



Ministry  
of Justice

# **The government response to Charlie Taylor's Review of the Youth Justice System**

December 2016



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Presented to Parliament  
by the Lord Chancellor and Secretary of State for Justice  
by Command of Her Majesty

December 2016



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## Introduction

1. We are determined to improve standards in youth justice so that we not only punish crime but also intervene earlier to prevent crime and reform offenders to stop further crimes being committed – protecting victims and building better lives.
2. Youth offending has fallen sharply - the number of young people entering the criminal justice system for the first time fell by 82% between 2007 and 2015. Equally, the number of children and young people held in custody has declined by 67% over the same time with 900 people under the age of 18 currently in custody in England and Wales.
3. However, once children and young people are in custody the outcomes are not good enough. Levels of violence and self-harm are too great and reoffending rates are unacceptably high, with 69% of those sentenced to custody going on to commit further offences within a year of their release.
4. Of course it is right that young offenders who commit crimes must face the consequences of their actions and that the justice system delivers reparation for victims. Yet those 900 in custody represent some of the most complex and damaged children within society. Broken homes, drug and alcohol misuse, generational joblessness, abusive relationships, childhoods spent in care, mental illness, gang membership and educational failure are common in the backgrounds of many offenders.
5. We are reforming the criminal justice system to improve outcomes, cut crime and make our streets safer. The Prison Safety and Reform White Paper of November 2016 outlined how we intend to improve adult prisons by giving greater powers to governors and boosting the safety, transparency and accountability of regimes.
6. We will apply the same principles to the way the justice system deals with children and young people who break the law – providing discipline, purpose, supervision and someone who cares to help these children build a better life, free from offending.
7. In September 2015, the experienced school head and child behaviour expert Charlie Taylor was commissioned by the government to look at how this country deals overall with children and young people who break the law. The Taylor Review makes a compelling case for change and, as this government response makes clear, we will be implementing his key recommendations by putting education at the heart of youth custody and improving the provision of health care to tackle the factors that increase the risk of offending.
8. An urgent priority is to tackle the high levels of violence. A recent HMIP report found that 46% of boys had, at some point, felt unsafe at their establishment. We will ensure that youth custody is a safe, secure environment in which young people can learn and reform.
9. We will also better prepare children and young people for a life after their sentence with a youth custody apprenticeship scheme being developed, ensuring that all young people are earning or learning on release.

## Executive Summary

### Chapter 1: The right framework for improvement

10. There needs to be much greater clarity and accountability in the system so that all are driving to the goal of reducing reoffending and turning lives around. We want to see an effective system – both in the community and in custody – with high standards of performance.
11. We will:
  - Work with the Youth Justice Board (YJB), to review governance of the system and to set clear and robust performance standards for all those working within the community and custody.
  - Clarify commissioning functions and create a single director of youth custodial operations, who can keep a firm grip on performance and act quickly and decisively in the event of failure.
  - Strengthen the scrutiny and inspection arrangements for custody, creating a new mechanism for the inspectorate to trigger intervention in failing institutions, where the Secretary of State will be obliged to act.
  - Continue to ring-fence grants for the provision of youth justice services within local authority funding to ensure sufficient funding for these services
  - Work with local authorities to explore how local areas can be given greater flexibility to improve youth justice services.

### Chapter 2: Tackling offending

12. We must continue to reduce the level of youth crime. Clearly the best way to do this is to intervene early and to prevent children and young people from committing offences in the first place.
13. We know that children and young people who benefit from a range of protective factors – at an individual, family and community level – are much less likely to offend and we must build young people's resilience through improving their access to education, health services, family support and positive role models.
14. When offences are committed, we recognise the importance of a proportionate response that gives young people a chance to make amends and turn their lives around so they don't commit more crimes. Where children and young people are detained in police custody they must be dealt with appropriately. We must also make sure that youth court and sentencing arrangements are swift, effective and better able to reform their offenders.

15. We will:

- Work with other government departments and partners including the Home Office, Department for Education (DfE) and YJB to gather information and share best practice across the system to inform further preventative work.
- Work with NHS England, DfE and community health providers to improve how children and young people are assessed and ensure they get the treatment they need at the earliest possible stage.
- Work with the Home Office and police to ensure children and young people are treated appropriately in police custody.
- Make the court experience more appropriate for young offenders and young victims and witnesses, by removing unnecessary appearances in court and holding first remand hearings in the youth court rather than adult magistrates' courts.
- Work with judges, magistrates, YOTs, the YJB and others to develop our approach to sentencing reform. In particular we will explore how we can further integrate the Taylor Review's principles into the current framework.
- Engage with interested parties, including the Home Office, media and youth justice interest groups, on youth reporting restrictions.
- Work with the Home Office to consider the recommendations of the Justice Select Committee's inquiry into youth criminal records.

### **Chapter 3: Improving youth custody**

16. The use of custody has fallen markedly but it will always be needed for the small number of children and young people who commit very serious crimes and present a high risk to the public.

17. Although the numbers of young people in custody has declined, those that remain are often violent, with serious problems. Rates of violence, self-harm and restraint are too great and the reoffending rates of those leaving custody are unacceptably high.

18. We will take decisive action to tackle violence and improve outcomes for children and young people in custody.

19. We will:

- Put education and health at the heart of youth custody. We will develop a new pre-apprenticeship training pathway that will start in custody and ensure that all children and young people are in education, training or employment on release.
- Empower governors so that they can better help to reform young people.
- Boost the numbers of staff on the operational frontline in Young Offender Institutions (YOIs) by 20%.
- Introduce a new Youth Justice Officer role so that we have more staff specially trained to work with young people. These officers will be trained on the job or recruited with experience of youth work, social work or teaching.



- Each young person will have a dedicated officer who is responsible for challenging and supporting them to reform. There will be one officer for every four young people to enable the right level of support. They will work with them on a personal plan to drive improvements in their behaviour, education and health.
  - Develop additional specialist support units with a higher staff to young person ratio to provide enhanced psychological support and guidance to the most challenging and vulnerable young people.
  - Develop two 'secure schools' – one in the North and one in the South – working closely with DfE and in line with the principles set out in The Taylor Review.
20. Private sector STCs and Parc YOI are managed and held to account under detailed contracts with annual performance agreements. We want our custody reforms to apply in as similar way as possible to these establishments and we will work with them closely to apply the changes we propose.
21. Secure Children's Homes (SCHs) already provide a more integrated approach to working with children and young people but we will continue to work closely with the DfE to ensure that the most vulnerable young people sentenced to custody and placed in SCHs are held in a safe, secure and supportive environment.

## Chapter 1: The right framework for improvement

There needs to be much greater clarity and accountability in the system so that all are driving to the goal of reducing reoffending and turning lives around. We want to see an effective system – both in the community and in custody – with high standards of performance.

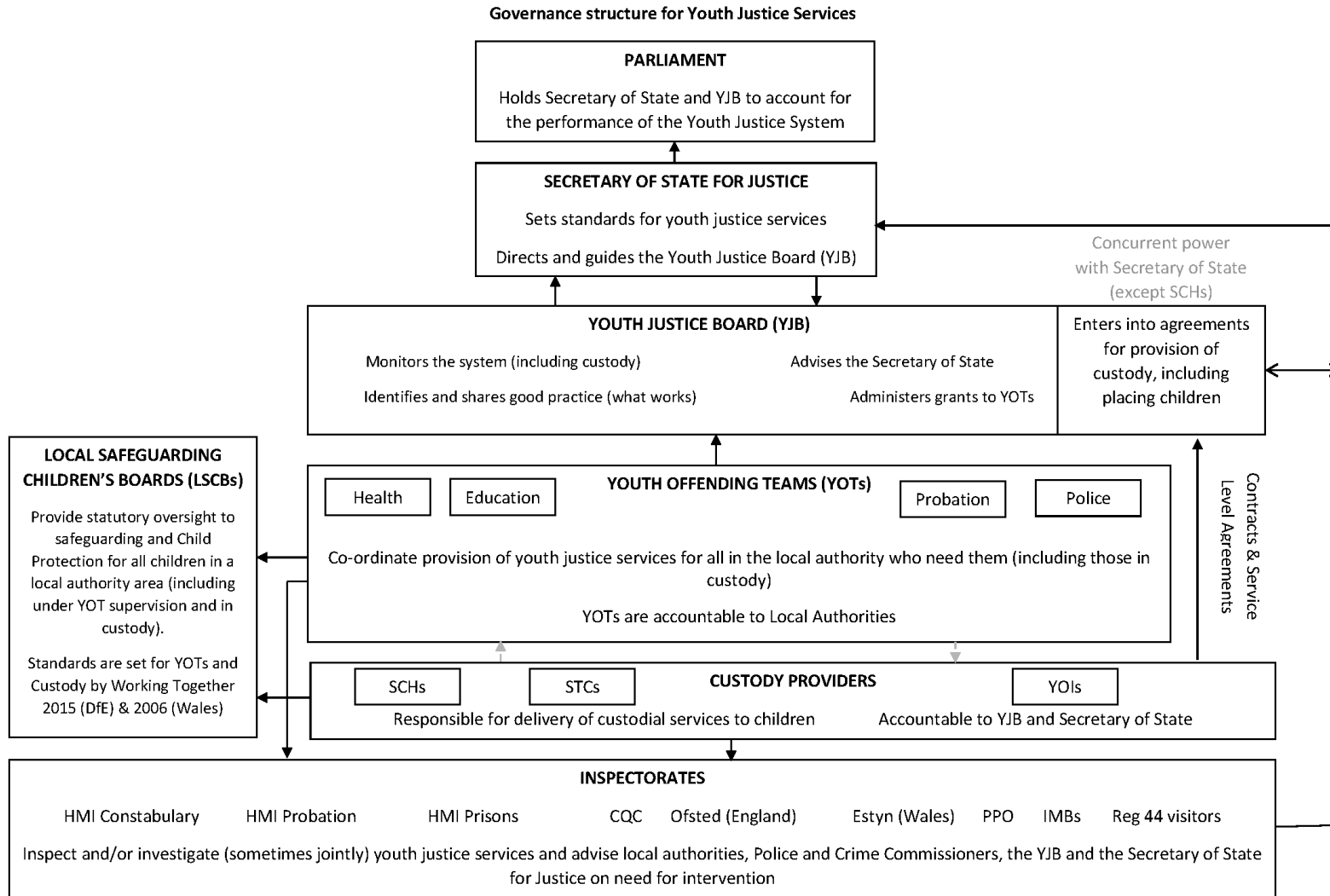
We will:

- Work with the Youth Justice Board (YJB), to review governance of the system and to set clear and robust performance standards for all those working within the community and custody.
- Clarify commissioning functions and create a single director of youth custodial operations, who can keep a firm grip on performance and act quickly and decisively in the event of failure.
- Strengthen the scrutiny and inspection arrangements for custody, creating a new mechanism for the inspectorate to trigger intervention in failing institutions, where the Secretary of State will be obliged to act.
- Continue to ring-fence grants for the provision of youth justice services within local authority funding to ensure sufficient funding for these services
- Work with local authorities to explore how local areas can be given greater flexibility to improve youth justice services.

22. The current youth justice system, a distinct system for managing 10–17 year olds at risk of offending or who have offended, was established by the Crime and Disorder Act 1998.
23. This followed a report by the National Audit Office in 1996, *Misspent Youth*, which concluded that there was a lack of central oversight of youth justice services and little co-ordination at local level, with the result that youth offending was not being efficiently or effectively tackled.
24. The Crime and Disorder Act 1998 established a clear statutory aim for the youth justice system:
  - (1) *It shall be the principal aim of the youth justice system to prevent offending by children and young persons.*
  - (2) *In addition to any other duty to which they are subject, it shall be the duty of all persons and bodies carrying out functions in relation to the youth justice system to have regard to that aim.*
25. In addition to the requirements of the Crime and Disorder Act 1998, most of the agencies within the youth justice system are covered by the duty under section 11 of the Children Act 2004 to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children.

26. At a national level, the system is overseen by the Youth Justice Board for England and Wales (YJB), a non-departmental public body created by the Crime and Disorder Act 1998. The YJB has a statutory role to advise Ministers on the operation of the system including the provision of advice on the content of minimum standards, and to monitor that system, including through making grants and monitoring performance.
27. Subsequent legislation gave the YJB statutory powers to undertake a variety of operational delivery functions. Many of these functions are concurrent with the Secretary of State for Justice – i.e. either can carry out that function, but in practice it has been that the YJB exercises these responsibilities. These functions include placing children and young people in the secure estate, contracting functions relating to education providers and the provision and operation of Secure Training Centres (STCs), and administering grants.
28. The YJB is recognised as having played a leading role in driving down the number of young people entering the youth justice system for the first time – by 82% between 2007 and 2015 – and the number in custody by 67% over a similar period. The YJB has overseen the successful establishment and implementation of Youth Offending Teams (YOTs) and made multi agency working to tackle youth offending the norm. It provides valuable, independent advice to government on issues relating to the youth justice system.
29. At a local level, every local authority (or two or more authorities acting together) is required to establish a YOT and have local statutory partners contributing to its constitution. The YOT supports the police in delivering out of court disposals, provides pre-sentence reports to the courts, and supervises young people on community sentences or following release from custody. The YJB also provides an annual grant totalling £67m (making up between 16% and 86% of individual YOTs' funding), but the majority of YOT funding comes from local authorities, with police, probation and health authorities making up the remainder. The YOT grant is currently ring-fenced for the provision of youth justice services. We want to retain this to ensure that youth justice services get the priority that we believe they should.
30. The youth justice system covers England and Wales but the majority of services for children and young people in Wales are devolved. Welsh Government departments and other partners in Wales with responsibility for areas such as education, housing, health, and social services will have a significant role to play in the delivery of this strategy.
31. Throughout this document, where English arrangements in these areas are referenced, we will explore parallel work with the Welsh Government. The Ministry of Justice (MOJ) and the YJB have a strong track record of working with Welsh stakeholders to align UK government youth justice policy with wider children's policy in Wales. We will continue this collaborative approach with the YJB in Wales and the Welsh Government. This will need to be informed by the passage of the Wales Bill through Parliament and by developments around devolution to the cities and regions of England.

**Figure 1: The current governance structure for Youth Justice Services**



32. The Taylor Review suggests that the problems which the current youth justice system was designed to address have now changed, and that the system should change as a result. It argues that the smaller number of high needs children and young people in the system require a carefully considered and coordinated response from a number of partners, and suggests that this is better achieved by freeing up local authorities to deliver services to these children and young people in the way that they see fit. The Review recommends the development of a new model of governance and accountability for the youth justice system.

**What we will do**

33. We agree that the governance of the youth justice system needs to be reformed. We will work with the YJB to review the governance and accountability framework for the whole system, with a focus on ensuring clearly defined outcomes and performance measures. Some examples of the measures we are developing are included below.

**Figure 2: Examples of Youth Justice Standards**

*The boxes below show some of the standards we intend to develop for youth custody. Where appropriate we will extend the principles to the whole system.*

<p><b>Standard 1: Protecting safety and welfare</b></p> <p>Custody needs to be a safe environment for young people and staff. The children and young people in custody often present with complex behavioural needs which if not addressed, can impact on the stability and safety within establishments. The culture and relationships within custody need to be supportive, set clear boundaries and promote an environment that is free from violence and harm.</p> <p><b>Safety</b></p> <p>We will measure the rate of assaults on young people and staff to help us improve the stability of establishments and provide safe and secure working environments.</p> <p>We will monitor the rates of self-harm to assess how effectively we are meeting the needs of vulnerable young people in our care.</p> <p>We will use data on the incidents of restraint to ensure that the measures applied to address and contain these incidents are appropriate and contribute to a reduction in violence.</p> <p>We will review responses to HM Inspectorate of Prisons (HMIP’s) annual survey of children in custody to understand how well we are keeping them safe and to understand the safeguarding culture within our establishments.</p>
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## **Standard 2: Reform**

Whilst young people are in custody, we will ensure there are opportunities and support provided to address their underlying problems and to help prevent further offending.

### ***Education***

We will develop robust measures to monitor the educational progress of children and young people in English and maths and examine measures to assess development of skills.

### ***Behaviour***

We will measure children and young people's progress against goals in their sentence plan to assess improvements in their behaviour.

### ***Purposeful activity***

We will measure time out of the room and use of segregation as a measure of establishments delivering a regime focussed on purposeful activity.

### ***Health needs***

All children and young people have a comprehensive health assessment on arrival into custody. We will monitor the numbers of medical appointments and other health-related interventions, including any instances of substance misuse to ensure we hold governors to account for ensuring health needs are met.

We will work with NHS England, Public Health England and the Welsh Government to improve the data collected on the mental health needs of young people in custody and we will use this to identify measures to assess progress made during time in custody.

## **Standard 3: Preparing for life back in the community**

The release from custody is a vulnerable time for children and young people and there is a risk of re-offending if the young person is not supported to prepare for life in the community on their release.

Joined up working between the community and custody is essential to achieving a successful transition.

### ***Tracking progress on release***

We will measure the numbers of young people that continue into education, employment or apprenticeships on release.

### ***Housing***

All children and young people should be in suitable accommodation on release and we will monitor this through our performance framework.

### ***Family***

All children should have the support of a family member or an adult mentor on release. We will seek to develop an appropriate measure of adult support.

**Standard 4: Security**

Holding children and young people securely is the primary role of custody and we need to ensure that establishments are doing all they can to prevent security failures in order to protect children and young people and staff from harm and to maintain a stable and safe environment within custody.

**Security**

Security procedures within custody need to work effectively and the performance framework will look at compliance with searching, intelligence and the safe movement of young people.

34. Performance against the most important measures will be published on a regular basis. In the custodial estate, all public sector YOIs and STCs will be measured against these standards in their service level agreements from 2017/18, although in some cases it will take us longer to implement measures. We will seek to build them, in due course, into contracts with private sector providers. We will also review the performance measures for YOTs and how they are used to ensure good quality of provision.
35. We will prioritise clarifying the commissioning and governance arrangements around custody where the position is particularly complicated, with concurrent functions shared between the YJB and the Secretary of State. The YJB currently leads on commissioning custody and placing children and young people, but a mix of providers supply places, operating under different rules with different performance and inspection frameworks. The Secretary of State is ultimately accountable to Parliament for resourcing a safe and secure estate. We will review where these functions should best sit and develop a much simpler structure. This will include creating a single head of operations with overall responsibility solely for the youth secure estate, to ensure that a firm grip is kept on performance and that action can be taken quickly and decisively in the event of any failure.
36. In the adult estate, we set out plans to strengthen the inspection and scrutiny system, including the powers and remit of HMIP. We intend to similarly strengthen the arrangements for the youth justice system, and in particular we will create a formal process to ensure that an inspectorate's findings about a custodial establishment acts as a trigger for the Secretary of State to intervene in the worst cases.
37. The Taylor Review recognises that much progress has been made in community provision, and that local services now work together in a far more effective manner. YOTs have developed considerable expertise over the years and, most importantly, a workforce who are prepared to work with, engage and support some of the most challenging and damaged children and young people in their communities.

38. Since the creation of YOTs, the number of young people in the youth justice system has fallen dramatically – since 2006/07 there has been a 74% reduction in the statutory caseload – and the smaller cohort of children and young people who are left tend to be the ones who have a range of underlying problems which need to be tackled by different agencies and professionals working together. For example, young offenders often grow up in troubled family environments, have poor education achievement (and/or attendance records), high levels of special educational need, have poor mental and physical health, have been in the care system and/or have been victims of crime themselves.
39. Despite recognition of the successful role that YOTs have played the Taylor Review recommends removing the legislative requirement for local authorities to have a Youth Offending Team (YOT) on the basis that the system is now overly centralised, and that their freedom to innovate is constrained by reporting requirements and the need to produce an annual plan. The Review also recommends removing the ring-fence on the YOT grant and rolling YOT funding into general local authority funding to give greater flexibility locally.
40. We will continue to ring-fence grants for the provision of youth justice services within local authority funding to ensure sufficient funding for these services. We believe there is a case for local authorities to be given more flexibility in how they deliver youth justice services, and we will look further at the proposals that the Taylor Review makes in this area.



## Chapter 2: Tackling Offending

We must continue to reduce the level of youth crime. Clearly the best way to do this is to intervene early and to prevent children and young people from committing offences in the first place.

We know that children and young people who benefit from a range of protective factors – at an individual, family and community level – are much less likely to offend and we must build young people's resilience through improving their access to education, health services, family support and positive role models.

When offences are committed, we recognise the importance of a proportionate response that gives young people a chance to make amends and turn their lives around so they don't commit more crimes. Where children and young people are detained in police custody they must be dealt with appropriately. We must also make sure that youth court and sentencing arrangements are swift, effective and better able to reform their offenders.

We will:

- Work with other government departments and partners including the Home Office, DfE and YJB to gather information and share best practice across the system to inform further preventative work.
- Work with NHS England and community health providers to improve how children and young people are assessed and ensure they get the treatment they need at the earliest possible stage.
- Work with the Home Office and the police to ensure children and young people are treated appropriately in police custody.
- Make the court experience more appropriate for young offenders and young victims and witnesses, by removing unnecessary appearances in court and holding first remand hearings in the youth court rather than adult magistrates' courts.
- Work with judges, magistrates, YOTs, the YJB and others to develop our approach to sentencing reform. In particular we will explore how we can further integrate the Taylor Review's principles into the current framework.
- Engage with interested parties, including the Home Office, media and youth justice interest groups, on youth reporting restrictions.
- Work with the Home Office to consider the recommendations of the Justice Select Committee's inquiry into youth criminal records.

### Prevention and early intervention

41. Prevention and early intervention play an important part in stopping children and young people from committing their first, and further, offences. Since the peak in proven youth offending in 2007, the number of cautions and convictions given to 10–17 year-olds has fallen by 79%. In addition the overall number of young people entering the youth justice system is down by 82% between 2007 and 2015.

42. Children and young people need boundaries to help them understand the difference between right and wrong. We know there are a range of risk factors that can increase the likelihood of offending behaviour and these factors can also be shared with poor child development and multiple problems in later life. These include: individual factors such as learning disabilities and health needs; family factors such as offending behaviour or substance abuse within the family; school related factors such as low attainment, bullying and exclusion; and risks arising from the community environment, including the prevalence of gangs.
43. Liaison and Diversion services are crucial for enabling appropriate support for vulnerable people that come to the attention of the criminal justice system. They are commissioned by NHS England for all ages and are available in police stations and courts across more than 50% of the country. NHS England expects to achieve full coverage by 2021 through a phased roll-out of new services. The YJB is supporting YOTs to ensure they are actively involved in discussions around commissioning and delivery of these services. The service provides a prompt response to concerns raised by the police, probation service, youth offending teams or court staff, and can provide critical information to decision-makers in the justice system, in real time, when it comes to charging and sentencing these vulnerable people. They aim to identify, assess and refer people with mental health, learning disabilities and substance misuse issues into appropriate treatment or support services.

#### ***What we will do***

44. We will reduce the factors that can increase the likelihood of offending by providing children and young people with high quality educational support and positive school environments alongside work to support families and tackle the negative influence of gangs. Where young people have health needs and come to the attention of the criminal justice system we want to ensure these are identified with children and young people given support through the criminal justice process (if that is the most appropriate action) or referral to supportive services.
45. We are undertaking an audit of prevention initiatives and collecting and sharing examples of local work, as well as central government programmes which support prevention. We will develop our approach by working with other government departments and partners including the Department of Health, Home Office, DfE, Department for Communities and Local Government, local authorities and the Youth Justice Board to gather information and share best practice across the system to inform further preventative work. We will improve data sharing and strengthen the evidence base on what works. We will focus particularly on how we can build the resilience of families and provide strong adult role models and mentors when families are not supportive, or are a negative influence. In doing this we will learn from the experience of the Troubled Families programme, particularly the 'whole family' approach and key worker model.
46. Existing prevention initiatives include:
  - Ending Gang Violence and Exploitation (Home Office) – a government programme aimed at reducing violence, including knife crime, and protecting vulnerable individuals from exploitation by gangs.
  - Tackling Knife Crime (Home Office) – earlier this year the government published the Modern Crime Prevention Strategy which sets out a range of measures to strengthen our response to knife crime.

- Disrespect NoBody (Home Office) – launched in February 2016 as a new campaign to encourage positive behaviour change on teenage relationship abuse. There will be a second phase in early 2017, focusing on consent.
  - Youth Engagement Fund (YEF) – a Cabinet Office, DWP and MOJ joint initiative that aims to tackle the attainment gap for disadvantaged young people and reduce the number of young people who become long term NEET (not in education, employment or training) and thereby also reduce their risk of offending.
  - National Citizen Service (NCS) – a Cabinet Office led initiative for 16 and 17 year olds which runs in the school holidays and involves a residential programme followed by a 30 hour community action project. The YJB has worked with Cabinet Office to promote the scheme to YOTs and encourage referrals of young people at risk of offending.
47. We will continue to work with NHS England and the Home Office to develop the Liaison and Diversion service. We will also work with NHS England in the development of their Specialist Child and Adolescent Mental Health Services for High Risk Young People with Complex Needs (Community FCAMHS) and work with the Home Office and police to ensure the most vulnerable young people with complex needs have timely access to these services.
48. Through the development of this work we aim to address gaps in provision and ensure that children and young people with complex forensic mental health needs can get appropriate community based services. We also aim to improve the route from local mental health services to secure-inpatient services; and improve how children and young people leaving custody or secure welfare care get mental health support.
49. We know that children and young people from black ethnic backgrounds are disproportionately represented in the youth justice system compared to the general population. Our approach to preventing and tackling offending will seek to understand the different experiences and drivers behind young people entering the system. Future work will be informed by the review of the treatment of, and outcomes for, Black, Asian and Minority Ethnic (BAME) individuals in the criminal justice system that the Ministry of Justice is supporting.

## **Police contact with children and young people**

50. The Taylor Review makes a number of recommendations in relation to children and young people's treatment in police custody. These include the need to ensure girls are allocated a female officer who is responsible for their welfare and proposals intended to support the quality and consistency of Appropriate Adult schemes. An Appropriate Adult is responsible for protecting the rights and welfare of a child or young person who is either detained by police or is interviewed under caution voluntarily.
51. YOTs have responsibility for the provision of Appropriate Adults for children and young people in custody where a parent or guardian is unable to attend. The Home Office funds the National Appropriate Adult Network, which is tasked with supporting agencies which provide Appropriate Adult services and sharing best practice.

### **What we will do**

52. We will work with the Home Office to ensure best practice in these areas. We recognise the need to divert children and young people from police custody where appropriate. This must be balanced against ensuring that the police are able to carry out their job in all instances, and any presumption that children and young people should not be arrested or brought into police stations would curtail the police's ability to protect the public and victims. We also recognise that there are significant provisions which protect the welfare and safety of children and young people who are suspects in police custody settings, providing safeguards such as audio recordings and medical care which would be unavailable if children and young people were interviewed in other settings. Section 31 of the Children and Young Persons Act 1933 already includes a legislative requirement to make arrangements for girls under the age of 18 to be under the care of a woman when detained in a police station. The Home Office are introducing new guidance on this as part of work to revise the Police and Criminal Evidence Act (PACE) codes of practice. We expect the revised codes to come into force early next year.
53. The law is clear that children and young people who are charged with an offence and denied bail must be transferred to local authority accommodation unless exceptional conditions are satisfied. We will work with the Home Office, police forces and local authorities to improve the monitoring and compliance of these requirements.
54. Whilst in some cases the role of an Appropriate Adult may be carried out by a professional, in many instances it will be filled by a parent or guardian. The MOJ will work with the Home Office and DfE to explore changes to training and guidance given to Appropriate Adults but recognises that there will be practical limits to the amount of information and support that can practicably be provided to parents or guardians prior to joining their children in custody.

### **Courts**

55. Children and young people who go to court need to be able to understand what is happening and take part in the process. Where a child or young person is brought before the criminal courts for an alleged offence, they will usually be tried and, where appropriate, sentenced by the youth court.
56. The youth court's procedures and physical layout are modified to help children and young people to understand and take part in the proceedings. They are presided over by specifically trained magistrates and district judges to make the process suitable for young people. To help retain more serious cases in this specialist court, the youth court has more extensive sentencing powers than the adult magistrates' courts, for example, the power to impose custodial sentences of up to 24 months (12 months in custody, 12 months in the community). Where a young person is instead dealt with in the mainstream magistrates' courts or the Crown Court, the judge can change the procedure and processes to make the proceedings as similar to the youth court as possible
57. The Taylor Review identifies a number of obstacles to the courts' efforts to provide for discrete and specialist treatment of children and young people, and to provide appropriate trial and sentencing venues. In particular, these recommendations relate to the powers available to the courts and legal representation, and highlights that in

the Crown Court, the weight of process and procedure does not sit easily with the needs of children and young people.

58. The Review recommends reforms in a number of areas:

- The support available to young defendants in criminal proceedings – so that they are accompanied by parents, guardians and carers as appropriate and are represented by advocates with experience of working with children and young people, knowledge of youth justice legislation and the right training and skills.
- Measures to alter the way that children and young people are dealt with in court – both in terms of how cases are listed and through retaining more cases in the youth court rather than sending them to the Crown Court.
- Improving the protections available to young defendants – so that youth reporting restrictions can apply throughout the youth justice system and can assist rehabilitation for longer.

### ***What we will do***

59. In September of this year, the Lord Chancellor, Lord Chief Justice, and the Senior President of Tribunals published a joint statement on their shared vision for the future of Her Majesty's Courts & Tribunal Service. As part of our reforms, we want to ensure that the court process is swift, fair and understandable for those children and young people charged with an offence.

60. As a result we are working to simplify the system to make sure that criminal offences are dealt with in the most proportionate and appropriate way, whilst guaranteeing a fair hearing. This is particularly important work as the declining number of children and young people on the criminal courts' caseload poses logistical challenges as the frequency of sittings of the youth court declines.

61. In particular we are making changes to the way cases progress through the criminal courts. By moving more services online and making greater use of video technology, we will reduce the number of times that a young person and their parent or guardian needs to travel to court. Young defendants will still ordinarily appear in person in court for trial and sentencing hearings given the importance of their engagement with, and participation in, proceedings. We will ensure defendants, parents, guardians or local authority representatives are more efficiently notified of expectations to attend trials and sentencing hearings.

62. We are also committed to supporting vulnerable and intimidated victims and witnesses, including children, when they give their evidence. This is why we are rolling out recorded pre-trial cross-examination from 2017, allowing witnesses to record their cross-examination in advance of the main trial so they do not need to attend in person. We have also established over 20 remote live-link sites across England and Wales so that vulnerable and intimidated witnesses can choose to give their evidence away from the court building.

63. In 2015 a high proportion (68%) of young people remanded securely in the magistrates' courts and sentenced did not receive a custodial sentence. Greater use of video technology will provide the opportunity for initial remand hearings to be dealt with by the youth court rather than the mainstream magistrates' courts, as can often occur now. These initial remand hearings may therefore benefit from the expertise of

judiciary and court staff specifically trained in the separate and distinct youth remand framework.

64. We share the Taylor Review's concerns about legal representation in the youth court and welcome the recent steps taken by the Bar Standards Board and Solicitors' Regulation Authority to improve the training available on youth cases. We will give consideration as to whether there should be further assistance available to young people in court.
65. We understand the concerns raised by the Taylor Review (and previously by Lord Carlile and others) as to the appropriateness of the Crown Court to hear some youth cases. However, moving more cases out of the Crown Court into the youth court raises significant questions over, for example, access to jury trial. We will therefore discuss these issues with the judiciary and other interested parties.
66. We also note the Taylor Review's concern that information published during criminal investigations revealing a young person's identity can undermine a statutory youth reporting restriction applying during criminal court proceedings; and that publication of their identity once they have reached 18 years of age can detrimentally affect rehabilitation into adulthood. It is clear that further expanding the youth reporting restrictions framework raises the significant issue of open justice, which is vital in ensuring fair trials and in maintaining the confidence of the public in the criminal justice system. We will discuss these proposals with interested parties, including the Home Office, media and youth justice interest groups in order to better understand the case for change and consider the appropriate way forward.

## Sentencing

67. The sentencing framework for children and young people is different to that for adults. The judge or magistrate in any given case must have regard, among other things, to the principal aim of the youth justice system – to prevent offending – and the sentence given should support that aim.
68. Sentences given to children and young people should address the reasons for their offending:
  - Referral Orders can be given where young people plead guilty to an offence. They are referred to a panel of two trained community volunteers and a member of the youth offending team for a minimum of three months and a maximum of twelve months.
  - The Youth Rehabilitation Order, introduced in 2009, provides a menu of 18 requirements for the court to choose from (such as education, activity or curfew requirements). This also includes two high intensity alternatives to custody (intensive supervision and surveillance and intensive fostering).
  - Custodial sentences are available for the most serious and prolific offenders. The main custodial sentence for children and young people, the Detention and Training Order, is intended to equip them with the education, skills and training they need to prevent future offending.
  - For the most serious offences, Crown Courts can sentence children and young offenders aged 10 to 17 to long term sentences and to life imprisonment (Detention at Her Majesty's Pleasure).

69. Sentencing young people is a complex process. The court must consider the seriousness of the offence and the principal aim of the youth justice system whilst balancing the welfare of the child with the need to ensure that the public and victims are protected. The pre-sentence report prepared by the local YOT is important in the court's decision on the most appropriate sentence.
70. The Taylor Review recommends taking a more holistic approach to sentencing, taking into account not just factors relating to the particular offence but also things that underlie that behaviour, taking steps to address them through a flexible process.
71. Legislation already requires those working in the youth justice system to consider the welfare of the child. There is also legislation and guidance around factors to take into account when sentencing, with custody being a last resort. We agree with the Taylor Review that sentencing must help young people to get the interventions they need to help reform their lives and prevent reoffending, and that the role of the judiciary in this could be further strengthened.
72. The Taylor Review recommends separating the process of establishing guilt and passing a sentence with the establishment of Children's Panels to take on the sentencing functions of the youth court and set a flexible plan to address children and young people's behaviour. This would represent a radical new approach to managing children who offend, and there are a range of legal and practical issues which would need to be considered in the design of such a system.
73. However, we support the principles underpinning this recommendation, which can be described as:
- Strengthening the involvement of courts and magistrates with children and young people who offend.
  - Strengthening the management of young people serving sentences in the community so that custody is used as a measure of last resort.
  - Holding both children and young people and those responsible for supporting and caring for them to account.
  - More flexible use of sentences which better address the factors that increase the risk of offending and potentially the wider welfare needs of children and young people.
  - Adopting, where possible, the characteristics of a problem-solving approach.
74. The Taylor Review also recommends restricting the availability of short custodial sentences so that when children and young people are sentenced to custody, establishments have enough time to work with them to reduce the risk of them reoffending in the future. While we recognise that a short period in custody can disrupt the life and education of a young person without necessarily giving those running the custodial establishment long enough to make meaningful progress with them, there is a risk of creating perverse incentives. We want to work with the judiciary and youth justice professionals to better understand these risks and to improve the overall effectiveness of the youth sentencing framework.

***What we will do***

75. We will work with judges, magistrates, YOTs, the YJB and other stakeholders to develop our approach to sentencing reform. In particular we will explore how we can further integrate the Taylor Review's principles into the current framework.

**Criminal Records**

76. The Taylor Review recommends that the MOJ and Home Office should develop a distinct approach to how childhood offending is treated by the criminal records system and to consider the balance between the long-term consequences of receiving a criminal record and the need to protect the public and employers from risk and promoting the reintegration and rehabilitation of young offenders.

***What we will do***

77. We recognise that criminal records in childhood can impact on future life chances. However, there are a number of cases before the courts in relation to disclosure policy as it currently stands. We also look forward to the findings of the current inquiry being carried out by the Justice Select Committee in this area. We intend to work with the Home Office to consider these and the Taylor Review's recommendations more fully following the Court's judgment.



## Chapter 3: Improving youth custody

The use of custody has fallen markedly but it will always be needed for the small number of children and young people who commit very serious crimes and present a high risk to the public.

Although the numbers of young people in custody has declined those that remain are often violent, with serious problems. Rates of violence, self-harm and restraint are too great and the reoffending rates of those leaving custody are unacceptably high.

We will take decisive action to tackle violence and improve outcomes for children and young people in custody.

We will:

- Put education and health at the heart of youth custody. We will develop a new pre-apprenticeship training pathway that will start in custody and ensure that all children and young people are in education, training or employment on release.
- Empower governors so that they can better help to reform young people.
- Boost the numbers of staff on the operational frontline in Young Offender Institutions (YOIs) by 20%.
- Introduce a new Youth Justice Officer role so that we have more staff specifically trained to work with young people. These officers will be trained on the job or recruited with experience of youth work, social work or teaching.
- Each young person will have a dedicated officer who is responsible for challenging and supporting them to reform. There will be one officer for every four young people to enable the right level of support. They will work with them on a personal plan to drive improvements in their behaviour, education and health.
- Develop additional specialist support units with a higher staff to young person ratio to provide enhanced psychological support and guidance to the most challenging and vulnerable young people.
- Develop two 'secure schools' – one in the North and one in the South – working closely with DfE and in line with the principles set out in The Taylor Review.

Private sector STCs and Parc YOI are managed and held to account under detailed contracts with annual performance agreements. We want our custody reforms to apply in as similar way as possible to these establishments and we will work with them closely to apply the changes we propose.

SCHs already provide a more integrated approach to working with children and young people but we will continue to work closely with the DfE to ensure that the most vulnerable young people sentenced to custody and placed in SCHs are held in a safe, secure and supportive environment.

78. The youth secure estate is distinct from the adult prison estate and consists of three types of establishment. The YJB makes placement decisions using the information provided by key stakeholders at the point of custody taking account of young people's individual risks, needs and the resources available:
- **Young Offender Institutions (YOIs):** These have between 60 and 340 places. The public sector YOIs are similar to adult prisons in design and accommodate 15–17 year old boys. There are currently just under 900 places in five YOIs overall. Four YOIs are operated by NOMS, and one (YOI Parc in Wales) by G4S. YOI Parc is a discrete 60 place unit on the same site as the adult prison.
  - **Secure Training Centres (STCs):** These are smaller purpose built establishments designed to accommodate between 60–80 boys and girls aged 12–17. STCs have a higher staff-to-young person ratio compared to YOIs and are used to accommodate more vulnerable young people. There are currently about 220 places across three STCs. Two STCs are run by private providers: G4S at Oakhill STC and MTC NOVO at Rainsbrook STC. Medway STC is run by NOMS.
  - **Secure Children's Homes (SCHs):** These establishments have a high ratio of staff to young people and are small facilities of between 7 to 38 beds. They are designed to accommodate boys and girls aged 10–17 who are assessed as being particularly vulnerable. They are operated by local authorities or run by providers on their behalf. The YJB currently commissions 117 places in SCHs to hold young people sentenced or remanded to custody.
79. The number of children and young people in custody has decreased substantially over the last decade from 2,900 in 2007/8 to approximately 900 under 18s in our estate now. This has allowed the YJB to decommission 22 sites (from 38 to 16) and a 64% reduction in the number of commissioned beds from 3,500 to 1,240.
80. As the number of children and young people in the system has reduced, the characteristics of those sentenced to custody have changed.
- There are fewer girls and 10–14 year olds in custody. As of September 2016 there were only 27 girls and 36 10–14 year old boys in custody.
  - There has been an increase in the proportion of BAME young people in custody. The number of young people of 'White ethnicity' declined from 68% to 58% between 2009/10 and 2015/16.
81. The Taylor Review identifies problems in delivering appropriate support to children and young people in YOIs and STCs. In particular the Review is concerned that they can be too large, too focussed on security (rather than the education and welfare of young people) and that governors have insufficient freedoms to recruit and train the right cadre of staff to work with children.
82. Children and young people in custody can be a high risk to the public but also be very vulnerable:
- 37% of boys in YOIs in 2015/16 had been in care.
  - 86% of boys in YOIs in 2015/16 reported having been excluded (either temporarily or permanently) from school in the past.
  - Around 45% were recorded as having SEN without a statement at the end of Key Stage 4. For those on custodial sentences less than 12 months, 28% had a SEN with a statement (*figures based on characteristics from academic year 2012/13*).

83. Violence in the youth custodial estate is of serious concern:

- The proportion in custody for violent offences, robbery and sexual offences increased from 54% in 2009/10 to 68% in 2014/15.
- In 2014/15, there were 16.2 assaults per 100 young people in custody per month.
- Between 2009/10 and 2014/15, rates of assaults per 100 young people in custody per month increased by 79% and, over the same period, rates of self-harm per 100 young people in custody per month have increased by 46%.
- HMIP reported that in the last 12 months there was a significant increase in the proportion of boys in YOIs who reported being victimised by other detainees (35% in 2015/16 compared with 26% in 2014–15) or members of staff (32% in 2015/16 compared with 25% in 2014–15).

84. The proven reoffending rates of children and young people released from custody remain unacceptably high:

- Post-release from custody, the re-offending rate for young people is 69% compared to 45% for adults.
- Of all young people released from custody, 35% will be sent back to custody for the first offence they commit within 12 months after release.
- The re-offending rates for those on short custodial sentences are the highest in the criminal justice system: of those released from a sentence of less than or equal to 6 months, 78% re-offended within a year.

### **Improving education and supporting young people into apprenticeships, training and employment on release**

85. Children and young people in custody have high levels of educational need. A recent data matching exercise between MoJ and DfE showed that for those sentenced to custody in 2014:

- 1% of those sentenced to less than 12 months achieved 5 or more GCSES (or equivalents) graded A\* – C including English and Maths. The equivalent figure for those sentenced to custody for 12 months or longer was 7% (figures based on results from academic year 2012/13).
- At the end of Key stage 2 (age 10/11), 47% of those sentenced to custody for less than 12 months achieved the expected level in Maths. Over half (56%) achieved the expected level in reading and 28% achieved the expected level in writing (figures based on results from academic year 2012/13).
- 44% were known to be eligible for Free School Meals at the end of Key Stage 4 (aged 15/16) in academic year 2012/13 (figures based on characteristics from academic year 2012/13).
- 31% of those sentenced to custody for 12 months or longer were looked after (had been in the care of a local authority) as at 31st March 2014. The equivalent figure for those sentenced to custody for less than 12 months was 27%.
- 9 in 10 have a previous record of persistent absence from school. Almost a quarter of those sentenced to less than 12 months in custody have been permanently excluded from school.

86. The Transforming Youth Custody Programme was a recent initiative that sought to increase the amount of education in YOIs. New education contracts which started in April 2015 introduced a requirement for children and young people in YOIs to be provided with 30 hours of education each week including 3 hours of physical exercise.

***What we will do***

87. The statistics clearly demonstrate the challenging cohort of children and young people in custody, but the high levels of need must not be an excuse for low levels of aspiration. We want children and young people to be fully occupied in education and training throughout the day with a core curriculum focussed on preparing them for employment, an apprenticeship or continued education when they are resettled back into their communities.
88. Current education contracts recognise the need to prioritise the teaching of English and maths. These subjects provide the foundation for all other learning and we will measure children and young people's progress in these subjects within our new performance standards. We will work with DfE to design measures that are robust and represent best practice.
89. To ensure that governors have the direct authority to hold education providers to account we will transfer contract management responsibility from the YJB to governors and allow them more flexibility to work with providers to decide how education is best delivered to young people in their establishments.
90. When children and young people are detained there will be a learning plan for each young person that sets clear goals including what his or her education, employment or training destination will be when he or she leaves the establishment. Our ambition is for every young person to have education, employment or training arranged with as many starting formal apprenticeships when they leave custody as possible.
91. We expect children and young people in custody to have access to the same high quality education and training that an apprentice could expect in the community. To enable this we will develop a Youth Custody Apprenticeship Pathway to offer children and young people training opportunities that will count towards the completion of a formal apprenticeship on release. We will build partnerships with employers and education providers to develop pre-apprenticeship training with the expectation that employers will agree to take on young people leaving custody as apprentices for a minimum of 12 months on release.
92. The experience of the YJB's Turnaround to Work programme suggests that many children and young people leaving custody will require intensive support to continue progress in education, training and employment on release. Many YOT workers already provide invaluable resettlement support but there are a wide range of voluntary and community partners that provide guidance and mentoring. We will strengthen our partnerships with these organisations to increase the support available for young people leaving custody and provide mentors to help them sustain employment and training.
93. The provision of sport and physical exercise as part of a balanced curriculum is important. There is good evidence that physical activity has positive effects for children and young people in terms of increasing self-esteem and reducing anxiety as well as improving their health. We believe there is scope for more innovation in this

area and will encourage governors to develop this part of the curriculum. Wetherby YOI has formed a partnership with Leeds Rhinos rugby club who run sessions one day a week. Wetherby are also training boys as army cadets and working with their education provider to deliver the Bronze Duke of Edinburgh award. At Feltham YOI, Saracens rugby club work with young adult offenders as part of their 'get onsite' programme that provides mentoring, builds career aspirations and links young people to local sports clubs on release. We will support governors and providers to develop these initiatives across other establishments.

## Improving health

94. A significant number of children and young people in custody have mental health (and other health) issues:
- 25% of boys in YOIs in 2015/16 reported emotional or mental health problems.
  - In 2014/15 there were on average 7.7 self-harm incidents per 100 young people in custody in the secure estate per month.
  - Young people in custody have disproportionately high levels of substance misuse. In a self-report study of around 500 boys and girls aged 12–18, consumption of tobacco, alcohol and drugs far exceeded estimates of the average for the general population.
  - Studies suggest 60–90% of young people who offend may have communication disorders including problems with speech, language and hearing that will significantly impact upon an individual's functioning.
  - Internationally, the prevalence of ADHD in youth prison populations has been found to be 30%, five times higher than international estimates in the general population.
95. Responsibility for the commissioning of health services in the youth custodial estate transferred to NHS England in April 2013. Since then, health services within youth custody have undergone substantial improvements. The development of an evidence based assessment tool and Healthcare Standards for Children and Young People in Secure Settings, have been significant achievements. Data now gathered by NHS England through the introduction of the assessment tool, and through performance indicators, will improve our knowledge about this group of children in the following years. However, there is more to be done to address the health and wellbeing problems of this 'high risk, high harm, high vulnerability' cohort of children and young people.

## ***What we will do***

96. Prior to entering a secure setting, these children and young people may have accessed primary health services rarely, meaning that the assessment they now have on entry to the secure estate may be the first opportunity to address, previously undiagnosed, significant health need.
97. We will invest in establishments by providing multi-disciplinary Enhanced Support Teams of health and psychology staff who will stabilise young people much more quickly through the provision of specific evidence-based interventions to address their offending (for example interventions to tackle harmful sexual-behaviour, fire setting and violence).

98. We intend to integrate these Enhanced Support Teams with the 'Secure STAIRS' approach the Department of Health is rolling out across the whole youth custodial estate. This approach is part of a nationwide transformation programme to improve mental health outcomes for children and young people (the Children and Young People's Mental Health Services Transformation Programme). This work will start in SCHs and STCs, and will then be developed in YOIs so that, irrespective of where in England children and young people are located, they receive care built on a consistent evidence-informed approach.
99. The key objective of the 'Secure STAIRS' model is to improve consistency in the day-to-day health care of the young people by front line staff. The Department of Health will fund additional specialists to enhance the current health and psychological support. These specialists will train all staff working in custodial settings (officers, teachers, nurses and instructors) on how to recognise and support children and young people with health problems. The intention is for all the different professions to have the same shared understanding of the needs of the child or young person and how to best work with them.
100. The provision of health services is devolved in Wales. A replication of the Secure STAIRS model would require the cooperation and investment of NHS Wales and the Welsh Government but a similar approach is underway with regard to training staff at YOI Parc on how to recognise trauma and support child development. We will be working with the Welsh Government and Welsh youth justice providers to learn from their practice as part of our planned engagement work.

### **Empowering governors and frontline staff**

101. We have many highly capable leaders working in youth custody. But to be effective leaders they need the control and authority to set the direction for their establishments. At present they are held back by a system that is highly complex and centralised. Many services can be poorly coordinated and often designed and commissioned above establishment level. Governors lack the levers they need to make sure that young people receive the right services at the right time.

#### ***What we will do***

102. In the adult estate we are giving governors the levers, control and decision making authority to turn prisons into places of safety and reform and we will extend this principle to the youth estate so that those running secure establishments are better equipped to reduce violence and address the problems of children and young people in their care.
103. Over the course of 2017 and 2018 we will give governors and directors greater authority over accredited programmes, education provision, health services, staffing, budgets and operating policies.
104. We recognise that this additional responsibility will require a significant change in the way we expect governors and senior managers to work. In the Prison, Safety and Reform White Paper we set out our intention to develop a comprehensive capability strategy to support our governors and senior managers in making this transition. We will also apply this strategy to governors in the youth estate.

105. As we empower governors, we will also hold them accountable for what they deliver. As set out in chapter one we are working with the YJB to develop a new outcome-focussed performance framework for the youth justice system, including youth custody. When this is developed we will use it to hold governors and directors to account for delivering improved outcomes for the children and young people in their care. This will be complemented by a strengthened scrutiny and inspection regime, including a mechanism for inspectorate findings to trigger intervention in the worst cases.

### **Building capacity and increasing the skills of the workforce**

106. It takes a great deal of skill, sensitivity and dedication to help a young person to reform in difficult circumstances. Many of the staff working in our YOIs and STCs, including custody officers, teachers, psychologists and nurses are role models for those in their care, and can have a huge impact on their lives. We have many talented and dedicated staff working with children and young people across our estate. However, the staffing profile of YOIs and STCs remains heavily weighted towards those whose primary function is security. Recruitment challenges in YOIs and high levels of staff turnover in STCs have also contributed to a workforce which can lack the experience and skills necessary to address the factors that contribute to children and young people's offending

#### ***What we will do***

107. We will increase the overall numbers of staff and transform the skillset of those working with children and young people in custody.

108. We will boost the numbers on the operational frontline in YOIs by 20%. This will ensure we have the capacity in the system to reduce the levels of violence and deliver our reform ambition.

109. Separately, we will enhance the skills of those working with young people and create a new specialist Youth Justice Officer role. Some Youth Justice Officers will be recruited externally through a new targeted campaign and others will be developed from within the existing workforce. We want these officers to demonstrate a commitment to reforming young people and to have, or have the capacity to develop, many of the skills found in youth work, social work or teaching. New recruits may come directly from these professional backgrounds, but existing staff will be supported to undertake relevant training to develop the skills necessary to take on this new role. We are in discussions with partners to design the right training offer but it will include opportunities to develop skills in child psychology, understanding when and how to use interventions, working with young people with special educational needs and effective practice in supporting children and young people to desist from crime. In the longer term we would like to see greater movement between custody and the community with practitioners able to work across both disciplines.

110. As part of our resourcing plans we will also seek to recruit a significant number of new custodial staff as apprentices. The Prison Safety and Reform White Paper outlined the approach to piloting a new Prison Officer Apprenticeship scheme and we will work to develop a similar approach for apprentices who want to work towards becoming Youth Justice Officers. This scheme will help the apprentices develop the core skills, knowledge and behaviour required to work with children and young people in custody.

111. Across all the strands of our workforce strategy we are committed to broadening the ethnic diversity of youth custody staff. We will be targeting currently under-represented groups through our recruitment strategy and as well as providing appropriate support to existing and new BAME members of staff in post.
112. Currently day to day working practices do not always allow staff the space to share their experiences and support each other. We will seek to address this by rolling out a psychologically led peer-to-peer workforce support model that includes a recognition that time must be allowed for staff working in these challenging roles to mentor, reflect and support each other.

### **A new custody support plan**

113. Currently not all children and young people in custody have the opportunity to regularly discuss their behaviour and goals with a member of staff. We want all young people to have better guidance throughout the time of their custodial sentence.

#### ***What we will do***

114. As part of our actions to tackle violence and ensure discipline and good behaviour we will introduce a new custody support plan. Each young person will have a designated personal officer who will work with a maximum of four young people at a time. The officer will meet with the young person within 48 hours of arrival and follow up with weekly meetings. The weekly meetings will provide an opportunity for the young person to talk through problems and set goals relating to behaviour, education and health. The officer will support them to retain and develop positive relationships and refer them to support services where required.

### **Improving the estate through the development of small units with specialist support**

115. Since April 2007, the fall in the number of children and young people sentenced to custody has enabled the decommissioning of 22 sites. This has resulted in a concentration of the remaining young offenders in fewer, more geographically dispersed, establishments.
116. Around 70% of the population are now held in just five YOIs. This has reduced flexibility and exacerbated safety problems. Recent research from HMIP indicates being placed further from home meant young people received fewer visits from family and professionals, and that this was also perceived to impact badly on resettlement.
117. The reduced number of establishments in the estate has also impacted on the diversity of provision and made it more difficult to address the problems of children and young people with particular needs and vulnerabilities.

#### ***What we will do***

118. To enable existing establishments to improve the care of more vulnerable young people in custody we will develop additional specialist support units with a higher staff to young person ratio to provide enhanced psychological support and guidance to children and young people with the most complex problems.



119. This approach has been notably developed at the Keppel Unit in Wetherby YOI which holds just under 45 boys aged between 15 and 18. Opened seven years ago, the unit is a national resource designed to provide more developed support for some of the most challenging and vulnerable children and young people currently in custody. Keppel has consistently achieved the highest possible inspection ratings. However, its recent performance has slipped and we intend to provide further support to ensure it can refocus on addressing the problems of an especially vulnerable group of young people.
120. There is promising evidence to support the benefits of specialist support units. The evaluation of the Keppel unit suggested that children and young people were more likely to agree that staff supported them and were more likely to talk to a member of staff about a problem than those on the YOI main site. There is also evidence from the Heron Unit that was a small custodial unit opened in 2009 to trial an 'enhanced resettlement' approach at Feltham YOI. The evaluation found 84% of young people said their relationships with staff were good; and 74% felt they had better relationships in the Heron Unit than they had previously had in other parts of the YOI.

### **Developing secure schools**

121. The Taylor Review proposes that YOIs and STCs should be replaced in the longer term by smaller secure schools situated in the regions that they serve. These should be set up, run, governed and inspected as schools, drawing on the expertise and experience of outstanding alternative provision schools (which provide education for children and young people who are unable to go to mainstream schools) and have greater freedoms for their head teachers to recruit staff and commission services.

### ***What we will do***

122. We agree with this vision and we will develop two 'secure schools' in strategic locations located close to the communities they serve. Ideally one site will be in the North of England since there is currently no STC provision for young people there, and the other will be in the South. In September 2016, 38% of the youth custody population came from London and the South East. The Welsh Government is responsible for the delivery of education in Wales, and we will work with them to consider how the principles of secure schools may apply in Wales.
123. We will place a strong focus on education and health by attracting a wider range of specialist providers and allowing them the freedom to decide how best to deliver their services. We envisage secure schools accommodating children and young people currently detained in YOIs and STCs. SCHs will still be used to accommodate the most vulnerable children and young people.
124. We want to create an environment where young people feel able to engage with care, health and education services and make good social, health and educational progress. We want them to be able to make positive progression into sustained education, employment or training placements after leaving custody, with the right Special Educational Needs (SEN) support in place.

125. Providers of secure schools will need to recruit, retain and develop a highly skilled and professional workforce with the skills, aptitude and resilience required to work with challenging young people. Within this staffing model, head teachers will have to ensure security needs are properly met but they will have freedom over the recruitment of staff and in designing how the services will be delivered.
126. In developing these schools we will work in partnership with the DfE, Department of Health and NHS England along with a range of health, education and care providers, including those with experience of delivering high quality alternative provision schools. These schools will deliver services using an evidence-based approach that includes:
- Supporting 24-hour care that addresses the social, emotional, educational and development problems of the young people.
  - Carrying out robust assessments which will enable interventions to be properly matched to the offending-related risks of individual young people.
  - Ensuring that the special educational needs of the young people are met, and that teaching takes place in appropriate sized groups, with appropriate staffing and to support and stretch all young people.
  - Working with young people's families.
  - Working effectively with education and other service providers in the community (as part of a multi-academy trust, or through other means) and starting resettlement planning for a young person's release from custody early in their sentence.
  - Integrating mental and physical health support and services into their model.
127. To make this vision a reality, we will shortly commence a process of engagement with potential providers to develop the details as to how the pilots will be commissioned and how they will operate.

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