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Welsh Government

White Paper



Prevention of Offending by Young People

Date of issue: 5 February 2014

Action required: Responses by 30 April 2014

Overview

The purpose of this consultation is to seek views on proposals to improve services for young people from Wales who are in the youth justice system, to ensure their effective reintegration and resettlement following a community or custodial sentence.

How to respond

The consultation response form is available for completion at:

<http://wales.gov.uk/consultations/?lang=en>

Alternatively responses can be submitted using the form at:

<http://wales.gov.uk/consultations/?lang=en>

Responses to be e-mailed or posted to the address below to arrive no later than

30 April 2014.

You are also welcome to submit a general view.

Public Consultation events will take place:

19 March 2014 – Welsh Government, Merthyr Tydfil Office, Rhydycar, Merthyr Tydfil CF48 1UZ;

8 April 2014 – The Richard Ley Development Centre, Upper Forest Way, Swansea Vale, Swansea SA7 0AN; and

30 April 2014 – Sarn Mynach, Llandudno Junction, Conwy, Wales LL31 9RZ.

To book a place e-mail:

crimeandjustice@wales.gsi.gov.uk

Consultation events will also be arranged with children and young people.

Further information and related documents

Large print, Braille and alternate language versions of this document are available on request.

The consultation document can be accessed on the Welsh Government website at:

<http://wales.gov.uk/consultations/?lang=en>

Contact details

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Data protection

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document.

We may also publish responses in full.

Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government.

This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

White Paper – Prevention of Offending by Young People

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Ministerial Foreword



The All Wales Youth Offending Strategy and related Delivery Plan have provided the framework for Youth Justice Policy in Wales since their publication in 2004 and 2009 respectively, laying a shared foundation between the Welsh Government and the Youth Justice Board, to work effectively together to prevent offending by young people in Wales.

Much has been achieved in recent years through targeted prevention programmes and restorative alternatives to charging¹. The number of first time entrants into the youth justice system continues to fall and the number of children and young people in custody are the lowest ever recorded being 50 in March 2013. However, reoffending rates are now rising due, in part, to the fewer children in the youth justice system having more concentrated levels of complex needs and more persistent patterns of offending.

There are many examples of children who fall into the youth justice system due to unmet needs. This legislation would provide the opportunity to strengthen our approach to help those young people with complex problems who remain in the system and to provide the support they need to break the cycle of reoffending.

The proposals for an Assembly Bill, will focus on the specific group of young people who are at the greatest risk of reoffending and progressing further through the youth justice system into custody. It will also ensure effective resettlement at the end of a custodial sentence to give young people the best chance for the future. Key to making sure the needs of these young people are identified and met will be Regional Reintegration and Resettlement Partnerships.

I have witnessed first hand on visits to Hillside Secure Children's Home, Parc Young Offender Institute (YOI) and Hindley YOI the plight of some of these young people. I am determined to do all we can to help them out of a life of crime and I believe this legislation is key to ensuring the changing needs and complexity of the young people in the youth justice system are identified and services put in place to better support young people's efforts to change.

We have achieved a great deal, however a different approach is required if we are to make a difference for young people to effectively break their cycle of reoffending. A criminal record is the biggest obstacle between a young person and the life they want to lead. We have the opportunity to help remove this obstacle.

I believe there are no hard to reach young people, only those who are easy to ignore.

Lesley Griffiths AM
Minister for Local Government and Government Business

¹ Police-led restorative alternatives to charging are a mechanism for diverting children and young people away from the youth justice system and into mainstream services, in order to get much needed support.

1. Background

1.1 The youth justice system is one of the few key areas of policy relating to children and young people for which the Welsh Government and the National Assembly for Wales do not have exclusive responsibility. The Welsh Government has responsibility for policies in relation to education, housing, substance misuse, health, and social services and all of these policy areas play a role in preventing young people from becoming involved in the youth justice system.

1.2 The fundamental principle, which has underpinned the Welsh Government's approach to youth justice to date, is treating those involved in offending behaviour, or at risk of offending, as children and young people first. This is in line with the Rights of Children and Young Persons (Wales) Measure 2011² which imposes a duty to ensure due regard to the rights and obligations in the United Nations Convention on the Rights of the Child (UNCRC). Wales is the first country in the UK to formally adopt the Convention as the basis for policy making for children and young people.

1.3 The proposed Bill would ensure we move further towards some key principles of the UNCRC which were identified in the last review of progress³ specifically in the following areas:

- Find alternatives to locking up children who are in trouble with the law.
- Make sure children are only locked up as a last resort and for the shortest possible time.

1.4 In March 2011 the Welsh Government agreed to consider, as part of its new law making powers, what more could be done to strengthen the policies for which the Welsh Government has responsibility to ensure greater accountability of all partners for children and young people at risk of entering, or are already in the youth justice system. This was outlined in the Welsh Government's Programme for Government.

1.5 A Green Paper consultation on proposals to improve services to better meet the needs of children and young people who are at risk of entering, or are already in, the youth justice system was carried out in autumn 2012.

1.6 After careful consideration, on 9 October 2013, the Minister for Local Government and Government Business announced the intention to proceed with a White Paper. The aim of the proposals will be to ensure their effective reintegration and resettlement following a community or custodial sentence. It is proposed a Bill will be introduced to the National Assembly for Wales in 2015.

² <http://www.legislation.gov.uk/mwa/2011/2/contents>

³ Concluding Observations for the UK, from the UN Committee on the Rights of the Child, Welsh Government 2008.

2. Focus of the White Paper

2.1 This White Paper builds upon the evidence and analysis of the Green Paper and the responses received⁴ which provide a strong basis for improving services for children who are at risk of entering, or are already in, the youth justice system.

2.2 The focus of the work to date on preventing young people from offending has delivered significant successes in reducing first time entrants into the youth justice system. There has been a 56% reduction between 2009/2010 and 2012/2013, this equates to 2000 fewer young people getting a criminal record. This progress is testament to the intensity of work which has been undertaken in prevention and diversion.

2.3 However, alongside this positive reduction a new pattern has emerged. There are a growing proportion of young people who have a higher level of complex needs which can mean they keep offending and progress very quickly through a range of community sentences and into custody.

2.4 The vulnerabilities of this group were evidenced in a project undertaken jointly by the Youth Justice Board to profile young people who are prolific offenders (25+ offences). This showed 79% had been involved with/or had been referred to social services; 81% had no qualifications; 57% had contact with/or referrals to Mental Health Services and 38% were identified as having Special Educational Needs⁵. This is now evident through the increase in reoffending rates we are now seeing.

“Lots of young people commit crimes just to get the attention of their families and the support of services, and they reoffend to keep getting support. It’s difficult to get out of.”

Young Person’s comment as part of the Green Paper Consultation

2.5 Evidence demonstrates⁶ while many services work positively with young people who offend, there are some which do not consider them as so deserving of help as other groups of young people, because they focus on the offending behaviour rather than the young person. While the offending behaviour should not be ignored, and we must certainly consider the victim of any crime committed, what many do not recognise is these young people are often victims themselves. Many will have witnessed offending behaviour at home from parents or siblings, or have been negatively influenced by peers.

⁴ <http://wales.gov.uk/consultations/people-and-communities/gpyouthjustice/?status=closed&lang=en>

⁵ Annex A

<http://wales.gov.uk/consultations/people-and-communities/gpyouthjustice/?status=closed&lang=en>

⁶ Annex B

<http://wales.gov.uk/consultations/people-and-communities/gpyouthjustice/?status=closed&lang=en>

“Some kids might not get on with their families or might not get the level of support they would like from their families. But at least where there is support/family it can be worked on. I haven’t got any support to begin with so I haven’t even got the option to be able to build on it”

Young Person’s comment as part of the Green Paper Consultation

2.6 The White Paper’s sole focus is on this group of young people who are prolific offenders leaving community sentences or in custody, and their effective resettlement. The aim is to prevent further reoffending.

2.7 This does not mean the significant work undertaken in preventing first time entrants into the youth justice system is completed. This work will continue, but will be addressed and supported by the new joint WelshGovernment/Youth Justice Board Strategy which is due to be published in April 2014.

2.8 The proposals and suggestions for improvements are set out in this White Paper, together with details of how responses can be submitted to this consultation.

3. Function and Structure of the Youth Justice System

3.1 The youth justice system is made up of a number of organisations working together. Some focus on the needs of children and young people (under the age of 18) in the youth justice system by looking after their **welfare**; services like health, social services, education and housing. Others, such as the police and the courts, focus on **enforcing** the law to punish them for their offence. Reducing offending and safeguarding these children and young people in Wales is best achieved by UK Government and Welsh Government working together.



Figure 1: Diagram showing the Welsh Public Bodies and UK Government agencies involved in the youth justice system in Wales.

3.2 The Youth Justice Board for England and Wales (“the Youth Justice Board”) is an executive non-departmental public body. The Youth Justice Board oversees the youth justice system in England and Wales. It works to prevent offending and reoffending by children and young people, and ensures custody for them is safe, secure, and addresses the causes of their offending behaviour.

3.3 As the youth justice system in Wales is provided by Welsh and UK organisations, the Youth Justice Board and the Welsh Government work together to help ensure the system works effectively. The Wales Youth Justice Advisory Panel is jointly convened by the Welsh Government and the Youth Justice Board. Its primary purpose is to assist the Welsh Government and the Youth Justice Board to implement policy which prevents offending and reoffending by children and young people in Wales.

3.4 Youth Offending Teams (YOTs) are multidisciplinary teams comprised of health, social services, education, police and probation working together and are statutory local partnerships established by Section 39 of the

Crime and Disorder Act 1998⁷. They are part of the Local Authority. YOTs have a statutory responsibility for managing children and young people who are on community sentences. There are currently 18 YOTs⁸ in Wales.

3.5 The Youth Justice Board is responsible for placing in secure accommodation children and young people who are remanded (before trial), or sentenced to custody. This includes deciding to which custodial establishment a young person is sent. There are currently three types of secure establishment: Secure Children's Homes (SCHs)⁹; Secure Training Centres (STCs)¹⁰; and Young Offender Institutes (YOIs)¹¹.

3.6 The Youth Justice Board ensures children and young people are placed in an establishment which is best able to meet their assessed needs, and takes into account the individual risks and circumstances of the young person.

3.7 The majority of young people from Wales are placed in the two Welsh secure establishments; Parc YOI in Bridgend and Hillside SCH in Neath. Young men from North Wales are placed in Hindley YOI in Lancashire, where a service specification which supports the additional needs of Welsh young men to include language, cultural, education, resettlement and religious needs has been developed in partnership with the Youth Justice Board. A very small number of children and young people from Wales are accommodated elsewhere in England. These include children and young people with complex needs who require specialist services.

⁷ The precise requirements of the Act are youth offending teams shall include at least one of each of the following:

(a) an officer of a local probation board or an officer of a provider of probation services; (b) a social worker of a Local Authority; (c) a police officer; (d) a person nominated by a Local Health Board, any part of whose area lies within the Local Authority's area; (e) a person nominated by the chief education officer appointed by the Local Authority.

⁸ Local Authorities are required to have a YOT either on an individual or partnership basis; there are 18 YOTs in Wales, 4 of which cover two Local Authorities each.

⁹ SCH – these are run by Local Authorities and accommodate the most vulnerable young people who offend. They may have been in care or have mental health problems. Young people in secure children's homes tend to be younger than those in training centres or young offenders' institutions.

¹⁰ STC – these centres provide secure accommodation for young people who offend up to the age of 17. They are usually smaller than young offenders' institutions and provide education and vocational training, as well as focusing on addressing someone's behaviour.

¹¹ YOI – Young offender institutions hold boys aged 15-17 they are held in juvenile-only buildings, or on sites shared with, but separate from, YOIs for 18-20 year olds.

4. Regional Reintegration and Resettlement Partnerships¹²

4.1 Proposed Regional Reintegration and Resettlement Partnerships will work to prevent further reoffending by young people at greatest risk of progressing further in the system, and to ensure their effective resettlement. There are three specific groups of young people the Partnerships will consider:-

- A – Young people who are prolific offenders leaving community sentences.
- B – Young people in custody.
- C – Young people requiring resettlement following a custodial sentence.

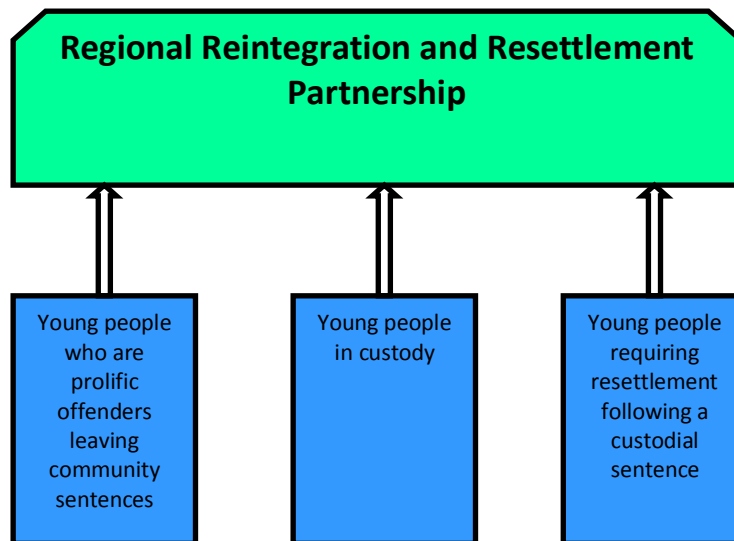


Figure 2: Diagram showing the Regional Reintegration and Resettlement Partnership and the groups of young people it will consider.

Proposals

4.2 It is proposed the legislation will create Regional Reintegration and Resettlement Partnerships. The key purpose of the Partnerships will be to ensure those young people at greatest risk of further involvement with the youth justice system are identified and support is put in place to address any needs they have to prevent further progression. The overarching aims of the Partnerships will be to provide regional leadership to achieve the following objectives:-

- Reduced reoffending for young people.
- Improved support for young people in custody.
- Increased collaboration between Local Authorities and Local Health Boards.

¹² At the national level to ensure consistency of approach and shared information and communication across Wales there would be a National Support and Resettlement Board. The Board would be a mechanism to resolve systemic issues which impact on the provision and continuity of services. A reporting mechanism would be established for those responsible for commissioning and delivering services to report issues which cannot be resolved within existing frameworks and arrangements and require intervention. This National Board will not be set in legislation.

- Improved links between the Secure Estate, YOTs, and Local Authorities.
- Improved resettlement experiences for young people leaving custody.
- Improved access to mainstream services (health, housing, social services and education) for young people.

4.3 The Regional Reintegration and Resettlement Partnership functions will be to ensure:-

- reintegration and resettlement is considered at the earliest opportunity and will be at the heart of the support for all young people.
- the coordination of support for those young people from a lead professional.
- a plan for reintegration and resettlement should be developed for all young people who are considered by the Partnership, ensuring links are made to any existing established assessment and planning processes, such as health, social services, education and housing.
- young people should be involved in their planning which should be 'person-centred', holistic and tailored to individual needs; it should be a flexible process which adapts to the changing needs of a young person.
- any challenges, blocks or gaps with health, housing, education or social services in the Partnerships area would be addressed.

Questions

1. **Do you agree with the functions of the Regional Reintegration and Resettlement Partnerships; what, if any, functions should be added or taken away?**
2. **Do you agree with the identification of a lead professional; if yes who is best placed to carry out this role?**

4.4 A statutory duty for the creation of Regional Reintegration and Resettlement Partnerships would be placed on Local Authorities (education, housing and social services) and Local Health Boards. Other agencies would be invited to be part of the Partnership, such as training providers, Area Planning Board representatives, relevant third sector providers and housing partnerships. The post of a Reintegration and Resettlement Broker(s) would be created for each Partnership. The Broker would work to establish and embed regional processes to improve reintegration and resettlement outcomes for young people.

4.5 Police, Probation, Secure Accommodation representatives, and YOTs should also be key members of the Partnerships. As youth justice involves collaboration between Welsh public bodies and UK wide agencies, it would be crucial for these organisations to be part of the Partnerships to ensure a seamless approach for young people.

Questions

3. Who should be a member of the Regional Reintegration and Resettlement Partnerships?

4.6 The partnership could be a new body or the functions of the Regional Reintegration and Resettlement Partnership could be undertaken by an existing body. The partnership should reflect the appropriate strategic footprint (Taking into consideration any implications of the implementation of the Williams review findings). This will also need to be in line with the Future Generations Bill which aims to help tackle the generational challenges Wales faces in a more joined up and integrated way, ensuring Welsh public services make key decisions with the long term well being of the people of Wales in mind.

Questions

4. Should the Partnership be a standalone group or part of an existing regional group; if an existing group which one(s) would be most appropriate?

5. Specific Groups of Young People the Partnerships will Consider

5.1 As highlighted previously, it is proposed legislation will create new Regional Reintegration and Resettlement Partnerships. Consideration also needs to be given to the specific support they should provide to the groups of young people who are at greatest risk of further offending, and therefore progressing further in the youth justice system. The following section considers each of these groups of young people in turn, and looks at the main issues and how they should be addressed.

A Young people who are prolific offenders leaving community sentences

Current Issue

5.2 The rationale is there are many examples of children who enter the youth justice system due to unmet needs which should have been identified earlier. Recent work undertaken with the Youth Justice Board showed those young people who are prolific offenders (25+ offences) have high levels of referrals to mental health and social services, and very few have any qualifications¹³. There is a clear emerging pattern of young people with higher levels of complex needs progressing very quickly through a range of community sentences, and into custody.

Proposal

5.3 The proposal would focus on breaking/halting this progression. It appears the most effective way to achieve this is to focus on those young people on who are prolific offenders and are most at risk of ending up in custody if they continue to offend. This would be achieved by identifying a trigger point for when a young person should be brought to the attention of a Regional Reintegration and Resettlement Partnership, and therefore timely measures can be put in place to successfully reintegrate them into crime free lives.

5.4 To help establish a potential trigger point, information on the number of previous offences young people have committed has been provided by the Youth Justice Board, this is shown in the table below.

¹³ Annex A

<http://wales.gov.uk/consultations/people-and-communities/gpyouthjustice/?status=closed&lang=en>

Year	Regional Reintegration and Resettlement Partnership area	3 to 6 previous offences	7 to 10 previous offences	11 or more previous offences	Grand Total
2009	North Wales	207	63	82	352
	Cardiff and Vale	166	47	47	260
	Cwm Taf	68	13	20	101
	Western Bay	109	24	36	169
	Gwent	189	46	71	306
	Dyfed Powys	157	40	47	244
	2009 Total	896	233	303	1,432
2010	North Wales	172	68	71	311
	Cardiff and Vale	131	52	50	233
	Cwm Taf	72	19	30	121
	Western Bay	96	29	27	152
	Gwent	172	45	46	263
	Dyfed Powys	123	35	39	197
	2010 Total	766	248	263	1,277
2011	North Wales	153	47	63	263
	Cardiff and Vale	107	37	41	185
	Cwm Taf	58	16	26	100
	Western Bay	71	36	28	135
	Gwent	155	62	48	265
	Dyfed Powys	94	40	36	170
	2011 Total	638	238	242	1,118

Figure 3: Table showing the numbers of young people who have committed 3 to 6 previous offences, 7 to 10 previous offences and 11 or more previous offences in 2009, 2010 and 2011, by each proposed Regional Reintegration and Resettlement Partnership area.

5.5 It is difficult to establish the exact point where intervention by the Partnerships would make the most difference. The suggested point would be somewhere between 3 and 6 previous offences, but this would be established by further analysis and the outcome of this consultation. This would mean based on 2011 data the anticipated total number of young people the Partnerships would consider in a year are:-

- North Wales 153.
- Cardiff and Vale 107.
- Cwm Taf 58.
- Western Bay 71.
- Gwent 155.
- Dyfed/Powys 94.

5.6 When a young person reached the trigger point, once established, the functions of the Regional Reintegration and Resettlement Partnership would start. The young person would be referred and considered by the Partnership who would work together to reduce the risk of further reoffending. A plan will be developed, monitored and maintained for their reintegration and resettlement ensuring appropriate services such as health, social services, education and housing are in place to meet any identified needs the young person has.

Questions

- 5. Do you agree there should be a trigger point for young people to be referred to the Regional Reintegration and Resettlement Partnership?**

6. If so, what do you think is the most appropriate trigger point?

B Young people in custody

Current Issue

5.7 The number of children and young people in custody has been gradually reducing. In March 2010, there were 121 young people from Wales in custody; by March 2013 this had fallen to 50 - a fall of 59%. However, re-offending on release from custody is particularly high; for example in 2011 the proportion of offenders who went on to re-offend within twelve months ranged between 60-80% across the secure estate¹⁴.

5.8 Local Authorities already have duties towards particular groups of children whose liberty is restricted, including most recently the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPOA), which provides for children or young person (aged under 18) subject to secure remand should be treated as looked after based as defined by the Children Act 1989.

5.9 Being sent to custody is a traumatic and disruptive experience for young people, which often increases their levels of vulnerability. If managed well it can also offer a period of stability away from negative influences and a time in which young people can reflect on past behaviours and experiences and plan for a more positive lifestyle on release. It is essential for there to be an integrated approach between the secure estate and services in the community such as health, housing, education and social services.

Proposal

5.10 Most young people who are sentenced to custody are likely to already be on a community sentence and therefore would already be known by the YOT and, once in place, the Regional Reintegration and Resettlement Partnership. There are only a small number of young people who would be sentenced straight to custody.

5.11 There are clear and distinct links to statutory agencies' statutory responsibilities to young people under wider legislation both in force and under development. There will also be legislation to reform the Special Educational Needs system in Wales, which will support those young people in custody.

5.12 The Social Services and Well-being (Wales) Bill¹⁵ gives effect to the White Paper "Sustainable Social Services for Wales: A Framework for Action" which set out the Welsh Government's vision for social services and social care in Wales.

¹⁴ Ministry of Justice/YJB (2012) *Youth Justice Statistics 2010/11: England and Wales*. London: Ministry of Justice.

¹⁵ <http://www.senedd.assemblywales.org/mglIssueHistoryHome.aspx?lId=5664>

5.13 The revised statutory framework is based upon the principle of promoting the well-being outcomes of the people of Wales and a new joint duty on Local Authorities and Local Health Boards to work to assess the needs of their population and to put in place services to prevent, delay or reduce individuals' needs for care and support. The Bill builds upon, and enhances, the existing duties of Local Authorities to support young people and their families as well as promoting partnership and co-operation with statutory and Third Sector partners across both children's and adult services.

5.14 Our proposed legislative approach to improving outcomes for young people remanded and sentenced to custody will be considered during the consultation period to ensure coherence with the Welsh Government's wider legislative programme.

5.15 The key factor is to ensure consistency of support for young people while in custody, whether remanded or sentenced. But as a minimum this group of young people should have:-

- A visit by the designated lead professional.
- A review/preparation for reintegration and resettlement back into the community.
- Opportunities to engage with external education, training and employment in preparation for release.

5.16 This support will ensure effective plans are in place for young people when they leave custody and links to community services can be made; the aim of which is to prevent further reoffending on release.

Questions

- 6. What support should be provided to young people in custody to ensure their effective resettlement?**

C Resettlement following a custodial sentence

Current Issue

5.17 Children and young people face a specific set of challenges when they leave a custodial sentence, as there is often a gap in provision by services and no service has overall accountability for these children and young people. They often return to the same circumstances they were in when they offended and it is not surprising therefore they often re-offend. In some circumstances young people will be in a worse position than when they went into custody. Leaving to one side the blocked opportunities which having spent time in custody brings, young people will often lose any form of support they received prior to being sentenced.

5.18 Evidence tells us 'effective resettlement can transform lives, helps protect society and saves money'¹⁶.

Proposal

5.19 The Regional Reintegration and Resettlement Partnership will promote and continue to offer multi-agency holistic support to plan and coordinate resettlement support for young people after their release. This should seamlessly link to health, housing, education and social services and provide the best possible opportunity for young people to resettle and progress to a life free from crime.

5.20 Voluntary support for young people on release from custody is key to resettling them back into the community. It is however, important to ensure this support is recognised by all as voluntary, which means the young person has a choice whether or not to accept the support, and should not be confused with any statutory order or sentence. Also this support persists beyond the time the young person is supervised by youth justice services.

Questions

- 7. Do you agree voluntary support should be provided to young people beyond the end of any statutory sentence?**
- 8. What support should be provided and for how long?**

Additional Questions

- 9. How should we monitor the effectiveness of the new Bill?**
- 10. Do you have any comments on the Regulatory Impact Assessment?**

¹⁶ Cited by Frances Done, Chair of the Youth Justice Board in *Hazel. N. and Liddle, M. (2012) Resettlement in England and Wales: key policy and practice messages from research. London: YJB.*