

Regulatory Impact Assessment

A consultation stage Regulatory Impact Assessment has been completed in relation to the White Paper Consultation on the '*Prevention of Offending by Young People*'.

1. Background

- 1.1 In March 2011 the Welsh Government agreed to consider what more could be done within current powers to strengthen policies in relation to education, housing, substance misuse, health, and social services to ensure greater accountability of all partners for children and young people at risk of entering, or who are already in, the youth justice system.
- 1.2 The Programme for Government demonstrates the Welsh Government's commitment to improve services for young people in the youth justice system in Wales, including considering the need for legislation.
- 1.3 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 published on 18 September 2012, and this consultation closed on 11 December 2012.
- 1.4 The Green Paper and the responses received¹ provide an evidence base for improving services for children who are at risk of entering, or are already in, the youth justice system.
- 1.5 This White Paper builds upon the evidence and analysis of the Green Paper and the core principles which have underpinned the Welsh Government's approach to preventing young people from offending to date; these were part of the first joint Welsh Government and Youth Justice Board All Wales Youth Offending Strategy² (2004).

¹ <http://wales.gov.uk/consultations/people-and-communities/gpyouthjustice/?status=closed&lang=en>

² <http://wales.gov.uk/topics/childrenyoungpeople/publications/youthoffending/?lang=en>

2. Options

2.1 This impact assessment presents four different options in relation to the policy objectives which are detailed in the White Paper Consultation document. Each of the options is examined in terms of how far it would achieve the Welsh Government's objectives, along with the risks. The costs and benefits of each option are set out later in the assessment.

2.2 These options are:

Option 1 – Do nothing;

Option 2 – Use existing legislation to seek to deliver the policy objectives;

Option 3 – Use other legislation being developed by the Welsh Government to seek to deliver the policy objectives; or

Option 4 – Introduce an Assembly Bill to deliver the specific policy objectives set out in the White Paper.

Option 1 – Do nothing

2.3 This option would require no new or further action on the part of the Welsh Government. It would mean the current practices of services in Wales, with regards to their impact on the delivery of youth justice services, would continue as they currently are and opportunities for improvements would be missed.

2.4 There are a number of disadvantages associated with this option:

- It does not meet the Welsh Government's Programme for Government commitment to explore using existing powers to increase our influence over the delivery of community based services for youth justice;
- It fails to take account of the views expressed by respondents to the Green Paper Consultation, and the evidence gathered prior to the consultation on youth justice³; and;
- It fails to address the accountability gap between Local Authority functions particularly in relation to the process of resettlement after a young person leaves a community or custodial sentence.

2.5 In addition this would create a number of disbenefits including for those who become the victims of these crimes, and for public services which have to bear the cost of investigating and addressing the consequences of such crimes and taking the perpetrator through the youth justice system.

³ 2009 - Communities and Culture Committee conducted an inquiry into youth justice which resulted in recommendations for improvement of delivery of youth justice services in Wales.

For these reasons, this option is discounted.

Option 2 – Use existing legislation to seek to deliver the policy objectives

- 2.6 This was considered as part of a Cabinet Paper in March 2011, specifically Acts such as the Children Act 1989, the Children Act 2004 and the Crime and Disorder Act 1998.
- 2.7 Annex C of the 2012 Green Paper Consultation⁴ references the UK Parliament legislation in relation to this area which had been considered in preparing the consultation.
- 2.8 Having reviewed existing UK legislation, guidance and case law in relation to the policy objectives stated in the White Paper Consultation, a conclusion was reached which determined there is no enacted legislation suitable to take forward these specific objectives with respect to Wales.

For these reasons, this option is discounted.

Option 3 – Use other legislation being developed by the Welsh Government to seek to deliver the policy objectives

- 2.9 Other Welsh Government legislation, which was being developed at the time the Green Paper Consultation concluded, was considered to deliver the policy objectives stated in the White Paper Consultation. The following Bills had aspects which potentially related to those issues:-

A – Housing (Wales) Bill

- 2.10 The main objectives of this Bill are to increase the supply of housing and improve housing related services and tenants' rights in the private rented sector.
- 2.11 This Bill was considered, however it was determined it would not be appropriate to fully address the policy objectives as the Bill will focus solely on housing, or rehousing aspects.

B – Social Services and Well-being (Wales) Bill

- 2.12 The Social Services and Well-being (Wales) Bill will provide a coherent legal framework to transform social services and social care in Wales and is currently at the amendment stages in the National Assembly for Wales' scrutiny process⁵. This Bill covers some of the policy objectives which the White Paper Consultation is looking to address, specifically in relation to the creation of a multi-agency resettlement partnership.

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

⁵ <http://www.assemblywales.org/bus-home/bus-legislation/bus-legislation-progress-bills.htm>

2.13 It was considered this Bill was the most relevant to address the policy objectives as stated. However, although the Social Services and Well-being (Wales) Bill makes provision relevant to some of the youth justice issues, it was concluded it was unlikely to deliver fully all of the policy objectives. The objectives as stated in the White Paper would recognise a specific group of vulnerable young people in the youth justice system because of the increased complexity of this group. The Social Services and Well-being (Wales) Bill is holistic and whilst providing for children, young people and adults with needs for care and support, it may not extend to the full range of support and services required by a young person in the youth justice system.

Option 4 – Introduce an Assembly Bill to deliver the specific policy objectives set out in the White Paper.

2.14 A Green Paper consultation was conducted which set out the current landscape of youth justice provision in Wales and sought views on its effectiveness including whether there is a need for primary legislation in order to improve services. The Welsh Government carried out a number of engagement events with key stakeholders, an in depth review of current performance in youth offending services and a policy review to establish gaps in the current processes.

2.15 In addition, work has been undertaken by the Youth Justice Board, supported by the Welsh Government, on profiling of young people who are prolific offenders (25+ offences)⁶.

2.16 All this work has informed the content of the White Paper and the development of a Bill with the following main themes:

- A statutory duty on Local Authorities to establish Regional Reintegration and Resettlement Partnerships to provide improved support for young people in the youth justice system, increase collaboration between partners, Local Authorities and Local Health Boards, and reduce reoffending;
- To create 'Reintegration and Resettlement Broker' posts to establish and embed regional processes to improve reintegration and resettlement outcomes for young people;
- To identify a trigger point at which a young person should be brought to the attention of the Regional Reintegration and Resettlement Partnership;
- To coordinate support for those young people from a lead professional.

⁶ Annex A <http://wales.gov.uk/consultations/people-and-communities/gpyouthjustice/?status=closed&lang=en>

- Develop a plan for reintegration and resettlement for young people who are considered by the Partnerships, 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.

2.17 The Bill would not seek to address substantive criminal justice issues and would be concerned with social welfare and the prevention, protection and support elements of dealing with children and young people who have offended.

2.18 The advantage of the development and introduction of an Assembly Bill would be it would focus solely on the Welsh Government policy objectives in relation to youth justice in Wales.

3. Costs and Benefits

3.1 This section contains the cost and benefit analysis of the options detailed in the previous section.

Costs

Option 1 – Do nothing

3.2 There are no direct additional costs attached to this option as it would maintain the status quo for services in Wales, with regards to their impact on the delivery of youth justice services.

3.3 However, the costs to the public generally would continue to increase with young people continuing to reoffend and be dealt with by the youth justice system.

Option 2 – Use existing legislation to seek to deliver the policy objectives

3.4 This option would result in some minimal cost to the Welsh Government with respect to drafting of regulations or guidance. However, as it was determined existing legislation would not have been appropriate to address the specific policy objectives, no costs can be determined for this option.

Option 3 – Use other legislation being developed by the Welsh Government to seek to deliver the policy objectives

3.5 This option would require no significant additional costs to the Welsh Government with regards to drafting the legislation as the work to develop the legislation would already be taking place.

3.6 Any other Assembly Bill would require modification to incorporate all the required provisions to deliver the policy objectives. These administrative costs would expect to be captured by existing Welsh Government budgets for the relevant Departments.

3.7 It was determined the policy objectives as stated in the White Paper Consultation would not, practically speaking, be capable of being addressed in most of the Bills considered. However, it may be possible to use provisions from the Social Services and Well-being (Wales) Bill to address some of the youth justice policy objectives outlined in this White Paper. A significant development and implementation programme for the regulations and Code of Practice under the Social Services and Well-being (Wales) Bill is scheduled for 2014/15 and will provide opportunities for consideration and analysis of how the Bill may support the White Paper objectives.

The responses to this consultation will be considered in coming to this decision.

Option 4 - Introduce an Assembly Bill to deliver the specific policy objectives set out in the White Paper

Welsh Government

- 3.8 This option would require additional resource cost to the Welsh Government with regards to drafting and introducing new legislation. However, these costs would be met within the current and planned departmental running costs for the Department of Local Government and Communities.
- 3.9 There would be impacts on other policy portfolios (besides Local Government) within the Welsh Government, including those of the Minister for Health and Social Services and Deputy Minister for Social Services; the Minister for Education and Skills and the Deputy Minister for Skills and Technology; and the Minister for Housing and Regeneration. The costs of officials' time within the Welsh Government would expect to be met through departmental budgets (the costs to external organisations covered by each of the portfolio areas are considered below).
- 3.10 The Welsh Government would also incur resource costs with regards to the identification of the trigger point for referring young people to the Partnerships. These costs are again expected to be met within the current and planned departmental running costs.

Local Authorities

- 3.11 The majority of the costs associated with the Bill would fall on Local Government social welfare and education services and on health services. The following sections consider the cost to Local Authorities of each of the main themes of the proposed Bill.
- 3.12 However, as regards the financial impact on Local Government social welfare and education services, it is not envisaged strengthening duties to cooperate and plan for services to young people made vulnerable through offending should add an appreciable burden to local services. In fact, integration of these functions into existing structures, or encouraging regional approaches, would contribute to the streamlining of partnership arrangements in Wales, with assumed cost efficiencies.
- *Setting up of Regional Reintegration and Resettlement Partnerships*
- 3.13 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. This

would incur a cost in terms of administrative time to set up the Partnership and appointing its members, and also on going costs of providing secretariat to the Partnership. However the costs of this time cannot currently be calculated as it would depend on the numbers and sizes of the Partnerships (questions on this are included within the White Paper Consultation for views).

3.14 The number of Partnerships required would depend on the number of young people who will require their assistance going forward. Below are figures for the numbers of young people who have reoffended in Wales 2009 to 2011.

3.15 More detail as to the composition of the partnerships would be decided as a Bill is drafted and further costs would be included in an updated regulatory impact assessment for introduction of the Bill.

Cohort Year	Regional Footprint Area	Previous Offence Band			
		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

Table 1 - Figures for the numbers of young people who have reoffended in Wales 2009 to 2011 by number of re-offences and their regional footprint

3.16 The extent to which the Partnerships would represent an additional cost to Local Authorities would depend upon the current arrangements and services offered. There are existing partnership and planning fora in

Wales which could accommodate this function. It is only in those areas where these partnerships don't already exist or need strengthening in which there would be an additional cost. However, these costs would be offset by the improved services to young people and the assumed decrease in the rates of reoffending.

- *Creating the post of a Reintegration and Resettlement Broker.*

3.17 As previously highlighted, a Reintegration and / or Resettlement Broker to establish and embed regional processes to improve reintegration and resettlement outcomes for young people, would be appointed.

3.18 The estimated average cost to employ a Broker in each region would be approximately £45,000 (per year).

3.19 Whether this role was needed for all Partnerships would depend on the numbers of young people within a region requiring these services, this is then further dependent on the trigger point at which the young people are referred to the Partnership (a question has been posed in the White Paper on this for views). The Broker would work to establish and embed regional processes to improve reintegration and resettlement outcomes for young people.

- *Identification of a trigger point.*

3.20 The identification of a trigger point for when a young person should be brought to the attention of the Partnership would not incur any costs but would determine the number of cases referred. Consideration is being given to setting a trigger point of between 3 and 6 offences in a year, but this would be established by further analysis and outcome of the consultation.

- *Key factors, which are to ensure consistency of support for young people while in custody*

3.21 Of the key factors, which are to ensure consistency of support for young people while in custody whether remanded or sentenced, this group of young people should have the following:-

- a) a visit by the designated lead professional;
- b) a review/preparation of their reintegration and resettlement plan;
- c) opportunities to engage with external education, training and employment in preparation for release; and
- d) effective planning for their release from custody.

3.22 The costs for the officials and representatives from public bodies who would be required to deliver the above are split into two areas, meeting costs (depending on the role and therefore the cost of the person's time) and travel costs.

3.23 The following figures were provided by the Ministry of Justice and were produced for the travel costs of Looked After Children (LAC) support to children held on remand, but could also be applied to visits for children as set out in the White Paper.

These will provide indicative costs for these objectives in the White Paper.

Meeting Cost:

3.24 The costs are derived from the 'Unit Costs of Health & Social Care' Report, produced by the Personal Social Services Research Unit (PSSRU) at University of Kent. They provide costs in relation to LAC meetings but can provide indicative costs for professionals (i.e. Social Worker Visits) and meetings by professionals with young people being monitored.

Table 2 – LAC Meeting Costs:

ID	Description	Unit Cost
1	Care Planning – Initial Assessment	£240
2	Statutory Reviews	£815
3	Care Planning - Post First Statutory Review	£240
4	Social Worker Visits	£150
5	Transition to Leaving Care Services	£1,845

3.25 The PSSRU Report states the rate for a Social Worker (£150) is for an hour of face to face contact time. This includes the indirect costs associated with the meeting, such as preparation, etc.

3.26 In the case of Transition to Leaving Care, the cost reflects the 'process', which may represent more than one meeting.

3.27 The Care Planning process costs would be comparable to planning by the Regional Reintegration and Resettlement Partnership, and the transition costs of leaving care services comparable for release of the young person from custody.

Travel Costs

Table 3 – Travel Distance Bands and Costs:

	Band 1	Band 2	Band 3	Band 4	Band 5
Distance Band	0 to 20 Miles	20 to 50 Miles	50 to 100 Miles	100 to 150 Miles	150+ Miles
Return Rail Fare*	£15	£30	£50	£75	£85
Taxi Fare	£20	£20	£20	£20	£20

**Typical rail fare costs.*

3.28 To put the figures in some context, for a visit by the designated lead professional from Cardiff to a young person within Parc YOI in Bridgend (approximately 20 miles distance):

Travel costs (by taxi) - £20

3.29 Also for the cost of a Social Worker visit to a young person within Parc YOI in Bridgend:

Cost of a Social Worker – £150

Travel costs (by taxi) - £20

Therefore total cost = £170 per visit

Cost Savings:

3.30 The cost savings would be achieved through the prevention of these young people once again entering the youth justice service.

Wider Impacts

3.31 The third sector delivers a number of services for youth offending teams. The likelihood is as a result of this legislation there would be closer working between public sector children's services and youth offending services.

3.32 Business - the legislation would have minimal impact on the private sector. Some private sector bodies undertake contracted work for youth offending or other children's services. In addition, the main supplier of custodial places to young people in Wales is the private sector. It is expected the pursuit of this policy would reduce demand for custodial places.

3.33 Police, Probation, Secure Accommodation representatives and YOTs would also be key members of the Reintegration and Resettlement Partnerships. If these organisations did join the Partnership(s) then they would incur a resource cost.

- *Police services and Probation Services.* As previously noted, their role would be to support the policy objectives. Overall the legislation would reduce police time spent with young people who offend, and therefore there should eventually be a reduction in costs for this service as a result of the reduction of the number of young people needing this service.
- *Youth Justice Board Cymru.* This legislation would have an impact on this body as they are responsible for producing the data on the young people with regards to offending rates, therefore they would know when the trigger point has been reached. They may also be involved with the monitoring of the reduction in offences as a result of the legislation.

However, the YJB Cymru already monitor the performance of the youth justice system in Wales differently as there are specific indicators which only apply in Wales. Also they assist with the monitoring of the Welsh Government Youth Crime Prevention Fund therefore the impact is likely to be minimal. Engagement has already been undertaken with the YJB Cymru, who have prioritised joint work with the Welsh Government on the development of this legislation as part of their corporate and business plan, there would be minimal additional costs with respect to staff time to this organisation.

Benefits

Option 1 – Do nothing

3.34 There are no additional benefits attached to this option as it would mean the current practices of services in Wales, as regards their impact on the delivery of youth justice services, would continue as they currently are. However, opportunities for improvements would be missed as a disbenefit of this option as detailed in options 3 and 4.

Option 2 – Use existing legislation to seek to deliver the policy objectives

3.35 There are a number of benefits to using existing legislation as opposed to new legislation to address policy objectives, for example fewer resources are required than for the introduction of a Bill. However, once again as it was determined this option would not be appropriate to address these specific policy objectives there are no benefits to this option.

Option 3 – Use other legislation being developed by the Welsh Government to seek to deliver the policy objectives

3.36 The benefits associated with using current Assembly Bills to deliver the policy objectives as outlined in the White Paper include avoiding the additional impact on resource costs within the Welsh Government of supporting another Bill being introduced to the National Assembly for Wales; and provide a joined up approach to policies across the Welsh Government.

3.37 However it was determined the policy objectives as stated in the White Paper Consultation would not be addressed in many of the Bills considered. As previously stated, it may be possible to use provisions from the Social Services and Well-being (Wales) Bill to address some of the youth justice policy objectives outlined in this White Paper. The responses to this consultation will be considered in coming to this decision.

Option 4 - Introduce an Assembly Bill to deliver the specific policy objectives set out in the White Paper

3.38 The benefits of the development and introduction of an Assembly Bill which is focused solely on the Welsh Government policy objectives in relation to youth justice in Wales include:

- A Bill could be drafted to cover the exact requirements for youth justice;

- A Bill would provide an opportunity to introduce a new approach which is not being taken forward in any other UK country, and will add to the overall UK evidence base.
- There is significant evidence to demonstrate the need for better support for this group of young people.
- A standalone Bill would confirm and support our compliance with the United Nations Convention on the Rights of the Child by ensuring this group of young people's needs are identified and met (a separate impact assessment has been completed on this area).
- A standalone Bill would act to unify and clarify the often opaque interface between those providing youth justice services in Wales.

General Benefits of the Delivery of the Objectives Within the White Paper Consultation

3.39 These include:

- As the improved support and resettlement services offered to young people in youth justice system would ensure they are further supported and resettled after they have left the system, the number of young people reoffending is expected to decrease⁷.
- This decrease would therefore reduce costs to public services and the public in general as crime would be reduced and lesser demands would be made on law enforcement and youth justice services, such as the police and probation services.
- It would also reduce costs by reducing the number of young people in the youth justice system and the amount of court time and facilities required to keep these individuals in custody.
- This would also produce a major benefit in reducing the number of victims of crime in Wales which would contribute positively to society in general.

4. Preferred option

4.1 From further investigation by policy officials within the Welsh Government **Option 4** is now seen as the most effective route to assure the outlined policy intent is delivered.

⁷ More information on the positive effects can also be found in the 2013 paper by the Youth Justice Board 'Resettlement in England and Wales: Key Policy and Practice Messages'.