also concerned that some local authorities are refusing same-day assessments or homeless interviews for young people who present as homeless on the day of release.

286. Further, we recognise that it is likely that many young people who have offended will not have the skills and experience to manage independent living, so the provision of support services- through the Supporting People programme for example- can be as important as a roof over their head.

287. A number of witnesses suggested that housing should be one of the statutory partners in the strategic management of YOTs. NACRO Cymru told us:

“One of the key problems is that, when youth offending teams were designed under the Crime and Disorder Act 1998, housing was not one of the statutory partners. Although housing has been brought in to this where you have unitary and metropolitan authorities, where authorities are sharing, where there is one authority with both responsibilities, there is still that disjunction. There is guidance that housing ought to be involved in the strategic management boards of youth offending teams now, but it is only guidance. Housing is not one of the statutory partners.”²²³

288. Similarly, the Children's Commissioner for Wales told us:

²²¹ RoP [Para 131] 11 June 2009, Communities and Culture Committee

²²² RoP [Para 109] 11 June 2009, Communities and Culture Committee

²²³ RoP [Para 120] 11 June 2009, Communities and Culture Committee

“It is now acknowledged that, when the legislation for the establishment of YOTs was being drawn up– and hindsight is wonderful– the big mistake that we made at that point was not thinking about housing and accommodation as a statutory partner in the process. We have been on the back foot ever since with regard to accommodation needs. The use of bed-and-breakfast accommodation as a platform from which you can manage an effective alternative to custody is shocking, and it still happens.”²²⁴

27. We recommend that the Welsh Government issues statutory guidance to local authorities to enable housing to be a statutory partner on youth offending team management board.

289. A number of witnesses also suggested that there might be benefits for juvenile offenders if there were more open facilities for young people to prepare them for their release into community. It is widely accepted that many children and young people re-offend because there is a lack of support for them on the outside.

290. A number of witnesses also described to us the merits of using semi-secure forms of custody before a juvenile offender left the secure estate, or a ‘halfway house.’ Professor Williamson suggested that:

“We could send young offenders from north Wales to a custodial establishment for a couple of weeks, and then they could return to a semi-secure type of establishment in Caernarfon, on the understanding that they will be sent back if they walk out.”²²⁵

291. Similarly, NACRO Cymru suggested that a:

“halfway house may link to what we have suggested in terms of looking at open placements in appropriate settings for those with custodial sentences, where risks can be effectively managed. There may be some scope to pilot that and to consider the small unit idea in that context.”²²⁶

²²⁴ RoP [Para 52] 21 May 2009, Communities and Culture Committee

²²⁵ RoP [Para 150] 7 May 2009, Communities and Culture Committee

²²⁶ RoP [Para 167] 11 June 2009, Communities and Culture Committee

Education

292. During our visits, prison staff expressed concerns that too many young people leaving custody do not have any education, training or employment to go into on their release. These concerns were shared by the young people themselves, specifically the shortage of training places for 16 - 17 year olds, and we were also told that there are often delays between the release of a young person and their access to a training place or college course.²²⁷ Estyn noted that:

“Most children and young people leaving detention attend alternative curriculum provision rather than school. This is because the school removes the young person from the school roll when they receive a custodial sentence. At times, YOT workers negotiate on a case by case basis with head teachers to keep places open for those receiving short sentences. Although not able to provide a full 25 hours education for all the children and young people, many providers and YOTs strive successfully to supply packages, including work experience and activities that challenge children and young people and raise their self-esteem. However this ‘discrete’ provision can reinforce divisions and act as a barrier to participation in mainstream education.”²²⁸

293. ESTYN also noted that:

“there is also evidence that when, for example, the youth offending teams try to place youngsters into work-based provision, if that person is up against someone who has not offended, it is very tough.”²²⁹

294. The WLGA informed us that the Welsh Government:

“is currently consulting on draft Attendance Codes Guidance for Schools and Local Authorities. In this document the WAG is proposing a series of changes to the school attendance codes. One of the main changes is the proposal that a young offender may now only be deleted from the register where his or her period of custody is for at least four months and where the school has reasonable grounds for believing that the pupil will

²²⁷ Note of Members’ visits to Young Offender Institutions, Secure Training Centres and Secure Children’s Homes in Wales and England, CC(3) AWE17.

²²⁸ Written evidence, Estyn, CC(3)-13-09 - Paper 1 - 7 October 2009

²²⁹ RoP [Para 22] 23 September 2009, Communities and Culture Committee

not be returning to school at the end of that period. Previously, a pupil's name could be deleted from the register if he or she had been absent for 4 weeks and had been detained by court order. The WLGA believes that even where a young offender is deleted from a register the Local Authority and relevant agencies need to keep in touch with the young offender and that there should be an appropriate alternative education programme put in place."²³⁰

295. We welcome these proposals, and support the Welsh Government's intention that a juvenile offender may now only be deleted from the register where his or her period of custody is for at least four months and where the school has reasonable grounds for believing that the pupil will not be returning to school at the end of that period.

Employment

296. Recognising that employers may choose to employ young people who have not offended, over those who have, ACPO Cymru asked:

"how can we, the Welsh Assembly Government and the wider public service—one of the biggest employers in Wales—together with private businesses provide some sort of energy boost to funds so that there is an incentive to companies and public services to provide these young people with stability in their lives?"²³¹

297. The WLGA concurred with this assessment, and suggested that local authorities and other public services and partner bodies in the voluntary and business sectors could open up more employment opportunities for young offenders. They commented that:

"employment opportunities and ensuring that the skills and training and education are there are key... I think that the local authorities could be looking to do more to provide some opportunities for young offenders locally."²³²

²³⁰ Written Evidence, WLGA, CC(3) YJ11.

²³¹ RoP [Para 20] 25 June 2009, Communities and Culture Committee

²³² RoP [Para 298] 21 October 2009, Communities and Culture Committee

28. We recommend that the Welsh Government, working with local authorities, employment organisations and third sector bodies, consider how employment opportunities for young people leaving custody can be increased.

Witnesses

The following witnesses provided oral evidence to the Committee on the dates noted below. Transcripts of all oral evidence sessions can be viewed in full at <http://www.assemblywales.org/bus-home/bus-committees/bus-committees-scrutiny-committees/bus-committees-third-ccc-home.htm>

4 November 2009

Dr Alison Stroud, Wales
Policy Officer - Royal
College of Speech and
Language Therapists

Royal College of Speech and
Language Therapists

Jackie Freer, Highly
Specialist Speech and
Language Therapist
(Forensic), Brian Oliver
Centre

21 October 2009

Yvonne Thomas, Director
General NOMS Cymru
Siriol David, Regional
Psychologist
Chris Watkins, Deputy
Controller, HMP/YOI Parc

National Offender Management
Service, Wales

Dame Anne Owers, Her
Majesty's Chief Inspector
for Prisons

HM Inspector for
Prisons & Care and Social Services
Inspectorate Wales

Katy Young, Head of Service
Analysis and Improvement
(CSSIW)

Naomi Alleyne, Director of
Equalities and Social Justice,
WLGA

Welsh Local Government
Association

Steve Williams, Head of
Public Services Support,
Torfaen County Borough
Council and Advisor to

WLGA
Elke Winton, Supporting
People Manager, Torfaen
County Borough Council on
behalf of AWCHOP (the All
Wales Chief Housing
Officers Panel)
Lyndon Puddy, Housing
Options Manager at Torfaen
County Borough Council

7 October 2009

Dr Samantha Clutton, Senior
Research and Policy Officer,
Policy, Research and
Development Unit
Barnardo's Cymru
Andy James, Assistant
Director for Policy

Mary Duff, Chairman of the
Magistrates Association
Youth Courts Committee
Magistrates Association
David Ford, Chair of the
Cardiff Youth Court Panel

23 September 2009

Dr Bill Maxwell, Chief
Inspector for Education and
Training in Wales
Estyn
Simon Brown, Head of
Directorate, Education
Partnerships, Training and
Inclusion.
Maggie Turford,
Management HMI, Primary
and Early Years.

Julie Morgan MP, Labour
Member of Parliament for
Cardiff North

9 July 2009

Edwina Hart AM, Minister
for Health and Social
Welsh Government

Services

Joanne Jordan, Head of
Community Safety Division
Peter Jones, Deputy Director
of Community Safety
Division

Eddie Isles, Chair, Youth
Offending Teams Manager,
Cymru

Youth Offending Teams Managers

Andrew Neilson, Assistant
Director, Public Affairs and
Policy

The Howard League for Penal
Reform

25 June 2009

Barbara Wilding, Chair of
ACPO Cymru & Chief
Constable of South Wales
Police
Carmel Napier, Deputy
Chief Constable of Gwent

Association of Chief Police Officers
in Wales (ACPO Cymru)

11 June 2009

Mandy Collins, Deputy Chief
Executive/Head of Service
Review, Healthcare
Inspectorate Wales

Healthcare Inspectorate Wales

Sue Thomas, Senior Policy
Development Officer
Spike Cadman, Senior Policy
Development Officer

NACRO Cymru Youth Offending
Unit

21 May 2009

Keith Towler, Children's
Commissioner

Children's Commissioner for
Wales

Catriona Williams, Chief
Executive

Children in Wales

7 May 2009

John Drew, Chief Executive
Susan Williams, Head of
Youth Justice Board for

Youth Justice Board for England
and Wales

Wales

Professor Howard
Williamson, Professor of
European Youth Policy

Faculty of Humanities and Social
Sciences, University of Glamorgan

26 March 2009

Joanna Jordan, Head of
Community Safety Division,
Social Justice & Local
Government

Welsh Government

Peter Jones, Deputy Director
of Community Safety
Division & Head of
Domestic & Youth Policy,
Social Justice & Local
Government

David Hanson MP

Ministry of Justice

List of written evidence

The following people and organisations provided written evidence to the Committee. All written evidence can be viewed in full at <http://www.assemblywales.org/bus-home/bus-committees/bus-committees-scrutiny-committees/bus-committees-third-ccc-home.htm>

Jon Trew	Victim Support Cymru	CC(3) YJ01
Caroline Hughes and Iolo Madoc-Jones	North East Wales Institute of Higher Education	CC(3) YJ02
Eddie Isles, Chair YMC	Youth Offending Team Managers Cymru	CC(3) YJ03
Dr Samantha Clutton	Barnardo's Cymru	CC(3) YJ04 CC(3) AWE 04 CC(3) AWE 06 CC(3) AWE 15
Rebecca Nadin	Prison Reform Trust	CC(3) YJ05
Martyn Pengilly	Crossroads Caring for Carers and The Princess Royal Trust for Carers	CC(3) YJ06
Julie Rzeznicek Colin Davies Mike Goldman	Neath Port Talbot County Borough Council	CC(3) YJ07
Tina Donnelly	Royal College of Nursing	CC(3) YJ08
Sheila Brotherston	The Lucy Faithfull Foundation	CC(3) YJ09
Emma Smith	Welsh Language Board	CC(3) YJ10
Steve Thomas	Welsh Local Government Association	CC(3) YJ11 CC(3) AWE 02
Ms Rachel Morgan	Police Authorities in	CC(3) YJ12

	Wales	CC(3) AWE 13
Viv Laing	Action for Children	CC(3) YJ13
Julie Fox	Joint Inspection Findings of Youth Offending Teams in Wales 2003-2008	CC(3) YJ14
Catch22	Catch22	CC(3) YJ15
Yvonne Thomas	National Offender's Management	CC(3) YJ16 CC(3) AWE 18
Care and Social Services Inspectorate Wales	Care and Social Services Inspectorate Wales	CC(3) YJ17
Dr Alison Stroud	Royal College of Speech and Language Therapists	CC(3) YJ18
Mary Duff	Magistrates Association	CC(3) YJ19 CC(3) AWE 03
Estyn	Estyn	CC(3) YJ20
	Julie Morgan MP	CC(3) YJ21
Minister for Health and Social Services	Welsh Government	CC(3) YJ22 CC(3) YJ32 CC(3) AWE 07 CC(3) AWE 08
Minister for Social Justice and Local Government		CC(3) AWE 16
	The Howard League for Penal Reform	CC(3) YJ23
	Association of Chief Police Officers in Wales	CC(3) YJ24

Health Inspectorate Wales	CC(3) YJ25
NACRO Cymru Youth Offending Unit	CC(3) YJ26 CC(3) AWE 11
Children's Commissioner for Wales	CC(3) YJ27
Children in Wales	CC(3) YJ28 CC(3) AWE 09 CC(3) AWE 10
Youth Justice Board for England and Wales	CC(3) YJ29 CC(3) AWE 05
Faculty of Humanities and Social Sciences, University of Glamorgan	CC(3) YJ30
Ministry of Defence	CC(3) YJ31
National Children's Bureau	CC(3) AWE 01
Rapporteur visits - Report from Committee Member	CC(3) AWE 17
National Children Bureau	CC(3) AWE 01