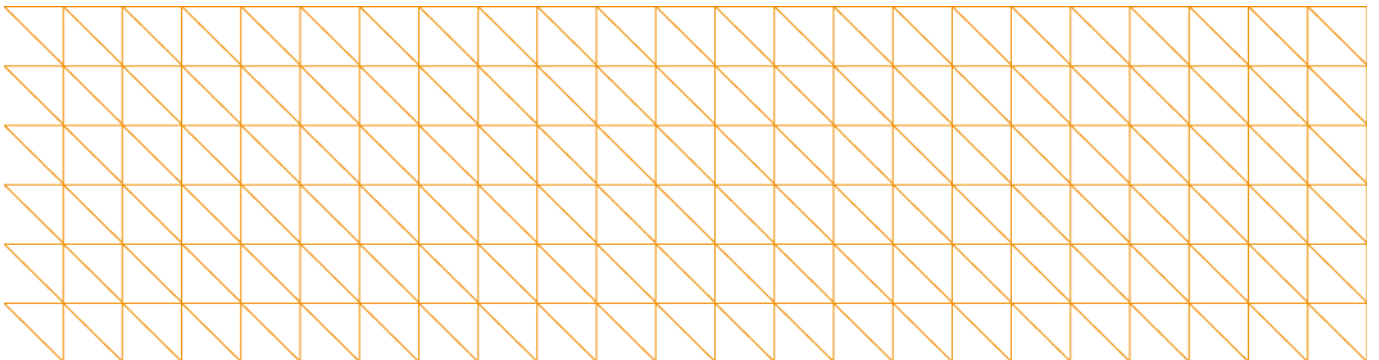




Developing the Secure Estate for Children and Young People in England and Wales

Government Response to the Consultation

Response to Consultation CP(R) 13/2011
This response is published in March 2012





Ministry of
JUSTICE

YJB Youth Justice
Board

Developing the Secure Estate for Children and Young People in England and Wales

Government Response to the Consultation

**Response to a consultation carried out by the Youth Justice Board for
England and Wales.**

**This information is also available on the Ministry of Justice website:
www.justice.gov.uk.**

About this consultation

- To:** The consultation was aimed at existing secure estate providers, youth justice practitioners working across custody and the community, children's charities and related third sector organisations, co-commissioners in health and education, local authority children's services managers, parliamentarians, young people¹ in the youth justice system and their families.
- Duration:** From 19/07/2011 to 11/10/2011
- Enquiries (including requests for the paper in an alternative format) to:** Karl Mittelstadt
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¹ Throughout this document, we use the terms 'children' and 'young people' interchangeably. We have not followed the legal definitions for either but instead intend the comments and commitments made in this strategy to apply to all those in the under-18 secure estate.

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Foreword

The government's Green Paper 'Breaking the Cycle' set out a commitment to consult on the future of the secure estate for children and young people. The recent, significant reduction in the number of children and young people in custody means that the secure estate is now going through a period of change and that presents an opportunity to take a step back and think about the quality and type of service offered to some of the most vulnerable young people in our society.

Firstly, I would personally like to thank all those people who took the time to engage with the consultation and responded. The variety, volume and quality of responses demonstrate the wide interest and importance of youth justice and custody.

I believe custody is the appropriate sanction for those young people who commit the most persistent and most serious crimes. Custody is always a last resort but can help young people face up to and address their offending behaviour. It is also an opportunity, if properly delivered, to set young people on a more constructive path.

It is critical that custody must not be treated as an isolated part of the youth justice system if reoffending rates of young people leaving custody are to improve. Effective rehabilitation requires close co-operation between custodial providers and support in the community so that young people have access to services that will help prevent further offending.

As with all aspects of public service, there are currently financial constraints on the level of change, development and reform that can be achieved. The development plans we have set out for the remainder of the spending review period will go a long way to ensuring the services commissioned for and provided to young people meet their individual needs and ensure their safety.

As well as taking forward these plans, I have asked for further work to be done on developing a strategy that will explore wider ambitions beyond the spending review period. This will include consideration of different types of provision, alternative commissioning arrangements, competition strategies, and the role of local authorities. We will engage youth justice partners as we take that forward.

I look forward to working with the Youth Justice Board in delivering these plans and developing a strategy with our youth justice partners that will ensure a safe, secure and effective custodial estate.



Crispin Blunt MP
Parliamentary Under-Secretary of State, Ministry of Justice

Introduction and contact details

This document is the post-consultation report for the consultation paper *Strategy for the Secure Estate for Children and Young People in England and Wales – Plans for 2011/12–2014/15*. It will cover:

- the background to the report
- a summary of the responses to the report
- a detailed response to the specific questions raised in the report
- the next steps following this consultation.

Further copies of this report and the consultation paper can be obtained by contacting **Debbie Woodgate, Assistant Project Manager** at the address below:

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This report is also available on the Ministry of Justice website:
www.justice.gov.uk.

A Welsh version of this publication is in preparation and will be made available on the Ministry of Justice's website.

Background

The consultation paper *Strategy for the Secure Estate for Children and Young People in England and Wales – Plans for 2011/12–2014/15* was published on 19 July 2011.² It invited comments on a number of proposals for the development of the secure estate for children and young people until 2015.

The consultation period closed on 11 October 2011. This report summarises the responses to the consultation and describes how the consultation process influenced the development of the government's plans for the secure estate for children and young people.

This report should be read in conjunction with the government's *Developing the Secure Estate for Children and Young People – Plans until 2015*,³ which sets out the actions that are being taken as a result of the consultation to improve outcomes for children and young people placed in secure establishments.

The Impact Assessment accompanying the consultation was updated to take account of evidence provided by stakeholders, as well as recent policy developments that occurred following the consultation period. The updated Impact Assessment will be published simultaneously and can be found on the Ministry of Justice website. The final Equality Impact Assessment, which has also been revised since the consultation period, can also be obtained from the Ministry of Justice website.

We are in the process of producing a Welsh language response paper and will make it available electronically shortly.

² See <http://www.justice.gov.uk/consultations/strategy-secure-estate-children.htm>

³ Youth Justice Board/Ministry of Justice (2012) *Developing the Secure Estate for Children and Young People in England and Wales – Plans until 2015*. London: Ministry of Justice.

Summary of responses

Overview

80 responses to the consultation were received from a range of stakeholders. As the chart in Figure 1 shows, the majority of responses were from youth offending teams (YOTs)/children's services, government and official bodies as well as third sector organisations with an interest and expertise in youth justice.

Figure 1. Overview of responses

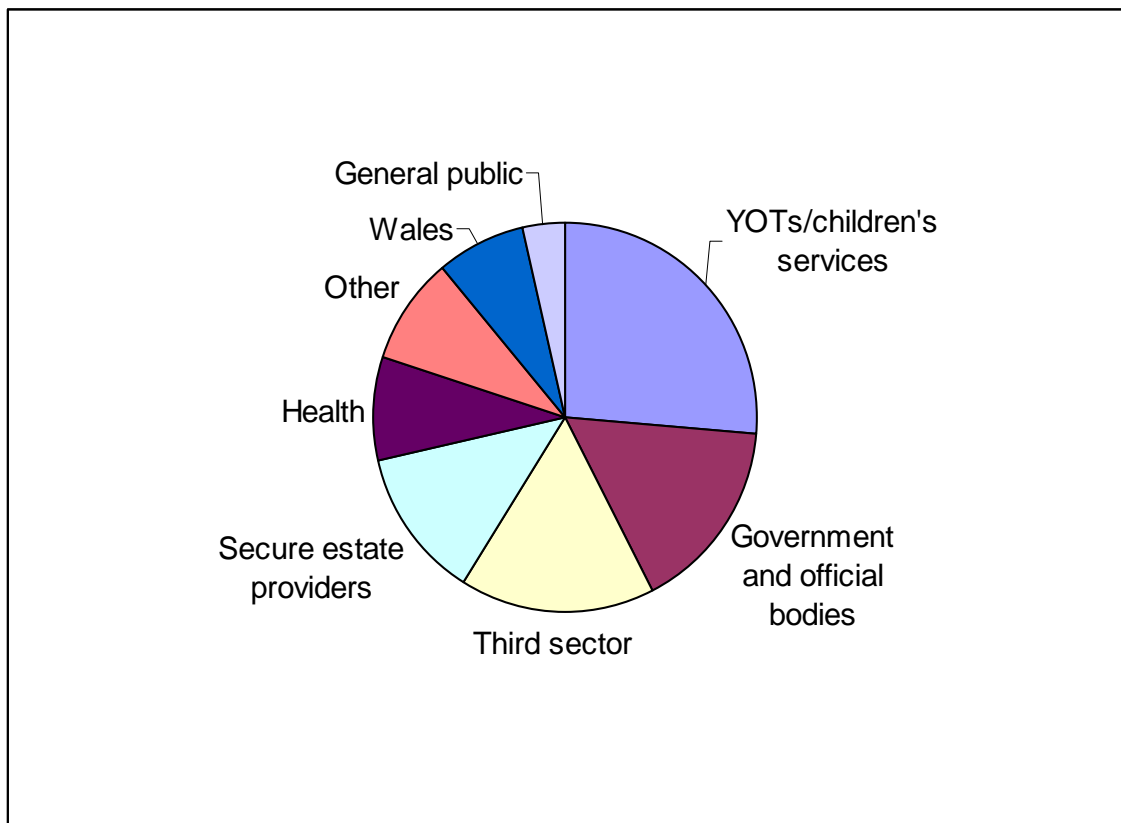


Table 1. Number and percentage of responses by type of respondents

Sector	Number of responses	Percentage
YOTs/children's services	21	27%
Government and official bodies	13	16%
Third sector	13	16%
Secure estate providers	10	12.5%
Health	7	9%
Others	7	9%
Wales	6	7.5%
General public	3	3%
Total	80	100%

A full list of respondents is provided in Annex A.

The government is fully committed to transparency and has made each response available on the Ministry of Justice's website, together with this response document.

In addition to the formal 12-week public consultation, which ran from July to October 2011, the Youth Justice Board (YJB):

- oversaw regional engagement events targeting YOTs, children's services and secure providers to promote and discuss development plans
- commissioned its existing advocacy providers Voice and Barnardo's to gather the views of children and young people placed in the secure estate
- ran a number of seminars with key third sector and government partners.

The consultation was undertaken in line with the good practice outlined in the government's *Code of Practice on Consultation*.⁴

Young people's views

A representative sample of children and young people in the secure estate was asked to complete a questionnaire and to attend a focus group. The questionnaire was designed to be age-appropriate and accessible for a range of abilities. Where required, advocates offered individual support and assistance to young people who wished to be supported in completing the questionnaire.

⁴ Department for Business, Enterprise and Regulatory Reform (2008) *Code of Practice on Consultation*. London: HM Government.

The focus groups were convened across all sectors and were facilitated by advocates with the aim of gathering further qualitative information. About 8% of the original sample attended the focus groups.

A total of 678 young people were sampled (~34% of the custodial population at the time the survey was carried out). The sample was taken from all three sectors of the secure estate and was broadly representative in terms of age, gender and ethnicity.

The questionnaire gathered the views of young people on:

- the key principles of the secure estate
- assessment and sentence planning
- access to effective regimes
- responding to need
- resettlement.

The fieldwork took place between July and September 2011. These were the key findings from the consultation.

Reducing reoffending

Young people overwhelmingly agreed on the factors that reduced their risk of reoffending (having more money, avoiding negative peer influences, avoiding drugs and alcohol and gaining employment) but less than a quarter (23%) – and even fewer Black and Minority Ethnic (BME) and female participants (19% and 14% respectively) – felt that they currently received enough help with these issues.

Effective regimes

A majority of young people in secure children's homes (65%) felt that their current establishment was the best place for them to be, but only a third of those in secure training centres (STCs) and under-18 young offender institutions (YOIs) agreed. The majority of young people did not think that a period in custody adequately prepares them for life in the community.

Integrated assessments

Only a minority of young people reported having had an initial assessment. When an initial assessment was recalled, a majority (62%) felt that the practitioner had taken the time to understand their needs.

A significantly higher proportion of BME participants than White participants, however, felt that not enough time had been taken to understand their needs at the initial assessment (35% and 22% respectively).

56% of young people recalled the development of an action plan at their first planning meeting. Again, BME participants had the most negative experiences,

with just 47% (compared to 61% of White participants) recalling the development of a plan at this stage. When the development of a plan was recalled, the majority (69%) said it was helpful to their immediate situation, but fewer (58%) saw it as helpful for the future.

Relationships with staff

These were viewed as positive by a large majority of young people in STCs (71%), but far fewer in under-18 YOIs (48%) and secure children's homes (59%), where young people's views were neither positive nor negative. Only around half felt they were given the opportunity "just to talk" in under-18 YOIs (compared to over two-thirds in STCs and secure children's homes).

Safeguarding

Although 64% of young people had rarely or never felt scared and 76% of young people had rarely or never been bullied, more than a third said they had been scared at least some of the time. 22% had been bullied at least some of the time and almost a quarter had been unhappy for long periods.

Education

Education was not rated highly by young people surveyed. Around a quarter of young people (24%) thought the choice of courses was poor, and questionnaire and focus group discussions concluded that more support in life skills would be advantageous. In general, young people said they wanted education to link more closely with the community, offer vocational courses leading to apprenticeships and provide internships and business skills.

Food

Food was rated poorly by the young people. Concerns related to small portions, a lack of variety and healthy options. Girls expressed concern about weight gain.

Views on resettlement

The most pressing concerns for young people were having enough money to survive, accessing sustainable accommodation and relevant and sustainable education. A significant majority (73%) said that staying in touch with parents or carers was "very important". It was family, the YOT and the young people themselves who were considered the most important players in planning for release. Focus group discussions highlighted that plans did not go far enough to prepare for the realities of day-to-day life and maintain routine for the individuals.

The views of children and young people in the secure estate have influenced the development of the government's proposals, as well as shaping the government's response outlined in this document – particularly in relation to the provision of food and effective provision of resettlement services. The full report by Voice and Barnardo's has been published alongside this response.

Consultation responses

The consultation exercise did not limit responses to a set of fixed questions and encouraged contributions on any aspect of the consultation document. Following a careful evaluation of all responses received, it has been possible to identify a small number of key themes put forward by stakeholders. These are outlined below. Responses to the specific consultation questions are set out separately, later in this document.

Presentation

A number of suggestions were made on how to improve the document – both stylistically and in terms of its content. Many stakeholders requested greater clarity on the future direction of the secure estate, and the inclusion of an acknowledgement of the issues that the secure estate is currently facing. A number of respondents requested a more detailed overview of current population characteristics in the document. Some responses, furthermore, argued for greater detail on how the development plan will be implemented.

We agree with the suggestions made and, as a result have:

- included a vision statement
- set out current operational challenges in the under-18 secure estate
- provided greater clarity on the processes we have in place to effectively implement the development plans
- provided references where further information can be found on the characteristics of the current population.

Responding to disproportionality and promoting equality

A number of responses drew attention to the over-representation of BME children and young people in custody – and the fact that this cohort tends to have less favourable outcomes when placed in custody. The findings of the survey undertaken with children and young people in the secure estate confirmed this and reflected findings from previous surveys, including the annual reports on young people's experiences in under-18 YOIs published jointly by the YJB and HM Inspectorate of Prisons.⁵

In 2010/11, young people from a Black ethnic background accounted for 17% of young people in custody – an increase of 4% from 2007/08.⁶ In comparison,

⁵ See <http://www.justice.gov.uk/publications/inspectorate-reports/hmi-prisons/thematic-research.htm>.

⁶ Source: Ministry of Justice (2011) *Youth Justice Statistics 2010/11 (England and Wales)*. London: HM Government.

young people from a Black ethnic background make up 3% of the general 10 to 17-year-old population.⁷

Subsequently, a great number of stakeholders requested more detail on how the government proposes to respond to disproportionality in the secure estate for children and young people.

We recognise that more needs to be done to ensure that providers are promoting equality and addressing discrimination proactively in practice and have therefore amended the final development plans to provide more clarity on the steps we intend to take. Specifically, we have:

- re-drafted the principles to be more specific about recognising diversity and promoting equality
- outlined our intention to undertake further work into understanding why BME children and young people continue to have less favourable experiences in custody compared to their White peers
- considered how best to support our providers to develop effective structures and practices to promote equality and actively address any discrimination.

The use of custody for under-18s

A number of stakeholders – particularly from the third sector – argued for the introduction of statutory safeguards to ensure that custody is only used as a last resort, reflecting obligations under the United Nations Convention on the Rights of the Child (UNCRC). In addition, a small number of responses called for the age of criminal responsibility to be raised.

The principal aim of the youth justice system in England and Wales is to prevent reoffending and the courts are required to consider the welfare of the young person when sentencing. Reflecting this aim, the sentencing framework for under-18s is significantly different to that for adults, and is underpinned by the Sentencing Council's recent publication *Overarching Principles for Sentencing Youths*.⁸ The guidelines ensure that sentencers are able to consider the most appropriate interventions based on an assessment of the young person, taking into account their individual needs and offending behaviour.

The government's view is that, from the age of 10, children are able to differentiate between bad behaviour and serious wrongdoing. Setting the age of criminal responsibility at 10 allows frontline services to intervene early and robustly, prevent further offending and help young people develop a sense of personal responsibility for their behaviour. In practice, it is only a very small

⁷ The 10 to 17-year-old population is based on the mid-year estimate for 2009. This is the latest data available with an ethnicity breakdown.

⁸ http://sentencingcouncil.judiciary.gov.uk/docs/web_overarching_principles_sentencing_youths.pdf.

number of cases where very young people offend so seriously or persistently that custody is the only way to prevent reoffending and protect the public. Sending a very young person to custody is a last resort and courts must consider a number of alternatives (for example a high intensity Youth Rehabilitation Order) and explain why this alternative is not appropriate should a custodial sentence be imposed.

We furthermore accept that prosecution through the courts is not always the most appropriate response to youth offending. The majority of youth crime is addressed using out-of-court disposals. While it is not our intention to commit to raising the age of criminal responsibility, we are explicit about the fact that the use of custody for children and young people should always be a last resort.

Adopting the United Nations Convention on the Rights of the Child

A large group of third sector organisations called for the full incorporation of the UNCRC into the commissioning principles outlined in the strategy.

In 2010, the government reaffirmed its commitment to the UNCRC by announcing through a Written Ministerial Statement that it will always give “due consideration to the UNCRC Articles when making new policy and legislation.”⁹ There are, however, presently no plans to incorporate the UNCRC into domestic legislation, nor is there is a requirement in the UNCRC to be incorporated into a single piece of legislation.

The approach is to deliver the UNCRC outcomes through a mixture of legislative and policy initiatives. The government’s main focus at present is to embed a culture of compliance across Whitehall, building on its commitment to the UNCRC in policy-making and new legislation.

A balanced diet

A small number of specific responses from third sector organisations highlighted the need to review the current quality and provision of food in custodial establishments for children and young people. This was also clearly reflected in the responses received from young people themselves. Specific concerns related to the quantity, quality and selection of healthy food options.

Secure estate providers are responsible for providing young people with access to a healthy and balanced diet. Current service level agreements (SLAs) and contract specifications already clearly stipulate this requirement.

However, the YJB recognises the significance of this issue and, as commissioner of secure places, has a key role to play in supporting providers in the delivery of appropriate services to children and young people. We set out in the development plans the steps we will take to improve catering arrangements.

⁹ <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm101206/wmstext/101206m0001.htm>

Placements and closeness to home

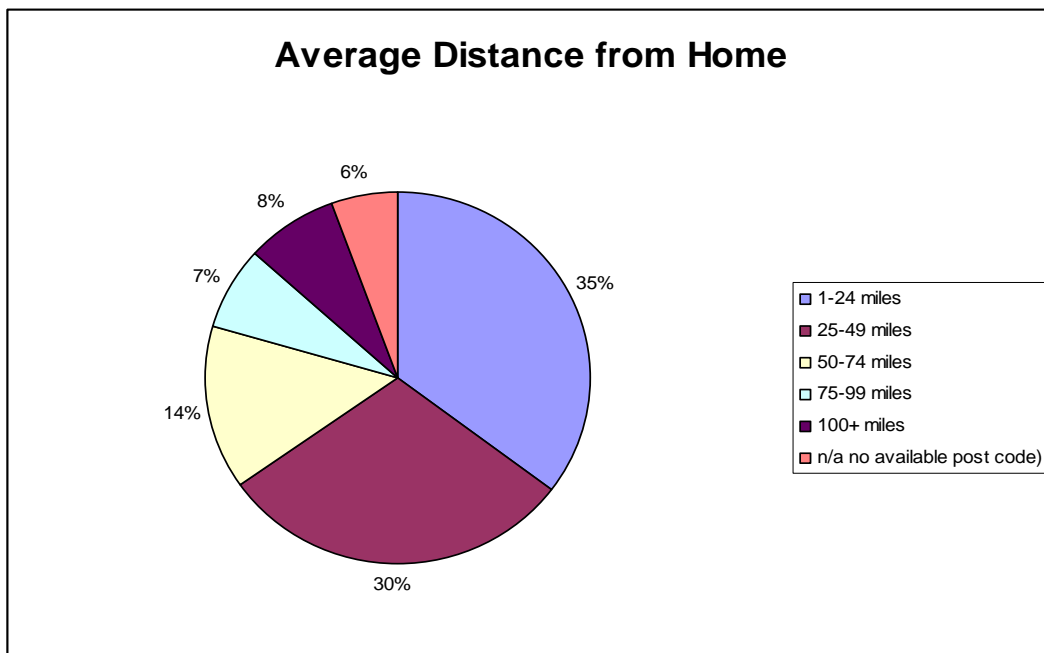
The decline in numbers of young people being placed in the secure estate – and the subsequent decommissioning of excess capacity to better align demand with supply – has led to a secure estate which comprises fewer and more geographically dispersed establishments. This can have an impact on the ability to place children and young people close to their home.

A significant number of stakeholders – including YOTs and children’s services representatives – commented on the difficulties this entails for the successful resettlement of children and young people back into their home communities.

The YJB uses its commissioning powers to balance a shrinking estate with the need to ensure the appropriate supply of establishments that are best able to meet the needs of children and young people.

A recent snapshot analysis of the YJB’s placement data taken from 1 December 2011 reveals that four out of five children and young people were placed within 75 miles from their home community. See Figure 2 below.

Figure 2. Average distance from home



This presents a slight fall since August 2009 (84%) – prior to the YJB’s most recent decommissioning activities in which about one third of all under-18 YOI provision was decommissioned.

Although there are regional variations, the national average distance on 1 December 2011 was 51.7 miles. Of the 21% of young people placed more than 75 miles away from their home, 68% were placed into under-18 YOIs, 13% into

STCs, 9% into secure children's homes and 10% into enhanced provision (e.g. the Keppel Unit). The young people placed in STCs, secure children's homes and enhanced provision were not placed into under-18 YOI provision because of their particular needs. In some cases, this meant that young people had to travel further to access the most appropriate services for them.

The YJB places young people into the establishment that is best able to meet their needs. In some instances, this may mean placing a young person in an establishment that is not the closest to their home. The YJB continues to monitor carefully distance from home when making placement decisions.

When the YJB assumed the central placement function, a commitment was given to ensure that 90% of young people are placed within 50 miles of their home community. This commitment was informed by the trends for custody and configuration of the estate at that time.

The YJB has already moved away from this explicit commitment and has not included it in its corporate targets for a number of years. Against the backdrop of falling demand and a shift towards placing young people based on individual need, it is unrealistic and inappropriate to continue to make this commitment.

The future plans for the secure estate furthermore recognise the particular pressures on secure provision in London and the South East, where demand for secure places outstrips existing provision. To this end, initial discussions between the YJB and NOMS have already taken place in order to ensure appropriate levels of service provision can be developed.

Diversifying service provision

The consultation document outlined two proposals to diversify current custodial provision. Using powers under the Powers of Criminal Courts (Sentencing) Act 2000, as amended by section 34 of the Offender Management Act 2007 (OMA), it was suggested that a small number of places on a spot purchase basis in accommodation outside of the existing secure estate could be commissioned. Specifically, the consultation suggested that this power would enable the YJB to:

- place a young person with exceptional health, welfare or behavioural issues into a more appropriate facility outside the secure estate, and
- develop a limited number of smaller, satellite sites that aid resettlement back into the community, some of which may be open or semi-independent living accommodation.

The use of the provision under the OMA was widely supported by respondents. A very small minority argued that the introduction of new types of 'youth detention accommodation' may lead to an increase in the use of custody.

Following further consideration during the consultation period, the government has decided that the public protection risks associated with the proposals as presented, when balanced against the benefits, do not justify further, necessary

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legislation. The small number of young people potentially affected by this provision can be managed within the existing secure estate and young people with acute mental health needs will continue to be transferred into secure mental health provision.

We will continue to develop and diversify custodial provision by working with local authorities to develop innovative ways in which resettlement outcomes for children and young people leaving custody can be improved.

Responses to specific questions

The consultation document contained a small number of specific questions. The responses received are summarised below, together with the government's response.

Principles and priorities

The consultation asked:

- Do you agree with the principles stated in this document?
- Are there any significant areas that are not covered?

The majority of respondents – including children and young people – agreed with the principles as stated. However, some remarked that the principles could be reworded from a young person's point of view. In addition, some respondents commented on the perceived lack of ambition and the lack of a focus on children and young people.

A number of additional principles were requested, most prominently calling for a stand-alone resettlement principle. Other suggestions included a principle on relationships between staff and young people, and also between young people and their families/carers.

We are grateful for these helpful responses and have taken the following actions:

- We have dropped the 'placement principle' as this is very much an operational concern rather than a principle of service provision. Issues of placement remain important and are outlined in the document.
- After careful consideration, we have not included a separate principle on resettlement. This is primarily due to the fact that the YJB's commissioning powers do not stretch to resettlement services in their entirety. We recognise this is a primary concern for children and young people, and we have included a section on resettlement in the document. This outlines the actions we are taking to ensure that children and young people leaving custody access services that enable them to lead successful and crime-free lives.
- We have furthermore strengthened the emphasis on effective sentence planning as part of the assessment and sentence planning principle. In addition, we have strengthened the emphasis on the end-to-end nature of young people's orders and the need from the outset to plan for resettlement.

The development of enhanced units

A key proposal contained within the strategy was the development of enhanced units to better meet the needs of children and young people – especially those who are placed in under-18 YOIs. We asked the following questions:

- Do you agree with the aim of developing enhanced units (within larger establishments) to address the needs of a small number of young people with particularly complex needs?
- What more can be done to meet the needs of young people in custody?

The response to proposals to develop enhanced units was favourable – in particular from YOTs, children’s services and inspectorates. Some concerns were raised by third sector organisations that the introduction of enhanced units in larger under-18 YOIs may lead to a two-tier secure estate. In addition, consultees pointed out that all service provision should be enhanced and that the introduction of enhanced units in under-18 YOIs was an admission of their lack of a child focus.

Representatives from both the STC and secure children’s home sectors argued that the services they provided could already be seen as delivering enhanced services.

The government recognises the unique contribution made by STCs and secure children’s homes and that there will be some young people for whom only a secure children’s home environment is appropriate. However, for some young people, a placement in a secure children’s home or STC is not appropriate due to their age or their particular configuration of risk and need. They would, however, benefit from more enhanced provision in under-18 YOIs.

For these young people, enhanced units provide an environment in which their needs can be effectively met. We have seen the development of effective and appropriate provision for children and young people with complex needs in the Keppel and the Willow Units. The introduction of enhanced units has also triggered improvements to services more widely in under-18 YOIs – in particular in relation to workforce development and recruitment practices.

Over the course of the spending review period we will therefore seek to increase this type of provision. The development of such units will enable us to continue to move towards commissioning services that are distinctive and able to meet the particular needs of children and young people. We therefore view the introduction of enhanced units as a necessary stepping stone in this direction. The short-term risks of creating a ‘two-tier’ secure estate are outweighed by the wider benefits.

After careful deliberation about the concerns raised, and for the reasons outlined, we have reflected in the development plans our intention to continue to develop enhanced units.

Responding to decreasing demand

The consultation document outlined the government's stated proposals to respond to the decrease in demand for secure places. Given the fall in demand for secure children's homes and STC beds in particular, the strategy outlined that decommissioning is likely to be in these sectors.

The specific questions we asked were:

- Do you agree with the proposals for adjusting to decreasing demand?
- What role should market testing play in this process?

A majority of respondents who commented on these questions were critical of our proposals. This was for a number of reasons:

- There is currently an absence of robust evidence regarding the outcomes achieved by each individual sector. It is therefore difficult to make assertions about the relative value of each sector.
- There was a widely held view that STCs and secure children's homes – and the regimes they are able to offer – are the most appropriate environment for children and young people.
- It was felt that any plans to decommission from the STC or secure children's homes sectors would contravene the YJB's own commissioning principles – especially the principle of commissioning a 'separate, specialist estate for children and young people'.
- Given the small size of the secure children's home sector, further reductions in the sector could impact negatively on the YJB's ability to place each young person according to their need.
- The YJB places younger children and those with particular needs into secure children's homes and STCs. Respondents were concerned that further decommissioning could result in a lack of secure children's home and STC beds for vulnerable older young people.

In addition, concerns were raised regarding the proposed approach to market testing, particularly about the fact that the government's current market testing strategy is solely adult focused, with little or no recognition of the particular configuration of the under-18 sector.

We acknowledge the depth of feeling on this issue and furthermore recognise both the contribution of secure children's homes and STCs, and that there will be some young people for whom only a secure children's home environment is appropriate.

We recognise that the current evidence base regarding outcomes achieved by sector is limited. We therefore need to more fully understand whether differences between the three sectors of the secure estate – including costs – are reflected in the rehabilitation and reoffending outcomes achieved.

This knowledge is difficult to develop. The YJB has, however, commissioned the ‘Young People, Interventions, and the Secure Estate’ evaluation, a large-scale cohort study which examines:

- whether the separate regimes and interventions can be shown to be cost-effective in light of the different needs, risks, and characteristics of the young people serving their sentences in the respective establishment types
- whether there is an apparent link between young people’s experiences and programmes/interventions received while in custody and reconviction rates after release
- whether programmes and interventions received while in custody are tailored to needs and risk factors.

The final stage of this study is a 12-month reconviction analysis, which will include a cost-effectiveness component. We anticipate publishing these findings in 2013. The focus of the cost-effectiveness element of this study will be to establish how the costs of each type of institution compare with the outcomes (and subsequent savings) for the young people in the establishment, taking into account the different needs and risks of the young people in each establishment type.

We already know that reoffending rates are highest for young people who have received a custodial sentence. In 2009, the reoffending rate was 69.7% for children and young people leaving the secure estate, compared to an overall reoffending rate of 33.3% across the youth justice system.¹⁰

The recently published *Youth Justice Statistics 2010/11*¹¹ allow for the first time a comparison of reoffending rates between different sectors. In 2009, the reoffending rate was 70% for under-18 YOIs, 69.2% for STCs and 79% for secure children’s homes. It is difficult to draw comparisons from these figures given the differing characteristics of young people who leave establishments in terms of age, maturity and offending histories, as well as the different regimes experienced prior to release.

While these statistics and the findings from the proposed research will not enable a direct comparison of outcomes between the different sectors, they should help us to better understand the effectiveness of interventions delivered in each establishment and the outcomes achieved.

¹⁰ Ministry of Justice (2012) *Reoffending publication: Proven reoffending statistics – quarterly bulletin April 2009 to March 2010*. London: HM Government.

¹¹ Ministry of Justice (2012) *Youth Justice Statistics 2010/11 – England and Wales*. London: HM Government.

Finally, the YJB operates in a tight fiscal environment and is required to contribute to the government's savings targets. It is therefore important to commission a cost-effective secure estate. Recent excess capacity experienced in the secure children's home and STC sectors is not cost-effective and is unsustainable in the long-term.

We therefore propose to continue with our programmes of recontracting with STCs and secure children's homes and reducing the overall levels of service in these sectors. The decision is based on the need to better align demand with supply.

A distinctive under-18 secure estate

A key principle guiding the government's work in this area is the commissioning of secure services that are operationally and structurally separate from those for adults. The consultation document recognised past progress, and outlined the work we are planning, to ensure that this is achieved in full.

We asked:

- What further work could be undertaken to contribute to the establishment of a completely distinct secure estate for children and young people?

A large number of responses felt that the everyday operational reality of the secure estate was far removed from the principles articulated in the consultation document – particularly in under-18 YOIs. Some respondents doubted whether under-18 YOIs would ever provide the right environment and services required to effectively meet the needs of young people placed there.

The plans reiterate our wish to commission an estate that is distinct from services delivered to adults. We also clearly recognise that the under-18 YOI sector can lack a distinct focus on service delivery for children and young people. However, we must also recognise that NOMS will remain our main provider of custodial services for the foreseeable future.

In response, we have more clearly articulated our desire to ensure services provided in under-18 YOIs are distinct in their focus on children and young people. Alongside existing work in relation to the recruitment and training of staff, this now crucially includes a call to review existing management and governance structures within NOMS as well as operating manuals in under-18 YOIs.

A full and purposeful day

Reflecting wider government commitments to ensure that prisons become places of work, the consultation articulated what this means for children and young people placed into custody. A primary concern was ensuring greater access to effective interventions that address offending behaviours.

We asked the following questions:

- What more could be done to ensure the development of effective interventions in secure establishments?
- What role should the YJB play?

This question resulted in a great variety of responses. YOTs and children's services in particular were particularly keen to emphasise the need for more joined-up service provision between custody and community. This could take the form of interventions in custody being delivered by YOT staff.

Third sector representatives appreciated the recognition that better interventions are required, and acknowledged the role the YJB has to play. The YJB's involvement should principally be to support secure establishments to deliver services that are flexible enough to meet the holistic needs of each individual child and young person in the secure estate. In addition, there was a call to ensure the strategy better articulates what effective practice looks like and describes how the YJB will ensure service standards are consistently met.

Responses from professional bodies suggested the YJB should make a greater commitment to establishing and disseminating effective practice.

In response to these suggestions we have:

- reflected stakeholder concerns in the principles
- included a new principle which emphasises the need to commission services based on available evidence, and the role of the YJB to identify and disseminate effective practice
- described how the YJB will support the identification and dissemination of effective practice in custodial establishments.

Effective resettlement

Ensuring that children and young people are resettled effectively is a vital component to ensuring they are able to live successful, fulfilled and crime-free lives. Providing access to suitable and sustainable accommodation, education, training or employment (ETE) and health services on release from custody is a crucial first step towards achieving this aim. The work undertaken in custody to plan for release and prepare young people for the transition contributes to successful resettlement.

As part of the consultation we therefore asked stakeholders the following question:

- What are the most effective ways for the YJB to support providers so that services in custody and services in the community are better connected and complement each other?

Responses from YOTs and children's services supported the recent development of resettlement consortia, and reported that these arrangements have substantially improved the resettlement process. However, a number of stakeholders wondered whether the YJB could do more to ensure consistency of provision nationally – and support those YOTs that are currently not part of a consortium.

We recognise that resettlement plans are not always finalised in time for release, which understandably worries young people and frustrates case supervisors. The survey of children and young people undertaken as part of the consultation revealed that they were particularly concerned about access to substance misuse services on release.

One idea suggested in the consultation document was for the YJB to commission smaller satellite sites to assist in the resettlement process. This was strongly supported by respondents. As outlined above, we will not be legislating for new forms of accommodation through section 34 of the Offender Management Act. However, we will continue to work with local authorities to develop innovative ways to ensure resettlement processes are as effective as possible – including specifically the wider use of resettlement consortia.

Finally, a number of YOTs and children's services expressed an interest in working more closely with secure establishments. Specific ideas included:

- the development and delivery of interventions in custody by YOTs
- increasing joint training opportunities.

As a result of the feedback received, we have reaffirmed:

- our commitment to work with local authorities to ensure resettlement processes are effective
- our commitment to work with YOTs to ensure the effective transmission of information
- the importance of resettlement planning as part of the sentence planning process.

Future of the under-18 secure estate

Although the consultation was focused on plans for the remainder of the spending review period, we also sought views on a longer-term approach for the under-18 secure estate with the following question:

- What are your views regarding the longer-term constitution of and vision for the secure estate, including your suggestions about:
 - different types of provision
 - alternative (co-) commissioning arrangements
 - further development to regimes
 - delivery mechanisms
 - competition strategies

- the role of local authorities
- configuration of the estate
- the development and delivery of Offending Behaviour and other programmes
- improving resettlement opportunities?

Compared to other questions, this question received only a limited number of responses from stakeholders. Of those who responded, a vast majority commented on the youth justice system in its entirety – calling for instance for an increase in the age of criminal responsibility or the expansion of preventative work to reduce the number of young people in custody.

Common to the responses that dealt more directly with the secure estate was the clear opinion that the under-18 secure estate should be entirely separate from adult services, so that a separate identity and culture can be developed. This development should take place within a framework that is fully focused on the ensuring the rights of children (as outlined in the UNCRC) are met. It was also suggested that oversight of the under-18 secure estate should be shared by the Ministry of Justice, Department for Health and Department for Education. This could better enable services to meet the underlying needs of young people placed in custody – especially ensuring access to effective health, mental health and learning and skills provision.

There were calls for greater local authority involvement in the commissioning and design of services, particularly around knife crime and gang issues. Some responses called for a greater involvement of further education colleges in the provision of education in custody. This could be facilitated by introducing payment-by-results approaches to contracts with colleges.

Respondents were clear about the need to ensure that services delivered in custody have to be entirely focused on the needs of young people. Specific suggestions included basing custodial approaches on life course approaches or attachment theories, with a specific focus on early intervention and prevention.

In terms of the configuration of the estate, respondents called for the development of small units – run along the model of secure children’s homes – in each urban conurbation, which would enable children and young people to be placed close to their home communities. Some stakeholders called for further differentiation of current provision. Specific suggestions included the development of step-down and semi-open establishments, as well as rethinking current accommodation support offered to young people on release.

Although this question only generated a small number of responses, we recognise that we should be considering policies that could shape the estate beyond the spending review period, including for example, our approach to competition. We will undertake further work to develop a longer-term strategy for the under-18 estate and will involve youth justice partners in this work.

Conclusion and next steps

This document has outlined responses received to the consultation on the strategy for the secure estate for children and young people. It also set out how the responses have shaped the final development plans. The government's plans for the secure estate, *Developing the Secure Estate for Children and Young People – Plans until 2015*, is published alongside this response and available on the Ministry of Justice website.

Over the course of the spending review period, the YJB will be working with its government partners to ensure that work is implemented effectively. More details on implementation processes will be published as part of the YJB's corporate business planning cycle, which is publicly available.

As a priority, the YJB is already working with its advocacy providers Voice and Barnardo's to explore how messages about the development plans can best be fed back to children and young people in the youth justice system. In addition, the YJB is also publishing the findings from the survey of young people.

Consultation co-ordinator contact details

If you have any comments about the way this consultation was conducted, please contact Sheila Morson on 020 3334 4498, or email her at: sheila.morson@justice.gsi.gov.uk.

Alternatively, you may wish to write to the address below:

**Ministry of Justice
Consultation Co-ordinator
Legal Policy Team
Legal Directorate
6th Floor, 6.37
102 Petty France
London SW1H 9AJ**

The consultation criteria

The seven consultation criteria are as follows:

1. **When to consult** – Formal consultations should take place at a stage where there is scope to influence the policy outcome.
2. **Duration of consultation exercises** – Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
3. **Clarity of scope and impact** – Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
4. **Accessibility of consultation exercises** – Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
5. **The burden of consultation** – Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
6. **Responsiveness of consultation exercises** – Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
7. **Capacity to consult** – Officials running consultations should seek guidance on how to run an effective consultation exercise and share what they have learned from the experience.

These criteria must be reproduced within all consultation documents.

Annex A – List of respondents

YOTs/children's services
Buckinghamshire County Council Children and Young People's Services
Coventry Youth Offending Team
Devon Youth Offending Service
Durham County Council
East Riding Youth Offending Team
Haringey Youth Offending Service
Kent Youth Offending Service
Knowsley Metropolitan Borough Council Directorate of Children and Family Services
Leeds Youth Offending Service
Leicestershire Youth Offending Service Management Board
Lincolnshire County Council
Manchester City Council
Medway Youth Offending Team
Newport Youth Offending Service
Norfolk Youth Offending Team
Nottinghamshire Youth Justice Partnership
Oxfordshire Youth Offending Service
St Helens Metropolitan Borough Council Integrated Youth Support Services
Staffordshire Youth Offending Service Management Board
Suffolk Youth Offending Service
Thames Valley Youth Offending Team
Third sector
Action for Prisoners' Families
Catch 22
Childhood Bereavement Network
Children's Rights Alliance for England (CRAE)
Clinks and the National Council for Voluntary Youth Services (NCVYS)
Coram Children's Legal Centre
Foyer Federation
Leap Confronting Conflict
National Children's Bureau (NCB)
Prince's Trust
Standing Committee for Youth Justice (SCYJ)

**Developing the Secure Estate for Children and Young People in England and Wales –
Government Response to the Consultation**

Transition to Adulthood Alliance (T2A)
Voice
Government and official bodies
ADCS
British Association of Social Workers (BASW)
Care Quality Commission
Department for Education (DfE) Children in Care Division
HM Inspectorate of Prisons
Lord Ramsbotham
Magistrates Association
Mayor of London
National Council of Independent Monitoring Boards
National Treatment Agency for Substance Misuse (NTA)
Office of the Children’s Commissioner (OCC)
Ofsted
Probation Chiefs’ Association (PCA)
Others
Arts Council England
Devon and Cornwall Constabulary
Independent Academic Research Studies (IARS)
Newcastle University
Public and Commercial Services Union (PCS)
Responsive Solutions
Skills for Justice
Secure estate providers
Aycliffe Secure Children’s Home
Barton Moss Secure Children’s Home
G4S
Hillside Secure Children’s Home
Lucy Faithfull Foundation (LFF)
National Offender Management Service (NOMS) – Young People’s Team
Secure Accommodation Network
Warren Hill Young Offender Institution
Warren Hill Young Offender Institution (Governor)
Young Offender’s Academy Project Independent Steering Group
Health
British Psychological Society
Centre for Mental Health

**Developing the Secure Estate for Children and Young People in England and Wales –
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Mencap
National Secure Forensic Mental Health Service for Young People
Royal College of Psychiatrists' Adolescent Forensic Special Interest Group
Royal College of Speech and Language Therapists
Young Minds
Wales
Children's Commissioner for Wales
Estyn
Gwalia Care and Support
Healthcare Inspectorate Wales
Rhondda Cynon Taf County Borough Council
Welsh Government
General public
Three submissions

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Alternative format versions of this report are available on request from the YJB (tel: 020 3372 7891).