

Developing the Secure Estate for Children and Young People in England and Wales – Responses to the Consultation (A–F)

This document reproduces responses to the consultation received from the following organisations/individuals. Responses are reproduced exactly as received, except for the addition of the organisation/individual's name in cases where this had not been included at the beginning of the response.

- Action for Prisoners' Families
- ADCS
- Arts Council England
- Aycliffe Secure Children's Home
- Barton Moss Secure Children's Home
- British Association of Social Workers (BASW)
- British Psychological Society
- Buckinghamshire County Council Children and Young People's Services
- Care Quality Commission
- Catch22
- Centre for Mental Health
- Childhood Bereavement Network
- Children's Commissioner for Wales (*for Children's Commissioner (England) see Office of the Children's Commissioner*)
- Children's Rights Alliance for England (CRAE)
- Clinks and the National Council for Voluntary Youth Services (NCVYS)
- Coram Children's Legal Centre
- Coventry Youth Offending Team
- Department for Education (DfE) Children in Care Division
- Devon and Cornwall Constabulary
- Devon Youth Offending Service
- Durham County Council
- East Riding Youth Offending Team
- Estyn
- Foyer Federation



Consultation on the Strategy for the Secure Estate for Children and Young People in England and Wales

Response by Action for Prisoners' Families

Action for Prisoners' Families is a charity that works for the welfare of prisoners' and offenders' families across England and Wales. It represents family members, front line service providers, policy makers and others from the voluntary, statutory and private sectors. It brings together experience and expertise from all specialisms so that lessons can be learned, gaps in services identified and good practice shared. It facilitates partnership working, provides access to its network of members, disseminates information, publishes resources, pilots innovative services and offers training and quality assurance tools so that all sectors are supported to recognise and meet the needs of offenders' families. It acts as an important agent for cross departmental understanding around the issues affecting these families at local and national levels and is a formally recognised strategic partner of the Dept for Education, Dept. of Health and Ministry of Justice.

Action for Prisoners' Families wants every child in England and Wales who has a parent or other close relative in prison to get the support and help that they need.

Key facts

- 71% of children in custody have been involved with, or are in the care of social services before entering custody. 75% of children in custody have lived with someone other than a parent at some time (compared with only 1.5% of children in the population).¹
- One in eight children in prison had experienced the death of a parent or sibling. 76% had an absent father and 33% an absent mother. 39% had been on the child protection register or had experienced neglect or abuse.²
- In September 2008, 46% of 15 year olds, 41% of 16 year olds and 41% of 17 year olds in prison were held over 50 miles from their home address.³
- 30% of young men and 47% of young women in custody reported having had no visits in the last month or have never had visits.⁴

APF's comments on the proposed strategy

APF would wholeheartedly agree that effective resettlement starts on reception, and families need to be contacted by the prison and involved from day one of the sentence.

¹ Youth Justice Board, Accommodation needs and experiences, 2007, as cited in Legal Action, February 2008

² Jacobson, J et al (2010) Punishing Disadvantage: a profile of children in custody, London: Prison Reform Trust

³ Hansard HC , 18 March 2009, c1228w

⁴ Cripps, H. (2010) HM Inspector of Prisons and Youth Justice Board, Children and Young people in Custody 2009-2010, an analysis of the experiences of 15-18 year olds in prison, London. HM Inspectorate of Prisons

However this strategy generally makes little mention of the families of the young people in custody or the pivotal role they can play in resettlement.

Whilst APF welcomes the decrease in the population of children in custody we are concerned that a fall in the number of places where they are held means that many children will be held an ever increasing distance from home. This is particularly true of girls in custody as they make up such a small percentage of the population. Holding children a long way from home undoubtedly makes it more difficult and more expensive for their families to come and visit and consequently makes it harder for them to maintain their family ties. Distance from home also affects their resettlement back into their own community and their ability to link into local education, employment, accommodation and welfare services. Being too far from home inhibits the prison, the family and local services working together to help the young person properly plan for their release. We would encourage the YJB to develop the proposed smaller satellite sites for those young people for whom a custodial sentence is inevitable.

APF is particularly concerned for the families of serious and sex offenders and support offered to their siblings and other members of their families. The impact on siblings of having their brother or sister in custody is often forgotten as are their rights to maintain their family life and relationships, particularly when visits provision is being planned. The effects of intergenerational offending are usually considered as being between, rather than across generations.

The Welsh Perspective (an example given in the consultation document) clearly states that, "The principal aim is that children and young people from Wales who serve a custodial sentence should do so within an environment that maintains their connection with their families, their culture and their communities." The principle should be expanded to include young people held in England too.

We welcome the proposed improvement in resettlement communication between the secure estate and the local authority but would urge that families be included in this process where appropriate. APF welcomes involvement and greater accountability by local authorities. Nevertheless until there are good demographic statistics illustrating how many young people from their area are in custody, there is little incentive for local authorities to provide the necessary services to reduce the numbers going into custody and to resettle them on their release.

Competition and market place commissioning may result in the loss of small specialist providers, such as VCS organisations running visitors' centres or relationship and parenting courses. If the payment by results approach expands into the resettlement field it may become very difficult for these providers to bid successfully for contracts, resulting in a loss of expertise and innovation.

Sentence planning must include the young person's family, who will often be receiving the child on their release or at least providing some influence over them. Working with families and involving them in sentence planning is expensive and proper account needs to be taken of this. If families are invited to take part in sentence reviews or other meetings their fares should be paid and meetings held at convenient times so they can actively participate. Families should be given a named point of contact within the setting so they can pass on any information about the child or concerns they might have.

How to work with families and signpost them to support should be included in the secure estate's workforce training. Visits staff should also have specific training in engaging with families, if they are a specific team this allows relationships and trust to be fostered

between the custodial setting and the family. As already stated, resettlement starts at the beginning not the end of a sentence and engagement with families is essential but must be properly resourced.

APF welcomes an increased use of release on temporary licence as an aid to resettlement, and this can certainly help to promote family ties. However it must only be used when the young person is ready, otherwise they are at risk of breaching their conditions and thus being kept in custody even longer.

In conclusion, all custodial provision for children whether in prisons, privately managed secure training centres or in local authority secure children's home needs to consider how the maintenance and development of family relationships can be embedded into the regime and plans for release and resettlement.

**ADCS RESPONSE TO CONSULTATION ON STRATEGY FOR THE SECURE ESTATE
FOR CHILDREN AND YOUNG PEOPLE IN ENGLAND AND WALES: PLANS FOR
2011/12 TO 2014/15**

1. ADCS is the national leadership organisation in England for directors of children's services appointed under the provisions of the Children Act 2004 and for other children's services professionals in leadership roles. The statutory role of director of children's services (DCS) was created by the Children Act 2004 to establish a single point of leadership and accountability for services for children and young people.
2. ADCS has reviewed the strategy for the secure estate and considered the proposals in the light of the Association's earlier responses both to the Green Paper "Breaking the Cycle", and to more recent Ministry of Justice (MoJ) and Youth Justice Board (YJB) consultations.
3. The Association supports the principle that there should be a distinctive secure estate for young people but is of the view that proposals set out in this consultation represent a missed opportunity to initiate radical reform of a system which is only partly fit for purpose. It is the ADCS view that custody for young people is over-used. Neither the level of custodial remand ordered, nor the rate of use of short sentences is justified by the evidence of their impact: too many young people remanded to custody do not go on to receive a custodial sentence; and the reconviction rate for those that serve short sentences indicates that if its purpose is to prevent offending, custody fails.
4. There is a small but significant group of young people for whom custody is appropriate. This includes those who have committed very serious offences against others and serial serious offenders. If society is to both manage the period of custody for these young people and prepare them for adult life, it needs to be adequately resourced. The current secure estate lacks sufficient specialist input and the high ratio of staff to young people that are required to make such a difference. The population of young people subject to long sentences includes many who have significant learning needs, a number with moderate to severe mental health problems, others who have suffered major abuse and neglect when younger. An adequate strategy for the secure estate will need to acknowledge these issues and engage the specialist services necessary to tackle them.
5. The workforce required to deliver such a strategy needs to be specialist in nature: there are more differences between the needs of adults and children in custody than there are similarities and this should be reflected in the creation of a distinct and separate young people's workforce.
6. There is also insufficient attention paid in the proposals to the issue of age and maturity: many young people in custody require more time to develop their social, emotional and moral selves than the system permits. The upper limit and age range of the secure estate should be made sufficiently flexible to manage this range of need.
7. Decreasing demand in the system is to be welcomed, but the proposals for re-investing any resources "saved" fail to go far enough. If the system were to offer a truly purposeful regime based on a full assessment that took into account both the past and future needs of the young person, its unit costs would increase substantially. It is the Association's view that such an investment would represent value for money as it would reduce significantly the chances of young people committing serious further offences soon after release. Both the purposeful day and effective resettlement strands of the strategy need to be made stronger, and the service examples set out in paragraphs 98-

100 should be worked up into a formal offer in all localities. The Association would welcome an opportunity to develop this offer and is firmly of the view that services should be commissioned locally, in partnership with local authorities if individual needs are to be met and re-offending minimised.

8. The Association is particularly concerned at the threat that current market forces appear to be creating for secure children's homes. Such establishments have a place in a comprehensive secure estate both for younger and very vulnerable offenders. We would advocate a planned approach to commissioning this resource alongside the need for "welfare" beds. For many of the young people placed in a secure children's home, to categorise them as primarily in need of care for welfare or criminal reasons simply creates a false distinction: they have a wide range of complex needs which interact and which are best managed within a holistic approach and inclusive environment.
9. In summary, the Association is of the view that the secure estate for young people should be much smaller than it is presently, more specialist in its nature and highly targeted on those young people who have committed the most serious offences. Where it exists, it should be better resourced than at present, and much more effectively and flexibly linked to other local services for young people. The secure estate should be centrally commissioned, with a clear sense of purpose and function, and locally delivered alongside adequately resourced resettlement provision which both supports young people back into their own communities and provides alternatives for those for whom this is not possible.

Arts Council England – response to consultation of the secure estate

Arts Council England is the lead body charged with developing the arts in England. We work to get great art to everyone by championing, developing and investing in artistic experiences that enrich people's lives. The Arts Council believes that every young person should have the opportunity to experience the richness of the arts, that it is every child's birthright.

The arts have a long and impressive history of delivering rehabilitation. They are also able to demonstrate a strong track record in efforts to prevent crime - inspiring some of the most vulnerable and hard to reach young people by providing personal insight and skills that can bring about lasting changes in behaviour

We agree with the proposals to provide young people with a purposeful and meaningful day while in custody, offering programmes and interventions that will encourage more positive behaviour, and increase a young person's self-esteem and skills. We would encourage the YJB and wider youth justice sector to include the arts a key element in the provision offered by the secure estate.

We have supported a wide range of organisations that specialise in working in the criminal justice system such as Geese, Theatre in Prisons, Clean Break, Dance United, and Rideout. In addition, several of the arts venues that receive regular funding from the Arts Council have developed a role in working with the criminal justice system. For example, Lyric Hammersmith has strong links with Hammersmith Youth Offending Team and West London ISSP, delivering weekly activities to young people on Detention Training Orders. They also deliver a two month rolling programme to young people Not in Education Training or Employment to reengage these young people to learning. This work is a good example of how the arts sector plays a key role in supporting the needs of those at risk of offending.

Summer Arts Colleges and Arts Award

A strategic partnership between the Youth Justice Board and Arts Council England started in 2006, the Summer Arts College programme is an intensive, full time programme offered over the summer holiday period, intended for high risk young people, particularly those on Intensive Supervision and Surveillance (ISS) and recently released from custody.

The specific objectives of the Summer Arts Colleges are to

- Reduce levels of (re)offending during the Summer Arts College and in the following months
- Increase educational engagement and facilitate transition into mainstream education, training and employment after the Summer Arts College
- Improve literacy and numeracy skills through the arts and to achieve an accreditation through the Arts Award

The programme is designed around the Arts Award framework, which provides a nationally recognised qualification at level 1, 2 or 3 on the QCF framework. The experience of achieving a qualification has been shown to have a very positive effect on these young people, introducing a sense of achievement and recognition that many have

previously lacked. The qualification is often a useful way to reengage young people in learning and support their progression to other education, employment or training. The Arts Award is also a great way of building soft skills, such as communication and team working and creates a strong sense of well being by achieving and thriving in a new skill area.

Annual evaluations have demonstrated that Summer Arts Colleges have consistently met their objectives of reducing offending, increasing educational engagement and improving basic skills for young people at risk of (re)offending. Some headline results from the 2010 programme were

- 95% achieving a qualification (80% at level 1 and 15% at level 2)
- 71% increased their literacy score and 74% increased their numeracy score
- the mean offending rate for completers before the programme was 10.3 offences per 100 weeks at risk. While on the programme, the mean offending rate fell to 3.8 and remained lower at 6.5 for the weeks after the Summer Arts College.

We are currently finalising a piece of research with the Arts Alliance undertaking an economic analysis of the Summer Arts Colleges programme. Initial indications suggest that the programme shows a significant economic return on investment in terms of both reducing reoffending rates and raising literacy and numeracy levels leading to great life chances. We can share this research with you when it is finalised at the end of October 2011.

Unitas, the delivery organisation for the Summer Arts Colleges programme is also undertaking a longitudinal study of the programme using PNC (police national computer) to track those who have participated in the programme. Again, we can share this research once it is complete.

Overall, the evidence supporting the Summer Arts College model, with Arts Award embedded strong. We believe that this model could be replicated in a secure setting, and contribute to a young person's 'full and purposeful day'.

Arts Award is also successfully delivered across the youth justice sector with 109 centres currently delivering the qualification with young people at risk of offending or reoffending; three of these are youth offending institutions and one is a secure children's home.

'The course is well structured and has proved to be an asset to the delivery of purposeful activity within Norwich Prison. The young men volunteered for the course and attended every session with great enthusiasm and commitment. This is testament to the easy learning style, the tutor's relationship and understanding of the group along with a subject matter that is understood and recognised by the men.'

YOI principal officer

Artsmark

The consultation suggests that the YJB is interested to look at lessons learnt from other sectors working with young people with emotional and behavioural difficulties.

Arts Council England runs programme called Artsmark, a kitemark for formal and non-formal education settings that demonstrates their commitment to delivering a high quality, broad and balanced arts offer. It also acts as an effective tool to audit current practice in a setting and inform future development. The Arts Council sees our network of Artsmark schools and settings as centres of best practice for delivering the arts in schools and ensuring the maximum impact for young people. Artsmark has been open to schools for ten years and has a large cohort of special schools including 22 pupil referral units who are often working with young people with significant emotional and behavioural difficulties.

Arts Council would be happy to support strategically linking this group of settings with the youth justice sector to support sharing best practice of using arts interventions with these groups. From this year Artsmark is also open to Youth Justice settings including Youth Offending Institutions and we hope to support a number to gain Artsmark this year in partnerships with Catch22, again we would be happy to work strategically with the YJB/MoJ to ensure good practice from these settings is rolled out to the sector.

Long term relationship

In order to support the YJB/MoJ in their future role to identify and disseminate effective practice we would be interested in building on and expanding the relationship we currently have around Summer Arts Colleges.

The MoJ currently chairs a forum called the Arts Forum to look at Arts practice in the criminal justice sector, we would be interested in expanding this or developing something similar that has a particular focus on young people at risk of offending both in terms of the secure estate and wider youth offending services.

Strategy for the Secure Estate
Consultation Document
Aycliffe Secure Centre

Responses to paragraphs

16. Numbers are down but this does not reflect the growing complexity of the young people in secure care who require more specialist services such as learning disability, substance misuse, bereavement and loss, neglect and abuse and self harm.
19. Is it safer now than previously? We have had more deaths this year than any other year in the past 2 decades.
20. Have the policy makers taken into account the stark increase in the population 1994-2004 sentenced young people increased by 90% and remanded 142%. Number of 12-14 years increased by 800% and girls 500%. What is to say this won't happen again especially in the light of recent events.

PRINCIPLES

22. The principle rehabilitate. You have no evidence across the secure estate that any part of it does better than another. One evaluation one year into the Kepple Unit does not. A decommissioning strategy should have looked at recidivism rates and what works before deciding on what and where to decommission.
24. We are in agreement about a discreet secure estate. What better environment that secure children's home which meet the National Minimum Standards for all residential care for young people.
25. Recognising diversity – Aycliffe we believe we are the only facility to have looked after transgender young people.

We agree children should be placed as near home as possible but we believe in appropriate placement irrespective of geography. Families often say they do not mind the travelling if the young person is receiving better care.

The assessment processes in Secure Children's Homes are more comprehensive than elsewhere. At Aycliffe all resettlement needs are identified at the Initial Planning meeting. We have evidenced feedback post-release on where we have success.

We believe at Aycliffe we have one of the best service for health, mental health and substance misuse, internationally validated offence reduction programmes and psychometric testing that evidences progress.

PRIORITIES

We agree there should be more enhanced provision but the strategy is looking at YOI's and using the Kepple unit as its flagship. Secure Children's Homes have been doing this work for 25 years.

26. What evidence has Youth Justice Board that secure children's homes have not delivered on these priorities.

27. Aycliffe Secure Children's Home already has strong partnership working at a regional level.

31. Reconfiguring the secure estate. What evidence is there that it is cost effective. Why would local authorities who have to pay for the remanded bed ask a national team to broker a place for them.

33. A very important consideration why are the YJB decommissioning Secure Children's Homes beds which are cheaper than those in Secure Training Centres.

34. We agree about best value – what evidence have you that Secure Children's Homes do not achieve this now.

35. What analysis of need have you done apart from age and gender. ADHD mental health, substance misuse, learning disability. Are children under the age of 17 best placed in YOI's if they have a learning disability national research tells us they are not best placed.

36. What evaluations have been completed in the past 10 years regarding best value?

37. Should not the research have been completed and this then should have informed the decommissioning strategy.

38. We do not believe a small minority present with complex range of both physical and mental health needs. We believe this is a majority of the estate as reflected in the national reports into mental health and learning disabilities.

41. We offer the only step down facility and you are decommissioning our beds.

43. Decreased Demand – who is to say that there will not be the increase we saw in 1995-2004 what are these current predictions based upon? Demographics?

45. They are not broadly interchangeable what does this mean? I am sure there will be lots of feedback here.

If we are then will decommissioning in STC's be at the same percentage rate as Secure Children's Homes.

46. It seems unfair the Secure Childrens Homes take the hit now. If there is an increase in custodial rates which there will be then it is likely STCs will not have reduced contracts.

47. Has the YJB really done enough on the risk management.

Why develop enhanced units within large establishments and decommission enhanced places which are already working in secure children's homes.

What work has been completed on the cost of longer term recidivism for young people who offend.

The work has not been done to our knowledge about YOI, STC, SCH and how effective they are based on their cost.

IMPROVING REHABILITATION

59. Aycliffe has the most comprehensive mental health provision for every young person within the secure estate at no extra cost to the bed price.
60. Safeguarding in secure children's homes is far superior the stats speak for themselves.
69. If STC's are interchangeable with SCH's why is rigorous monitoring required.
70. We agree with the workforce development but you do not have to do this in SCH.
74. Excellent initiatives.
77. Aycliffe has this on offer.
78. Assessments most comprehensive at Aycliffe.
81. Dedicated case managers at Aycliffe

MENTAL HEALTH

- 83. Our view is that the mental health input into preventing emerging personality disorders has to happen at an early stage not with 16/17 year olds.
- 86. Aycliffe and other secure children's homes has this and more.
- 87. Develop more really good but do not get rid of those already providing it.
- 91. We have these programmes. Young people are assessed and we psychometrically assess the progress..
- 92. Effective practice – good.
- 93. You want progress, we already have internationally validated programmes.
- 96. Integrated Learning – we have an assistant head SEN at Aycliffe who offers the alternative approach.

RESETTLEMENT

- 99. This is important and we welcome this but do it already and have evidence to support this.

Barton Moss Secure Children's Home
Comments on the YJB Strategy for Secure Accommodation.

The fact that only 7% of beds within the secure estate are within Secure Children's Homes leaves very little if any scope for further reductions in this sector if we are to be able to care for the most vulnerable. There appears to be a conflict between wanting to ensure an even distribution of placements across the country and the quality of those placements. It would be a mistake to favour the former over the latter.

The statement in Paragraph 45 that the YJB views STCs and SCH's as broadly interchangeable is difficult to reconcile with the significant differences between the two settings. It is important to recognise that the majority of YP at the older age range of placements within SCH's are placed because they are felt to be vulnerable in STC settings.

There needs to be a recognition that once Secure Children's Homes are gone they are unlikely to be replaceable in the future without enormous expenditure. We need to be absolutely certain that recent trends in placements are likely to continue.

We feel that SCH's are better placed to drive forward the resettlement agenda.

Closer links with inspection agencies (Para 53) are only of value if their views are taken into account. There is little evidence that this is the case in this document.

The identified priorities outlined in paragraph 59 and in the section on safeguarding are more likely to be achieved in SCH settings. The ability of units to demonstrate success in these areas should be the primary factor in commissioning decisions.

There is little comment in the strategy about what consideration has been given to Youth Offending Services views on future provision in the secure estate.





BASW Response to the Strategy for the Secure Estate for Children and Young People in England and Wales

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11th October 2011

BASW Response to the Strategy for the Secure Estate for Children and Young People in England and Wales

1. BASW is the UK professional association for social work, led by and accountable to a growing population of approximately 14,000 social worker members. Our members work in frontline, management, research and academic positions in all social work settings across the UK. BASW members share a collective commitment to those values and principles that will secure the best possible outcomes for children and young people, adults, families and communities.
2. This consultation is of major interest to our members in England predominantly working with children and young people. It is our contention that children subject to the youth justice system are children first and that all services within the context of youth justice must uphold the welfare interests of children and be compliant with the United Nations Convention on the Rights of Children as well as domestic legislation.

General Comments

3. BASW believes that the present system for dealing with children (i.e. those under the age of eighteen) who get into trouble by processing them through the criminal justice system is inappropriate and should be repealed.
4. The correlation between children getting into trouble and not in education is a significant factor. The gross overuse of exclusion from school must be addressed as a matter of some urgency. The Association fully endorses the Inquiry recently launched by the Children's Commissioner into this subject.
5. Mental health provision of specialist services for children is grossly under resourced. Children who get into trouble often have emotional and psychological needs that are simply not being met. Again, improvements should be implemented urgently.
6. The fragmentation of services for children and families has been detrimental, especially to those children with high support needs.
7. The massive problematic question of the use of restraint in secure settings is insufficiently discussed. BASW has serious concerns about the use of restraint in YOIs and STCs and how such practices are not compliant with international conventions on the rights of children etc. Moreover, this is an area of such sensitivity that the only way information can be procured about the use of restraint it would appear is through the use of FOI requests. This is not a

healthy state of affairs. There must be greater transparency about the use of restraint in secure settings and also a commitment to promoting alternative and effective strategies to work with challenging behaviour that can eliminate the use for restraint by successfully and skillfully de-escalating situations.

8. There is no discussion about the duration of time which children stay in secure settings. Whilst the majority are accommodated for a matter of a few weeks some will be on much longer sentences and when they achieve adult status be moved to adult prisons. The combination of these two groups provides a toxic mix which makes assisting either group even more difficult.
9. The association does question how much can be achieved with a group of children who are confined in the secure estate for a matter of a few weeks. The arguments currently been made about the ineffectiveness of short sentences to adult offenders is in our opinion even more powerful when applied to children. Surely, it would be better to work with intensively in the community for a longer period of time to reduce the likelihood of them being given a custodial sentence in the future.
10. No mention is made of the differential timescales of the contracts made between the Youth Justice Board and providers of custodial places, which varies between 25 years and 12 months. This seems strange in a world that is dominated by a discourse about the need for effective commissioning and competition in a free market economy. This massively affects flexibility towards changing provision.
11. If one accepts that penal custody is necessary then any time spent in custody should be "purposeful." That does raise the whole nest-egg of what is purposeful. Would it be "more purposeful" to concentrate on teaching basic skills such as reading and writing or on anger management and work on showing the consequences of offending on victims? BASW would argue for both.
12. The biggest problem we have with the secure estate is that the greatest proportion of beds i.e. 79.2% comprises the least appropriate provision i.e. Young Offenders Institutions. These are far from child centred environments where piecemeal attempts to address the welfare needs of children fall well short. It needs a whole 'systems approach'.
13. Conversely, the smallest proportion - 7.2% comprise the most appropriate provision, i.e. Secure Children's Homes, and these are the most at risk of being reduced as they have the shortest contracts and are the most expensive in a simple cost per head analysis.

14. We applaud the reduction in the numbers of children in custody with the biggest decrease in the youngest age groupings. However, what now needs to happen is for the savings that have been made to be re-invested into preventative intervention that is clearly having an effect. Not to do so will simply reverse the decrease in numbers.

Main points addressed in consultation document

15. Par 24 Full agreement – Accepting the need for security then it should be "...a distinct, specialist..."
16. Par 27 Whilst the whole strategy talks about the need for strong collaboration, the gross fragmentation of providers of various services and competition between different organizations cut directly across this actually happening. Nowhere is this dysfunctional dichotomy more apparent than in the separation of Youth Justice Teams and mainstream children's services provided by the local authority.
17. Par 33. Cost - you get what you pay for. This is especially true for contracted services and the complexity of the services being contracted for leads to restriction and lack of flexibility, unless there are additional special payments for extraordinary services.
18. Par 35 The final bullet point is as yet untested; where is the evidence base to support the claim that competition will provide the best outcome?
19. Par 38 This is an interesting paragraph, "A small minority of young people in custody present with a very complex range of both physical and mental health needs." We would strongly argue these are the only ones who should be in an institutional setting.
20. Par 39 Box 2 Staff should be professionally trained. These children have such highly complex needs that staff should have core skills to work in this field and should undertake additional training as continued professional development as an essential part of their task.
21. The example of staff working twelve hour shifts at The Willow Unit, Hindley YOI is deplorable and in our view should not be allowed. To advocate regularly working shifts of this length fails to understand just how physically and mentally demanding this work really is and can lead to dangerous practice.
22. Par. 40 If the secure estate is contracting providers to meet the special needs of this group of children we question where these extra special places are.
23. Par 41 This proposal further fragments an already fractured system. One single provider can effectively meet all these needs.

- 24.Par 44 A clear case can be made for using less YOIs and older children being accommodated in more appropriate settings. The failure to reduce the numbers of children in the older age group reflects an underlying failure to effectively intervene at an earlier stage in their lives.
- 25.Par 47 Tighter restrictions should be placed on remand and time scales imposed on the length of time a child can be held on remand.
- 26.Par 50 The continued use of standard YOIs is in our view unacceptable, the case for specialist units attached to them is only marginally more acceptable because staff do not have the appropriate level or special training which should be required to work with these children in a more therapeutic way.
- 27.Par 51 BASW has concerns that the integration of YJB and NOMS risks even less of a child centre culture in the secure estate.
- 28.Par 54 Once again, we are presented with problems coming from a fragmented system.
- 29.Par 57 This paragraph encapsulates what is the core function of any intervention whether that comes from schools, Children's Services, Youth Workers, YOTs, Residential Care or the Secure Estate.
- 30.Par 59 Health provision is further complicated by the current health service reorganization. Our concern is that young people in the secure estate are likely to be very low down people's list of priorities.
- 31.Par 63 Accepting the present situation, the safeguarding proposals must be followed through in their entirety.
- 32.Par 67 How effective the Board can be in ensuring local authority children's services fulfil their statutory duties must be open to question.
- 33.Par 69 As stated previously, we have serious concerns about the use of restraint in the secure estate with the exception of secure children's homes interestingly, where this does not appear to be an issue.
- 34.Par 70 – 74. This section on workforce development can be encapsulated in the need for a professionally trained staff group to be employed throughout the secure sector. If there was need of further proof that the prison service was not an appropriate provider of these services it is contained in this section.

- 35.Par 78 - 82. We find this whole section confusing. The assessments tools have been established by the YJB and therefore they should have been constantly modified to meet changing needs, but if they are "not fit for purpose" how can any recommendation of a custodial sentence arising from their use be legitimate.
- 36.Par 83 – 88 As a generalisation it could be argued that services designed to meet the physical and mental health needs of children in the community are already so poor that they have failed the children incarcerated in custodial setting. Hence, calling for the services for children in custody to match seems to be insufficient.
- 37.Par 89 – 97 This in our view provides a highly damaging critique of the paucity of the present regimes particularly those operated in YOIs. However the positive role played by the YJB in monitoring performance and disseminating information on good practice should continue when it is incorporated into the Justice Department, although anxiety has been expressed that the general reduction of bureaucracy could kill off this valuable service.
- 38.In our opinion the three critical elements to successfully assisting troubled children prior to incarceration are early skilled intervention, close work with schools, accurate assessment of the total familial situation and the personal needs of the child. Once a child is locked up the total care package should be focussed on meeting the child's needs which will incorporate affective personal education, address offending behaviour and work towards effective resettlement in the community. In order to meet these complex elements a highly skilled, well-motivated work force is required throughout the system. Care should be through-care, individual care workers should be held to account and the negative practice of passing on children to another worker/establishment at the first opportunity should stop.
- 39.The present failure rate of children who have passed through the secure estate, measured in terms of reconviction is unacceptable. Recent work on the extraordinarily high cost of failure to effectively meet these children's needs should spur us on to making better modes of intervention the norm.



The
British
Psychological
Society

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

British Psychological Society response to the
Ministry of Justice and the Youth Justice
Board

October 2011

About the British Psychological Society

The British Psychological Society, incorporated by Royal Charter, is the learned and professional body for psychologists in the United Kingdom. We are a registered charity with a total membership of almost 50,000.

Under its Royal Charter, the objective of the British Psychological Society is "to promote the advancement and diffusion of the knowledge of psychology pure and applied and especially to promote the efficiency and usefulness of members by setting up a high standard of professional education and knowledge".

We are committed to providing and disseminating evidence-based expertise and advice, engaging with policy and decision makers, and promoting the highest standards in learning and teaching, professional practice and research.

The British Psychological Society is an examining body granting certificates and diplomas in specialist areas of professional applied psychology.

Publication and Queries

We are content for our response, as well as our name and address, to be made public. We are also content for the Ministry of Justice and/or the Youth Justice Board to contact us in the future in relation to this consultation response. Please direct all queries to:-

Consultation Response Team, The British Psychological Society,
48 Princess Road East, Leicester, LE1 7DR.

Email: consult@bps.org.uk Tel: (0116) 252 9508

About this Response

This response was prepared for the British Psychological Society by Dr Andrew Rogers CPsychol, AFBPsS, member of the Division of Clinical Psychology, committee member of the Faculty for Children and Young People, member of, and commenting on behalf of, the Faculty's Adolescent Forensic Network, and member of the Faculty of Forensic Clinical Psychology, with contributions from: Dr Rosie Meek CPsychol, member of the Social Psychology Section; and Dr Laura Robertson MBPsS.

We hope you find our comments useful.



Prof P Kinderman, CPsychol, AFBPsS
Deputy Chair, Professional Practice Board

The British Psychological Society (the BPS) thanks the Ministry of Justice (MoJ) and the Youth Justice Board (YJB) for the opportunity to respond to this consultation.

The BPS welcomes the reported evidence highlighting significant reductions in the number of young people entering the secure estate, and particularly the marked decreases in admissions for young people in the younger age ranges.

We also welcome the progress made in the development of a distinct secure estate for those under 18 years, improved safeguarding arrangements and enhanced provision for those with the highest needs. However, we remain concerned about the high re-offending rate for children and young people leaving custody.

The BPS broadly welcomes the strategy as set out in the consultation document, and is particularly keen to endorse the importance of ensuring that the assessments, care and intervention offered to young people in the secure estate is:

- driven by the emerging evidence base; and
- strengthened by an individualised, psychologically informed approach that challenges a narrow offence-focussed approach to intervention, and addresses the wider environmental, social and psychological factors that underpin offending behaviour.

Specific comments are addressed below.

Principles and priorities

The BPS endorses the key principles and priorities set out in the document and is particularly encouraged by the prioritisation of the development of enhanced provision and focus on rehabilitation. However, it is important to ensure that the availability of resources, staffing and specialist services is enhanced to reflect this development.

We welcome the principle 'Maintaining the Safety and well-being of children and young people', and suggest that, given the high level of mental health needs in this population, consideration is given to specifically highlighting the need to promote the emotional and mental health of children and young people.

The BPS supports the principle of 'Effective assessment of need', and in particular the suggestion of early and comprehensive assessment. However, we would recommend viewing assessment as an *ongoing* task, rather than a discrete event. This is particularly important as specific needs could be amplified or masked if assessment only occurs during the initial weeks of a period in custody (Harrington *et al.*, 2005).

The BPS supports the aim of preventing reoffending. There is a growing understanding of the importance of protective factors and resilience in both effective risk assessment and more positive intervention outcomes, and we recommend further investigation of an understanding of the factors that increase the likelihood of young people desisting from offending on release. For example, investigation of what is different about the 28.1% (Youth Justice Statistics, 2009/10) who do not reoffend on release, and whether these differences are linked to particular interventions in custody or other factors that could be utilised and strengthened whilst in custody.

To highlight this, we advise consideration of the work of *Project Oracle*, set up by the Greater London Authority. The project aims to understand and share what works to improve the lives of children and young people in London, with a particular focus on youth crime. A similar

forum could be set up nationally, specific to the secure estate, highlighting examples of successes/innovations and generating practice-based evidence. The BPS therefore recommends the addition of an additional principle “To understand and share more about what works”, which would incorporate an emphasis on measuring outcomes, developing research and promoting effective practice.

The development of ‘payment by results’ has a complex set of associated and sensitive practical, ethical and political challenges. However, the overarching need for services to evidence high quality care and effective outcomes (against their stated aims) is broadly supported by the BPS. This is a complex process and we would strongly recommend the involvement of relevant staff and clinicians in the development of the evaluation processes. Given their core training in the development of competencies relevant to effective outcome measurement in clinical practice, we recommend utilising the skills of applied psychologists in the developing outcomes agenda.

The development of enhanced units

The BPS recommends providing intervention via smaller units with higher staff ratios as the most effective way of meeting the individual needs of all young people within the secure estate.. However, we also recognise that the level of need and resource pressures on the secure estate make this very difficult to realise in practice.

Pragmatically therefore, the BPS agrees with the need to develop psychologically informed enhanced provision across the Estate for those with the highest need. While recognising the importance of services for those deemed ‘vulnerable’ and who pose a risk to themselves, it is equally important to address the needs of those who may also pose a risk to others.

Point 38

Given what is known about the level of need of Young Offenders – for example: 31 percent have mental health needs, 36 percent have educational or work needs and 48 percent have peer and family relationship needs (Chitsabesan *et al.*, 2006), the BPS challenges the notion that ‘a small minority of young people present with a very complex range of both physical and mental health needs’. The experience of our members working within the secure estate suggests that the notion of ‘a small minority’ is at best an underestimate.

We believe that effective case management, psychological formulation and a coherent therapeutic model in ensuring the most effective outcomes for young people is very important. While welcoming innovation, the BPS recommends the prioritisation of a clear framework for the delivery of care in the enhanced provision, underpinned by psychologically informed theory and practice.

Fully understanding these young people’s needs within a psychological framework could have potential benefits beyond their stay in custody, in terms of being able to use these psychological formulations to inform future interventions and plans.

What more can be done to meet the needs of young people in custody?

The BPS recommends that more emphasis is placed on the importance of effective recruitment, training and support for staff across agencies in order to provide a distinct, specialist secure estate for children and young people. We believe it is essential that specialist training and support is prioritised for all staff working with young people in the estate.

It seems likely that an approach incorporating an understanding of adolescent development, attachment theory and trauma principles, could be one helpful way of

conceptualising the needs of a high proportion of young people in custody and institutions more generally (Adshead, 2001, 2003). Therefore, training for staff in understanding and working with young people who have had early attachment disruption and experienced trauma could be of benefit to staff working in the enhanced units and possibly across the secure estate.

Responding to decreasing demand

Do you agree with the proposals for adjusting to decreasing demand?

As mentioned earlier, the BPS recommends providing intervention via smaller units with higher staff ratios as the most effective way of meeting the individual needs of all young people within the Secure Estate..

It is not entirely clear whether or not the decrease in demand is necessarily related to a reduced crime rate. For example, the figures reported in paragraph 15 refer to disposal rates and first time entrants to the youth justice system. Whilst it may be the case that the lower disposal/custody rates are due to less crime being committed, it seems important to consider alternative reasons for decreased demand. For example, this may be due to an increase in the use of community sentences and/or Intensive Supervision and Surveillance (ISS) or an emphasis on diversion from the youth justice system for first time entrants. Either way, if decreased demand reflects a change in policy or legislation and longer-term views about the most effective ways of preventing offending/re-offending, then it would seem reasonable to make adjustments to custodial provision accordingly.

The BPS welcomes the consideration, within paragraph 40, of alternative placement under the Powers of Criminal Courts (Sentencing) Act 2000, as amended by s.34 of the Offender Management Act, and would support the piloting of such a scheme.

We are concerned by the statement, in paragraph 45, which states that ‘the YJB views [secure training centres] STCs and secure children’s homes as broadly interchangeable’, and recommend a review of the evidence that brings the YJB to this conclusion. The BPS believes it is extremely important to retain significant resources for those at the most vulnerable/younger end of the scale, and would caution that the development of ‘enhanced provision’ across the estate should not be used to justify a reduction in the secure children’s homes sector in particular. Rather, we recommend that any reconfiguration is based on developing those services that evidence a combination of safe, high quality, individualised care and cost-effective outcomes across a broad range of measures.

Following publication of this consultation, some of the risks highlighted in paragraph 47 have become a national reality following the recent riots in the UK. Whilst it would have been difficult to predict those specific events and their impact, this does strongly suggest the need for contingency planning around future surges in population.

A distinctive secure estate

The BPS supports the development of a distinctive estate for children and young people. The growing understanding of child and adolescent development, including the contribution from the neurosciences would appear to support the notion that given their stage of development, young people who offend have significantly different needs (and therefore are likely to require different interventions) to those of adults who offend. We believe that while it is important to learn from and incorporate evidence developed in services for adults, it is not appropriate to simply apply adult models or evidence of effectiveness with adults to the care and rehabilitation of children and young people.

However, with the suggested development of a distinct estate, there is a risk that the transition between adolescent and adult establishments could become even more problematic. The BPS therefore recommends the development of strong transition arrangements for the move into the Young Offender/Adult estate.

In addition, the BPS welcomes the focus on strengthening and prioritising work with families and parents in order to address some of the wider ecological/systemic factors that are shown to be linked to adolescent offending (e.g., Loeber *et al.*, 1998). Again, we believe it is important to promote psychologically informed approaches to working with families in both formulating the difficulties and providing evidence-based systemic interventions. While this suggests working with the parents of incarcerated youths, there is potential value in addressing the needs of the siblings of young people in custody. We believe this to be particularly relevant given the increased likelihood of a younger sibling of an incarcerated child entering the criminal justice system (Meek, 2008; Meek *et al.*, 2010). In addition, given the high proportion of young people in custody who are parents themselves, it may also be important to target the needs of this population (Meek, 2007).

Effective resettlement

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?

The BPS welcomes the emphasis on effective resettlement as a vital component in achieving positive outcomes for young people who leave custody. The third sector also has the potential to make an important contribution to criminal justice delivery, particularly in resettlement. However, we would emphasise the need for maintaining strict standards of professional regulation and levels of competency and accountability within this sector.

The use of intensive through-the-gate resettlement brokers, such as the Heron Unit appear promising, and we endorse strengthening the support around transition from custody to community, and the directing of resources to those services evidencing effective outcomes. Again, we would encourage the use of psychologically informed case management to underpin this work.

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End

C&YPS BUCKINGHAMSHIRE COUNTY COUNCIL

Strategy for the Secure Estate For Children and Young people in England and Wales - Response to consultation questions.

Principles and priorities

- **Do you agree with the principles stated in this document?**

Yes, we fully support the principles outlined for a distinctive secure estate for young people, with staff appropriately trained, small buildings conducive to working effectively with children and robust arrangements for safeguarding young people. Placements should be based on need and recognise the diverse needs of young people. Clearly a full and purposeful day within the secure estate is a priority. We would hope that these principles are not aspirational, but are accepted nationally as a given, in a nation which could be seen as comparatively 'over enthusiastic' about using custody as a response to children's behaviour, which often is not either dangerous or extremely persistent.

- **Are there any significant areas that are not covered?**

No

The development of enhanced units

- **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?**

Yes, we fully support the principles outlined for a distinctive secure estate for young people, with staff appropriately trained, small buildings conducive to working effectively with children and robust arrangements for safeguarding young people. Placements should be based on need and recognise the diverse needs of young people. Clearly a full and purposeful day within the secure estate is a priority. We would hope that these principles are not aspirational, but are accepted nationally as a given, in a nation which could be seen as comparatively 'over enthusiastic' about using custody as a response to children's behaviour, which often is not either dangerous or extremely persistent.

Responding to decreasing demand

- **Do you agree with the proposals for adjusting to decreasing demand?**

There is significant emphasis placed on the reduction of young people entering the secure estate and no reference to the impact that closing YOI's has had on the remaining ones. They are struggling to manage increased numbers of young people resulting in a significant rise in the number of assaults taking place on a daily basis. If further closures are made what are the proposals to ensure the YOI's are able to safeguard young people, particularly in relation to increasing gang problems?

Further closures will mean that young people will continue to be placed further afield. This has already had a significant impact with the closure of Huntercombe YOI, making Ashfield the closest YOI for Bucks YOS. Despite this many of our young people are placed at Feltham. At a time when resources are stretched this means case managers are out of the office for significant periods of time. This document also proposes working with families as a core principle to take forward – this is contradictory given the distance often very low income families are expected to travel to visit their children in the secure estate.

We do however appreciate that there will need to be some decommissioning from the secure estate to respond to decreasing demand. However, clearly the YJB will be alert to retaining sufficient resilience in the system to deal with unusual events such as the recent ‘disturbances’. We would hope that when the MOJ take over placement responsibilities that they are able to respond as effectively as a unit as the YJB have done recently.

We do have some concerns about the decommissioning being disproportionately targeted at STCs and Secure Children’s Homes. Although the rationale for this is the decrease in the 10-14 year old population in custody, an alternative proposal could be to extend the use of the latter to 15-17 year olds, reducing numbers in YOIs, which are cheaper for a reason - quality of building, staffing, training, educational opportunities, responsivity to individual need etc.

- What role should market testing play in this process?

A distinctive secure estate

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

The last paragraph, above, may contribute to the development of a completely distinct secure estate for children and young people, with a strategy that ultimately focused on the reduction of the use of YOIs for under 18s, combined with the obvious drive to reduce the use of custody nationally, to come more in line with use by other European countries.

A full and purposeful day

- **What more could be done to ensure the development of effective interventions in secure establishments?**
 - Research needs to be undertaken into Offending Behaviour Programmes that are based on effective practice being delivered consistently across the secure estate.
 - Access to meaningful and relevant education programmes
 - A focus on family and building relationships.
- **What role should the YJB play?**

It would be helpful for the YJB to commission this research and support delivery of any findings.

Effective resettlement

- **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?**

It is key for services in custody and the community to be connected and complement each other. Deleting the principle and priority that children should be placed as close to home as possible will create further boundaries to achieve this, making it more difficult for community services and parents to attend meetings in custody if the child is placed a long way from his/her home area.

We are not at all convinced that payment by results can effectively be used to engage partners in this transitional work and we are unaware of any evidence nationally or internationally to support developments in this way.

What would be helpful would be agreed standards and frameworks to support effective resettlement, across relevant government departments, and potentially it could be an area included in inspections and peer reviews of relevant services, not just YOTs.

Thank you for providing us with the opportunity to comment on the proposed plans for the Strategy for the Secure Estate for Children and Young People in England and Wales 2011/12 – 2014/15.

CQC works closely with Her Majesty's Inspectorate of Probation and other criminal justice inspectorates as part of a three year programme of core case inspections of Youth Offending Teams and a programme of thematic reviews to look in detail at specific areas of work within criminal justice settings. CQC's role is to assess the contribution of health partners to the Youth Offending service as a whole, and to identify key contributions of health services within the thematic reviews.

We welcome this new strategy; it contains much to be supported. In particular we welcome the recognition of the importance of services to improve the health and mental health of these children and young people. We particularly welcome the mention of the landmark Munby judgement which establishes that children in custody have the same rights and entitlements under the Children Act as those children in any other setting. These rights should form a prominent part of the final strategy.

Our responses to the consultation questions are as follows:

Principles and priorities:

- *Do you agree with the principles stated in this document*

Yes, on the whole we agree with the principles stated in this document.

However, there is little information included on how the particular demands for young people going through transitional periods will be met and how these transitions will be managed. This would include, for example, occasions where a child moves to an adult establishment.

The plans also lack any discussion on transport to and from secure environments which can be important in relation to safeguarding issues. For example, when a young person is placed in a Youth Offending Institution after sentence and is dropped off after a long run around adult establishments because they have specific closure times for receiving prisoners and the youth establishments do not. This is becoming a more common issue given that the latest contractor has more mixed facility transport.

We also have some concerns around the withdrawal of ring fenced funding for Integrated Resettlement Support. Through our involvement in inspections of Youth Offending Teams we have found that this has resulted in the removal or reduction of such provision which is a key component of the proposals outlined in this paper. Without ring fenced funding for this support we do not have confidence that YOTs will continue to invest in these services to the fullest extent necessary.

We support the principle of enhanced units to more readily meet the most significant needs of this vulnerable group of young people. However we feel there could be more in the strategy on addressing continuity of interventions to make sure that any health interventions, for example, are properly maintained where necessary.

- *Are there any significant areas that are not covered*

We feel that the document lacks some detail around how the principles will be executed. For example, it states that the proposals are subject to final agreement.

The role of inspection in highlighting good practice is absent from the strategy. This is concerning given the important role of Youth Offending Teams in ensuring the proposals work (for example 'individual risks, the full range of needs and the particular circumstances of the young person as assessed by the responsible YOT).

We would like to see the strategy recognise the potentially negative influence of market competition where the most vulnerable may not be given adequate support.

The development of enhanced units

- *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?*

In principle we support this proposal. It will be necessary to understand the assessment, planning, delivery of interventions and sustainability of such models to meet an individual's needs and to aid their transitions between environments.

- *What more can be done to meet the needs of young people in custody?*

The education and training of staff is critical to meet the needs of young people in custody. The engagement of specialist services is essential to ensure that practice is kept up to date with developments (for example, with speech and language and the impact of head injuries).

Responding to decreased demand

- *Do you agree with the proposals for adjusting to decreasing demand?*

The main risks associated with decommissioning are appropriately mentioned. However, there is a lack of clarity on how these risks might be managed. In addition it is essential to appropriately assess need and determine as far as possible that the decreased demand will be sustained. There currently may be insufficient evidence to support this position in light of recent political developments and the high number of children and young people remanded following the recent riots.

- *What role should market testing play in this process?*

Some of the potential issues in relation to 'payments by results' are highlighted in the proposals. However, there is little information about how these risks might be minimised or eradicated; it would be helpful to identify this.

A full and purposeful day

- *What more could be done to ensure the development of effective interventions in secure establishments?*

Whilst providers should be sharing knowledge to develop best practice in relation to effective interventions, inspectorates also have an important role to play. Inspectorates are able to assess how need is being determined and met, whilst also able to promote good practice through work such as the Thematic Reviews CQC participates in.

- *What role should the YJB play?*

As a commissioner of these services the YJB is in a unique position to influence the practice of providers and ensure they implement the most effective interventions for young people.

We recognise the work that has been done by the YJB in identifying and disseminating the key elements of effective practice and support the YJB in continuing this responsibility.

Effective resettlement

- *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?*

Effective and stable resettlement processes and actions are key to good outcomes in relation to re-offending when leaving a secure environment. However, many health inequalities still exist in the community which can sometimes undermine good work undertaken in secure settings. There has never been a proper health framework for community youth offending teams and this should be addressed to



support an overarching framework in secure settings and to maximise the potential for these children to remain in the community.

The expectation of a coherent inspection regime is welcomed. However, any inspection regime needs to accommodate and recognise the different roles, responsibilities and remits of the various inspectorates and regulators.

Thank you for the opportunity to comment on this important strategy.

Catch22 Response

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



Catch22 is a local charity with a national reach. We work with young people and others who find themselves in seemingly impossible situations. We believe that nothing is impossible and help young people to find a way out of difficult situations and a way up.

Our services help them develop the confidence and skills to find solutions that are right for them- whether it's getting back into school or training, choosing to stay out of trouble, finding a safe place to live or helping them to live independently after leaving care or custody. As young people become more positive, productive and independent, the whole community benefits.

For more information about any of the points raised in this response, please contact Kim Harper, Senior Policy and Research Adviser on kim.harper@catch-22.org.uk

Introduction

1. Catch22 has significant experience of working with young people who have experience of custody, including as part of services which specifically work with this group. Our current work in the secure estate includes working in partnership with Serco in Doncaster prison where Catch22 will be delivering the offender management payment by results contract.. Catch22 will also take on the resettlement responsibilities within HMP Thameside from March 2012, which is currently being built. We also run resettlement services which work in partnership with prisons. For example the Inspire Resettlement Service is based in East London and works with 15 to 19 year olds who are on remand, serving custodial sentences and on community orders.
2. Catch22 is also a member of the Transition to Adulthood alliance, which campaigns for the distinct needs of 18 to 24 year olds in the criminal justice system. We provide public affairs support and evaluate the three resettlement pilots based in London, Worcester and Birmingham. Each pilot uses a different model, Birmingham is based in a probation office, the London pilot is based in the charity St Giles Trust, and in Worcester it is based in the charity YSS. The Transition to Adulthood Alliance is also responding to this consultation.
3. Catch22 believes that a key objective of the secure estate should be the effective rehabilitation of children and young people to prevent reoffending and to enable them to reintegrate back into society. We believe that the key features of the secure estate for children and young people are:
 - Multi-agency working in support of effective resettlement

- Use of custody as a last resort
 - Location close to home
 - Intensive and tailored education aimed at developing young people's skills and abilities similar to any other young people's service
 - An specialist workforce training in working with young people
 - All young people up to the age of 21 to be held in the youth estate in order to support the natural process of desistance, and a supported transition to the adult estate when necessary.
4. Finally, whilst we know that the Government is consulting with children and young people who are currently in custody, we would hope that there are also plans to consult with those who are no longer in custody, and who are therefore able to provide a retrospective view of their experiences of custody and how they have could have been improved.

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

5. Catch22 welcomes the clear and stated aim of creating a specialist and distinct secure estate for young people. We believe that a key objective of the secure estate should be the effective rehabilitation of children and young people to prevent reoffending and to enable them to reintegrate back into society upon release and to become constructive members of their communities. We therefore welcome this focus which will allow the estate to be recognised as specialist provision which meets this objective.

Promoting Multi-agency working

6. The principles outlined in the consultation document are a positive step to achieving this; there are a number of areas where we would like to see this commitment taken further. Firstly, the strategy needs to be set in the context of the wider strategy of meeting children and young people's needs and aspirations, and the wider provision of services which are delivered in the community to meet these needs. An isolated secure estate risks compounding the chances of reoffending rather than making it less likely.
7. The children and young people's sector is increasingly aware of the need for multi-agency working to improve efficiency and cut costs. A recent report by nef, in partnership with Catch22, found that a more coordinated approach to services for vulnerable young people would deliver a return on investment of £5.65 for every £1 invested¹. Catch22 believes there must also be a principle of multi-agency working within the secure estate and through the prison gate. Providing the right support for young people requires that agencies work together in a coordinated way and the strategy for the secure estate for children and young people must be seen in this context, particularly when considering the role of families, the importance of education and training, and meeting children and young people's right to dignity and respect under the UN Convention on the Rights of the Child.

Promoting effective resettlement

8. Catch22 would like to see significantly more attention placed on resettlement, currently only mentioned in brief within the strategy. Whilst we recognise that the strategy is focusing on the secure estate, resettlement is absolutely key to the success of rehabilitation and reducing reoffending and a focus on this would strengthen the strategy

¹ nef (2011) *Improving Services for Young People: An economic perspective*. Available online at http://www.catch-22.org.uk/Files/Improving_Services_for_Young_People.pdf?id=2df6386c-d820-4cad-8ad9-9eb401147851

as a whole. Poor resettlement has the potential to undermine any progress which has been made with a young person during their time in custody, as well as potentially frustrating a young person's good intentions upon their release.

Education and training

9. The principle of a 'full and purposeful day' is welcome, but as a service catering for young people we believe there should be a move away from simply looking at needs towards a stronger focus on development and aspiration.
10. Young people who have been in custody typically have poorer educational outcomes than their peers – 90 per cent of young men and 75 per cent of young women in custody have been excluded from school² and, according to the HM Inspector of Prisons, 40 per cent and 53 per cent of young men and women respectively were under 14 when they last attended school.
11. As such, not only should education and training provision within the secure estate provide children and young people with the same level and standard of provision that they would be entitled to outside of the secure estate, but should work also to develop, encourage and meet young people's potential and aspirations to equip them for productive and constructive engagement in society and the workplace upon their release.

Mental health needs

12. Catch22 welcomes the recognition within the strategy of young people's mental health but we would like to see more emphasis placed on this important issue. . A large proportion of young people in custody have mental health problems and the current ability of the secure estate to adequately manage and treat these conditions is deplorable. Action is urgently needed to equip the secure estate to manage and treat these conditions effectively.
13. There also needs to be significantly more emphasis placed on families – young people do not exist in isolation and can not and should not be treated as such. Effective work with young people also needs to involve work with their parents, carers and their families who are part of the solution.

Areas not covered within the strategy

14. We believe that the strategy, should make a distinction between those young people who have been sentenced to custody and those who are on remand. These are distinct populations requiring distinct strategies to meet their needs. The transitions to the adult secure estate would also add an important dimension to the strategy.
15. Finally, any strategy for the secure estate also needs to be seen within the light of the wider objectives of the Ministry of Justice to reduce the use of custody for young people. Incarceration accounts for almost two-thirds of the YJB budget and yet over 70 per cent of young people go on to reoffend. There is a clear need to develop effective alternatives to custody for those young people who do not need to be imprisoned within the secure estate.

Do you agree with the aim of developing enhanced units to address the needs of a small number of young people with particularly complex needs?

² Prison Reform Trust, *Bromley Briefing* 2011

16. Of those children and young people in custody, between 25 per cent and 81 per cent have mental health needs and 25 per cent have special educational needs³. Provision for those with complex needs must therefore be seen as a priority. However, Catch22 strongly believes that custody for these young people should be an absolute last resort. Children and young people with particularly complex needs should be diverted away from the justice system at the earliest opportunity, or at the very least be sentenced to alternatives to custody.
 17. Whilst the development of specialist units for young people with particularly complex needs would be preferable to existing provision, we would be cautious about welcoming anything that might encourage the use of custody for young people with complex needs.
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Do you agree with the proposals for adjusting to decreasing demand?

18. Catch22 welcomes the commitment to a reduced secure estate and the use of diversion and alternatives wherever possible.

Reconfiguration of the secure estate

19. Catch22 believes that the secure estate reconfiguration should lead to a larger number of small units, rather than a smaller number of larger units, enabling young people to be placed closer to home. This could facilitate an environment which is more conducive to young people's rehabilitation in contrast to a more 'prison-like' environment such as in many larger establishments.
20. A larger number of small establishments would also enable young people to be placed closer to home, where appropriate. The average distance from home for young people in custody is around 50miles⁴. This has a severe impact on the ability to sustain relationships whilst in custody; 30 per cent of young men (aged 15-18 years) and 47 per cent of young women in custody reported having had no visits in the last month or never having visits⁵.
21. We consulted with young people from Catch22 Inspire, a 'through the prison gate' resettlement service who were either currently in custody or who had recently left custody. They frequently mentioned distance from home. The main improvement that young people asked for was (a) having more contact with families, and (b) their families finding it easier to visit them. One young person when asked what difference it would make if they had been placed closer to home answered: 'I would have been happier'.
22. Sustaining the relationship between young people and their families whilst young people are in custody has been shown to be key to effective resettlement. The further away a young person is placed from his or her family, the more likely it is that relationships will break down during a young person's period in custody.
23. Placing young people closer to home also presents the opportunity for more integrated working with the family by professionals. Young people do not exist in isolation and their families are a key part of rehabilitation and effective resettlement upon release. Working with families can be a very effective intervention to prevent reoffending, and is a way to sustain the work done within the secure estate once a young person is released.

³ Prison Reform Trust, *Bromley Briefing* 2011

⁴ Prison Reform Trust, *Bromley Briefing* 2011

⁵ Prison Reform Trust, *Bromley Briefing* 2011

Decommissioning of SCH and STCs

24. Catch22 welcomes the decommissioning of YOIs, however we believe this is an opportunity to re-evaluate the structure of the secure estate. We believe decommissioning proportionally more secure children's homes (SCHs) and secure training centres (STCs) going forward is contrary to the stated principle of creating a distinct, specialist secure estate for children and young people. SCHs and STCs are better equipped to meet the needs of children and young people than Youth Offending Institutes (YOIs) and there is no reason why they cannot accommodate older young people who would currently be placed in a YOI.
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What role should market testing play in this process?

25. Catch22 would like to see the reconfiguration of the secure estate moving towards a diverse provider market similar to the changes proposed within the probation service. Ideally it would closely reflect the innovative approaches being adopted for reducing reoffending and offender management services for adult offenders.
26. We feel this reconfiguration would represent an opportunity for experienced voluntary sector organisations to increase involvement with the secure estate to drive innovation and deliver effective services. Catch22 believes that market testing and the adoption of innovative payment by results mechanisms would deliver efficiencies and increase commissioner flexibility. This would ensure delivery models flex and remain responsive to changes in population levels and the changing needs of young people in custody
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What further work could be undertaken to contribute to the establishment of a completely distinct secure estate for children and young people?

27. The vast majority of young people who offend grow out of crime and go on to lead crime free adult lives. Catch22 believes the best way to prevent reoffending is to support young people's development and give them the opportunity to reach their potential. A distinct and specialist secure estate for young people would have a core principle of developing young people's skills and abilities similar to any other young people's service.
28. Catch22 agree that the built environment is crucial to making the secure estate feel distinct and different to an adult prison. We would advocate keeping STC and SCH places above YOI places on this account, as they have a more domestic environment which is appropriate for all young people up to the age of 17.

Workforce Development

29. Workforce development and creating a distinct professionalised workforce of specialists committed to working with children and young people is key to developing practice within the secure estate. Recruitment should focus on people with experience and expertise in working with young people and an interest in rehabilitation rather than those with a background in security and prison work.
30. Catch22 strongly recommends the development of a single qualifications framework for the youth sector. Within this framework, staff would be able to supplement a core qualification with specialist learning, for example in criminal justice or housing policy, enabling them to adapt flexibly and take on additional responsibilities and required, rather than needing to take whole new qualifications. This would have a number of benefits, including providing consistency of qualifications which would benefit both staff and

employers, as well as enabling staff to support young people with a range of different issues, rather than being curtailed into specific specialisms.

31. We recommend the development of a single set of competency standards in order to ensure continuity and consistency between the competencies required for front line workers and managers who work with young people both inside and outside the prison gate.
32. Furthermore, Ex-offenders with experience of youth work are a rich resource that is currently not sufficiently utilised within the secure estate. A mixture of people who are committed to working with young people, and those who can stand as role models through moving out of crime would contribute to creating a completely distinct secure estate for young people.
33. When we asked the young people about their views on the staff in the secure estate, we found a diverse range of responses. One young person mentioned the ethnic mix of the staff, arguing that they would have been more comfortable if it had been more ethnically diverse. One young person argued that they should 'enjoy their job more'.

Transition to the adult secure estate

34. Making the secure estate more distinctive runs the risk of exacerbating the difference between the secure estate for children and young people and the secure estate for adults. Catch22 is a member of the Transition to Adulthood Alliance, which recognises the distinctive needs of 18 to 24 year olds in the criminal justice system⁶. Services rapidly fall away when this boundary is crossed and at the moment when young people have to navigate the complicated terrain of adulthood, they often find themselves with little support.
35. Catch22 recommends that young people sentenced at 17 should not have to undergo a disruptive transfer simply because they turn 18 and instead should be retained within the young people's secure estate. Catch22 would like to see all young people up to the age of 21 held in the youth estate as this would support the natural process of desistance. Rather than decommissioning spare places within YOIs, these could be used to accommodate more 18-21 year olds outside of adult custody.

What more could be done to ensure the development of effective interventions in secure establishments?

36. The purpose of effective interventions within the secure estate must be to improve the rehabilitation of children and young people and to prevent reoffending. These must include interventions which equip young people with the skills and knowledge they need to reintegrate successfully back into their communities and be a productive member of society.
37. Therefore, interventions must include those which address young people's educational needs and aspirations, those which support young people's health and wellbeing, including relationships with their families, and those which support their rehabilitation and successful resettlement upon release.

The importance of relationships and the family

38. Within Catch22, our experience highlights the vital importance of trusting and supportive working relationships between young people and professionals. When speaking with

⁶ <http://www.t2a.org.uk/>

young people about their experiences of services, they often credit specific members of staff as playing a key role in their development and success. A distinctive workforce within the secure estate would help to acknowledge the importance of this relationship and the need to create trust before any intervention can work. Higher staff to young people ratios, such as within SCHs and STCs versus YOIs, are particularly important in this regard.

39. Catch22 strongly believes that effective work with young people must include working with their families. Families and relationships play a key role in effective rehabilitation and resettlement. Our *Right Time, Right Support* report calls for more support for families of teenagers to keep young people out of the care system and prevent offending and reveals the importance of working with the family as well as the young person:

“You can do some fantastic interventions with the young person that really has a positive impact and the moment they step across the [family] threshold it’s all undone.”

Project worker from Catch22 Hampshire 24/7

40. We believe that, where appropriate, interventions with a young person whilst they are in custody would benefit from the involvement of families, in addition to the families of young people in custody receiving specific interventions themselves. Families are often part of the solution and an integrated approach would enable workers to implement interventions, such as the planning of long-term goals, which are sustainable and effective long after a young person has returned to their families.

Using restorative justice in custody

41. Restorative justice (RJ) and mediation are powerful tools for young people to understand the consequences of their actions. RJ is increasingly and effectively used when young people who have committed a crime are given a community sentence and Catch22 believes that there is the potential for RJ to also be used effectively in cases where young people have been sentenced to custody.

Catch22 **Wessex Restorative Justice** works within the community with people who have been affected by crime. We enable victims, offenders and the community to come together to discuss what has happened, who has been affected, what harm has been caused and find ways to repair that harm. Catch22 contacts the victim of the crime in question, offering them a chance to be part of the offender’s attempt to make amends for what he or she has done. We give young people the opportunity to explain what happened in their own words, take responsibility and put right the harm they have caused.

Transfers within the secure estate

42. Finally transferring young people within the secure estate interferes with the effectiveness of interventions, interrupting and disturbing progress that has been made and relationships which have been built between young people and professionals. Catch22 would like to see significantly more work being done to ensure the stability of placements.

User participation

43. Catch22 is underpinned by a methodology which is informed by a commitment to young people’s participation. Rainer, one of the predecessors to Catch22, was the first national voluntary organisation to roll out the “Hear by Rights” framework which is now integrated into Catch22’s quality assurance work. Structurally, we are also developing a process for hearing the views of young people through the Youth Foresight Unit. Our commitment to young people’s participation is also enshrined in our competency framework for all practitioners and managers within the organisation.

44. An example of a service which heavily involves young people’s participation is the “Road Catch22 Response: Strategy for the Secure Estate for Children and Young People in England and Wales

to Resettlement". This is major resettlement initiative which brings together a number of partner agencies including every Government agency with a juvenile resettlement brief alongside key national voluntary and community organisations and transnational partners. Through this project we aim to enable young offenders to join and sustain long term involvement in the labour market, while creating a seamless transition throughout the resettlement process.

45. Catch22 believes that user participation in the design of services is fundamental. We have a commitment to finding ways of hearing the views of young people, both in terms of developing our delivery models and in ensuring that our interventions with young people are meeting their needs and that they're getting a say in what services they are receiving. We believe that user input in the design of interventions in the secure estate as well as feedback is a powerful way of making those interventions more effective.

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?

46. Catch22 believes that resettlement and rehabilitation are a key priority of the secure estate for children and young people. As such resettlement and 'through the prison gate' services are critical to achieving this objective. Poor resettlement services have the potential to undermine any progress which has been made with a young person during their time in custody, as well as potentially frustrating a young person's good intentions upon their release.

Promoting a seamless transition between custody and community

47. Catch22 believes that resettlement must start before a young person leaves the secure estate. More work needs to be done to ready young people in custody for the challenges facing them on release, in particular for those who are living independently. We believe that skills and knowledge relating to issues such as sustaining tenancies are as important in preventing reoffending as behavioural programmes.
48. When we asked young people about the experiences they had found most useful whilst in custody, they frequently cited the resettlement work they had done on employability and preparing for life outside custody was seen as the most worthwhile experience they had, more so than any other courses they took part in.
49. Currently only young people who are on a full care order are entitled to services which are supposed to provide a seamless transition between custody and community. For other young people without this entitlement, and indeed many with it, the transition between custody and community can be completely uncoordinated with little contact from community services and social workers whilst a young person is in custody. Catch22 strongly advocates the delivery of 'through the prison gate' services, where providers of community services also deliver services within custody, thereby helping to smooth the transition from custody to the community. For example, this would provide the opportunity for trusting relationships to be developed with key support workers prior to release.

Catch22's **Inspire Resettlement Service** works across 14 London boroughs supporting young men aged 15 to 19 years old who are on remand, serving custodial sentences or on community orders to make positive changes in their lives. Resettlement Brokers build lasting relationships with young people: from getting to know them while they're still in custody, to helping them find a job or training opportunities when they're released. We also support them in finding accommodation and getting them help with any drug or alcohol problems they may

have.

The young person will receive regular on-going support from a dedicated Resettlement Broker while they are in custody and for up to 12 months after that. This support will include personal development and employability skills designed to support their integration back into the community, as well as access to jobs or training. We focus on moving forward and draw on young people's strengths and personal resources to help them overcome their problems and encourage them to take control of their lives.

By listening to and working closely with the young person we will get them the right sustainable employment, education or training. We do this by:

- understanding their individual needs
- helping them to complete a CV
- producing an action plan, including activities that have been agreed by the young person and their Resettlement Broker
- offering activities and opportunities, from relevant group work, to providing employment opportunities, work trials and work experience.
- Young people who are ready to access employment will also be supported by a trained volunteer mentor

50. Catch22 welcomes the idea of satellite sites to aid resettlement. We would like to see these put out for competitive tender to a wide range of providers, such as the voluntary and community sector. A key role of these providers will be to work holistically and broker relationships with housing, health, education and benefits agencies.

51. Finally we believe that the YJB could use its position as a commissioner of places within the secure estate to force providers to focus on a young person's resettlement needs from as soon as they enter their establishment. If providers were held financially accountable for young people's resettlement outcomes after release, it would incentivise them to work more holistically with community and 'through the prison gate' services, ultimately leading to better outcomes for young people and their communities.

52. Catch22 welcomes the eAsset pilot and believes that this has potential to support resettlement planning. This also has the potential to address cross-boundary problems which many young people face upon release

Consultation on strategy for the secure estate for children and young people in England and Wales

Response from Centre for Mental Health

Introduction

Centre for Mental Health is an independent charity working to improve the life chances of people with mental health problems in the UK. A large part of our work concerns the mental health of people in the criminal justice system, including children and young people. We welcome the opportunity to comment on the proposed strategy for the secure estate for children and young people from 2011/12 to 2014/15. This submission draws on evidence we have gathered through our work in this area. In particular, it draws on the findings from a study, commissioned by the Department of Health in 2007, which reviewed levels and standards of mental health provision in the young people's secure estate.

Overview

- Young people sentenced to custody have very high levels of mental health problems. They are also more likely to have learning disabilities, speech, language and communication needs, health inequalities and a range of other complex and multiple vulnerabilities that compromise their future life-chances and their health and well-being.
- Custody has the worst outcomes in terms of reducing crime and improving future cross-generational life chances. It must therefore be reserved for those committing the most serious offences. The strategy should be based on the underlying principle that custody should only be used as a last resort, in line with the United Nations Convention on the Rights of the Child (UNCRC). Over reliance on custody to address the physical and mental health needs of vulnerable young people in the youth justice system must be avoided.
- The management of the secure estate for children and young people should be completely separated from the management of the adult prison estate.
- The introduction of specialist in-reach teams in Young Offender Institutions (YOIs) resulted in some improvements both in terms of the awareness of mental health issues and in the delivery of treatment. However, these teams seem only to be able to scratch the surface of the true extent of mental health and multiple needs. Moreover, without sustainable funding for specialist mental health provision, improvements made could easily be reversed.
- The consistency and quality of mental health provision varies across the entire young people's secure estate as a result of different commissioning practices. Levels of mental health provision also vary between similar types of units. Ongoing attention must be given to developing multidisciplinary collaboration and a comprehensive CAMHS approach. A health and wellbeing tool should also be introduced to ensure robust measurement of outcomes across the entire secure estate.
- There is an urgent need for all secure units to develop a regime that is child-centred and adapted to the therapeutic and rehabilitative needs of the very vulnerable children who end up in these settings. Instead of focusing on developing discrete units within larger establishments for children and young people with the most complex needs, the strategy

should be aimed at ensuring that all regimes in secure units are built on therapeutic principles and based on a theoretical framework for working with children with emotional and behavioural problems.

- It is equally important that any improvements and progress made while in custody are supported and maintained following release. Programmes which are more likely to result in positive outcomes are those which start in custody and continue post-release.
- There remain significant gaps in service provision for children and young people in secure units. In particular, there is limited support available for those with learning disabilities and speech, language and communication problems. Acquired brain injury (ABI) is also under identified and poorly supported, despite recent research which shows a significant over representation of young people with ABI in custody. Associations have been noted between significant ABI, aggressive offending and suicide (Williams, 2011).
- There remains a predominantly reactive approach to mental health problems rather than an early intervention and proactive approach to support mental health and well-being. Primary health care workers have an important potential role to play in meeting the mental health needs of children and young people in custody. A comprehensive health checklist (including mental health and emotional well-being) should be developed for use across all agencies and in all settings.
- There must be a much stronger focus on working with the families of children and young people in the secure estate. Effective interventions such as Multi-Systemic Therapy, Functional Family Therapy and Family Integrated Transitions should be available to support resettlement.
- Decisions about future decommissioning of beds should not be made without considering the impact that this will have on the health and wellbeing of children and young people who are placed in custody.
- Government departments need to take a joined up approach to youth justice and make sure it is aligned with other relevant policy on issues including diversion, public health, early intervention and families with multiple needs.

Response to questions

Principles and priorities

Do you agree with the principles stated in this document?

We broadly agree with the principles stated in the consultation document. However, we are concerned that there is little detail about how these principles will be implemented in practice. We are also concerned that the draft strategy is not clearly based on the principle that custody for children and young people should only be used as a last resort, as required under the UNCRC.

Most children who offend for the first time will not come back into the system again. Offending during teenage years is often underpinned by poor decision-making and judgement both of which are linked to the significant changes in brain architecture occurring during adolescence (Johnson, 2009). There is some evidence that drawing young people unnecessarily into the youth justice system at this age can increase the chances of future

offending (Petrosino, 2010). We should therefore aim as far as possible to prevent children and young people from entering the youth justice system.

We strongly support the principle of a distinct, specialist secure estate for children and young people. To achieve this it is essential that the management of the young people's secure estate is completely separated from the management of the adult prison estate.

It is also crucial that secure units develop regimes which are child centred and based on a theoretical framework, as is used in schools, for working with those who have emotional and behavioural difficulties. To support this, frontline staff must have appropriate training to work with and support children and young people in custody. Commissioning must also focus on what is effective and deliver services based on the needs of children and young people, instead of simply adapting adult models.

Recognising diversity is also important. Support for particular groups of young people who offend, including young people at risk of sexually harmful behaviour, young people from Black and Minority Ethnic (BME) groups and young women, remains underdeveloped. The literature suggests that young women who meet the criteria for conduct disorder are clustering in custody much more than young males with this diagnosis, despite the fact that a diagnosis for conduct disorder is much more common in males. We are concerned that the strategy gives insufficient attention to specific provision for young women in the secure estate.

We agree with the emphasis placed on maintaining safety and wellbeing. Young people (aged 15-17) in custody are 18 times more likely to commit suicide than young people of the same age in the community. Some practices continue to undermine the safeguarding of children and young people in custody. In some instances, where children have experienced physical or sexual abuse, searching and control and restraint practice in secure settings can provoke flashbacks and undermine further children's mental health. The recent annual report by the Chief Inspector of Prisons (2011) found that just under a third of boys and over a fifth of girls reported that they had felt unsafe at some point in prison, and that the use of force remained high.

Safeguarding must be prioritised and the approaches used should aim to minimise distress and the potentially negative impact of custody on children's mental health, while maximising any potential benefits. Regimes should be underpinned by a general approach of de-escalation, rather than reacting to behavioural crises. Regular contact with families should be promoted to mitigate the impact of separation, and priority given to promoting the young person's wellbeing on release and safe resettlement back into the community.

Secure units should take a proactive approach to reviewing safeguarding through the use of a log, reviewed annually, to record practices that could compromise the well-being of young people while in secure settings and following release. The log would include incidents within and outside the immediate authority of secure units (e.g. last minute, unsuitable accommodation on release). These concerns should be referred with to the safeguarding board overseeing the unit or to the board with responsibility for the young person's home area.

We strongly agree with the principle of early and comprehensive assessment of need. Needs assessment tools currently being used in secure units and in Youth Offending Teams (YOTs) should be reviewed to ensure that they are picking up the entire range of needs of all vulnerable young people. A standardised outcomes monitoring framework for mental health and well-being as well as for broader public health improvements should be developed to evaluate the impact of secure care on young people and to assess the effectiveness of the services provided by mental health teams.

Ensuring that children and young people in custody have a full and purposeful day is essential and opportunities to build resilience and protective factors for mental health and wellbeing should be maximised. The focus of regimes should be on building young people's health, educational and social assets for release. It is equally important that they are given adequate support on resettlement to ensure that any improvements and progress made while in custody are not reversed. Effective resettlement (including a focus on the wider determinants of good health such as ensuring safe and stable accommodation, ongoing work to support parenting and positive relationships, continuity of education, links with real opportunities for work and continuing mental health support) continues to be a problem for children and young people when they leave secure units.

Are there any significant areas not covered?

We would like to see a much higher profile given to prevention and early intervention. There is generally a preoccupation with reacting to mental health crises, rather than an early intervention and proactive approach focusing on emerging signs of poor health or risk factors for poor mental health outcomes. We need to raise awareness that most adults with mental health problems will have first started to develop these difficulties at around the age of 14; that poor mental health manifests differently in children and behavioural problems should be seen as the symptoms and signs of poor mental health; and that there is a strong evidence base (and associated cost savings) for prompt detection and intervening early with a number of mental health conditions.

We also think there must be a much stronger emphasis on working with families. Family support is a major protective factor for young people seeking to make progress and achieve their potential. Most successful interventions for young people with mental health difficulties involve evidence based parenting programmes and family work. These are most effective when they are targeted at an early age (under the age of 12 years) at children and young people who are showing signs of conduct disorders and behavioural problems. There is also evidence that some interventions (Multi-Systemic Therapy, Functional Family Therapy, Family Integrated Transitions) work with the older age group, but these are rarely made available to support resettlement in the UK.

Another area not covered is the importance of involving young people themselves in the design and delivery of services in secure settings. Young people should also be involved in inspecting and auditing provision in secure settings, as happens in some settings for looked after children. For those with diagnosed mental health difficulties, consideration should be given to how the recovery approach could be integrated in practice throughout the youth justice system and the young people's secure estate. The recovery approach reinforces the

importance of people with mental health needs working with staff to decide what their goals are and how to achieve them. It recognises that, for some young people, improvements in emotional and mental well-being will result from other activities and not just mental health service interventions. The principles of recovery are consistent with what we know about what young people need to support their mental health and well-being such as a choice of solutions to best suit their needs, help that addresses their other priorities such as getting a job, and a non-patronising or non-judgmental approach.

The development of enhanced units

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?

We recognise that the Keppel and Willow Units appear to have worked successfully with some children with complex mental health and behavioural problems, and were much more based on therapeutic principles. However, we do not think that developing discrete units within larger establishments should form the basis for the future development of the secure estate. The underlying premise of the strategy should be to reduce the number of children entering custody and ensuring that custody is only used as a last resort.

A small number of children and young people have the poorest prognosis for both reoffending as well as a wider range of poor outcomes (Fergusson et al, 2005; Sainsbury Centre for Mental Health, 2009). It is crucial that this group with high risk factors for poor outcomes are identified and supported with effective community based parenting or other evidence based health and social care support. There is emerging evidence that Triage and Youth Justice Liaison and Diversion schemes at the first point of contact with the police are able to contribute to notable reductions in First Time Entrants in the youth justice system, YOT caseloads, remands (in some areas) and in some instances custodial rates.

For the small number of children and young people who do require a secure environment, all should be in secure unit with a regime built on therapeutic principles. These regimes should be based on a theoretical framework, as is done in schools, for working with children with emotional and behavioural problems. Training for all staff should be based on what we know works from the literature on children with emotional and behavioural problems.

If there is a need for an area within a unit for those children and young people with the most complex therapeutic needs when their behaviour reaches crisis point, the aim should be to support young people back to normal locations as quickly as possible and not to keep them isolated in discrete units. Work should be based on a behavioural management approach linked to the principles of what works to support behavioural change in those with disorganised attachment, and not on a punishment and isolation approach.

There is no evidence base underpinning the current regimes in the secure estate. In particular, there is no evidence to support containing young people within larger establishments. There is also no robust measurement of health and wellbeing outcomes across the secure estate. We believe that a health and wellbeing tool should be introduced, such as the one developed by The Children's Society (2010) which has established a baseline for well-being with children outside the youth justice system. This would allow

information to be collected on the level of vulnerability found among young people who offend as well as to compare outcomes between different types of units.

What more can be done to meet the needs of young people in custody?

Planning for healthcare provision in secure settings must ensure that children and young people in custody have equivalent access to the same range, quality and standard of health services as are available in the community. It is also important that healthcare provision in secure settings promotes equivalence of outcomes for children and young people in custody. Healthcare provision in secure settings also needs to reflect wider developments in the community to promote population mental health and wellbeing such as taking a whole system approach, which is strength-based with interventions aimed at reducing health inequalities, building resilience and enhancing protective factors for mental health and well-being.

Particularly in larger secure units, ongoing attention should be given to developing multidisciplinary collaboration and a comprehensive CAMHS approach to meeting mental health and emotional well-being needs and supporting the management of young people with other complex needs. Most children and young people in custody have a range of needs and need support across different areas. Greater use should be made of multidisciplinary meetings (established in some YOIs) to improve the coordinated planning and review of the mental health and well-being and safeguarding of young people. In smaller Secure Children's Homess, where specialist staff are often working outside the unit, more use should be made of conference calls to co-ordinate care, share information and improve management and resettlement planning.

It is also important that there is action to improve young people's awareness of mental health. The PATHS or Social, Emotional Aspects of Learning programme (SEAL) should be incorporated into education provision in the young people's secure estate to promote awareness of mental health and emotional well-being, to support the development of emotional intelligence and to support resilience and encourage young people to seek help.

A significant gap in provision for children and young people in custody is good quality primary mental health care, in particular health promotion and the identification of people needing further assessment and intervention for health needs. Most mental health workers have limited capacity for early identification and preventative work to identify and address risk factors for poor mental health. Adequately trained and supervised frontline care staff and primary healthcare workers have an important potential role to play in meeting the mental health needs of children and young people in custody.

We know that young people in the youth justice system tend to seek help from health services only in times of crisis, and that this is most likely to occur through their contact with other agencies (Macdonald, 2006). We also know that young people presenting in primary care settings often fail to report or hold back from talking about the health issues that are really worrying them (such as mental health problems and substance use) (Klein, 2002). A comprehensive health checklist (including mental health and emotional well-being) should be developed for use across all agencies and in all settings to help identify issues that young

people may be reluctant to disclose. A standardised health information summary tool (HIST), as currently used at Hindley YOI, would ensure vital health information is passed on through all points of transition and into the community post-release.

GP practices could be established in each custodial setting, but it is crucial that primary care workers receive enhanced training in child and adolescent development and in particular the health and health promotion needs of vulnerable young people in these settings. Particular attention needs to be given to the competencies of primary care and general healthcare staff in terms of promoting mental health, identifying risk factors and early flags for poor mental health, identifying moderate mental health problems and supporting lower threshold mental health difficulties through IAPT approaches.

Although GPs and primary healthcare workers routinely screen for mental health difficulties at the point of entry into the secure unit, the scope of screening tools is variable and often limited. Screening tools and staff competencies are not geared towards spotting complex risk factors for poor mental health outcomes such as school academic failure, learning disabilities, communication needs and experiences of trauma. Primary care staff in these settings also do not always screen for risky physical health behaviours linked to health inequalities and poor life chances.

Responding to decreasing demand

Do you agree with the proposals for adjusting to decreasing demand?

We recognise the desire to decommission places due to the falling numbers of children and young people. However, decisions about future decommissioning of beds should not be made without considering the impact that this will have on the health and wellbeing of children and young people who are placed in custody. A risk assessment of the proposals must be undertaken to assess their impact on the safety and wellbeing of children and young people and their future life chances. This risk assessment should look at the evidence that is available on effective regimes for vulnerable children in general and not just those in custody so that proposals for responding to decreased demand are underpinned by the best available evidence. We are concerned that the proposals are currently driven by a desire to achieve cost savings and not based on the needs of children and young people.

We are particularly concerned that, as it is proposed that this will result in a reduction in the number of sites, children and young people will be placed in larger units further away from their families and homes. This could further impede family based interventions which can be successful in improving outcomes for children and young people with mental health problems. There is also no evidence to support containing children and young people within larger establishments.

A smaller number of larger establishments would also mean that mental health workers in secure settings would increasingly be working with young people from a number of different geographical areas. We have found that secure care and mental health staff have particular difficulties in trying to arrange support when they are unsure about the resources available in the young person's home area. Up-to-date local directories must be available which list the full range of services which can support young people's mental health and emotional

well-being following release, as well as those providing support to parents and carers. There should be easy access 'front doors' for referrals in each local area for any vulnerable child being returned to a local community with a system of logging incidents with local safeguarding boards when adequate support is not provided.

A distinctive secure estate

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

We strongly support the establishment of a completely distinct secure estate for children and young people. To achieve this, the management of the young people's secure estate should be completed separated from the management of the adult prison estate. It must be built on the principles underpinning the UNCRC and have as its overall aim the use of custody only as a last resort.

We know that children and young people in the secure estate experience a range of needs including high levels of trauma, ABI, mental health problems, learning and speech communication needs, attachment difficulties and health inequalities. It is therefore essential that the regime in secure units is based on the best available evidence of what is most likely to improve outcomes for these children. Work to develop the theoretical framework for regime in secure units must be done before decisions are made about the future of the secure estate.

A crucial part of the process will be workforce development. We welcome the vision set out in the strategy that "all staff in secure units are recruited specifically for and are committed to working with children and young people, adequately trained to deal with the challenges this group presents and to effect change". The Children's Workforce Development Council has identified a common core of competencies and knowledge that all those working with children and young people (including volunteers) should have. These competencies should inform the training of secure care staff in all settings and should underpin interactions and work with young people and their families.

At present, training is provided in different ways depending on the type of unit. All frontline workers in secure settings need ongoing common and consistent training in child and adolescent development and as well as in the impact on behaviour of childhood maltreatment and trauma, neglect, mental health and developmental problems, learning disability, speech language and communication problems, physical health inequalities and social deprivation.

Effective resettlement

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?

Given the very high levels of complex needs among children and young people in secure settings, we believe that it is essential that young people in custody are seen as children in need and prioritised by Children's Trusts, as they do other children in need. Young people

who go into custody should have a lead professional who follows them through the system. Resettlement work must be given high priority and not simply seen as an 'add on' to other community work. Children's Trusts should be made more accountable for the resettlement of the young people who return to their local areas.

Resettlement packages should include the most intensive, evidence-based support, including a greater focus on parenting support to prepare families for their child's release. There should also be intensive, holistic, wraparound support to prevent any deterioration in well-being and behaviour on release.

Effective programmes tend to start in custody and continue 'over the wall' at the point of release. For example, the US Family Integrated Transitions (FIT) approach (Washington State Institute of Public Policy, 2004) is showing very promising results with young people who have co-existing mental health and substance misuse problems. The FIT programme is an intensive family and community based treatment combining multi-systemic therapeutic approaches and dialectical behavioural therapy. The programme (including family therapy work) begins during the young person's final two months in custody and seeks to foster behavioural change in the home environment, building on the strengths and resources of the family, peers, school and local community. Other programmes which have been proven in the US to reduce custodial levels and which are now also gaining an evidence base in the UK include Multi-Dimensional Treatment Fostering, Multi-Systemic Therapy and Functional Family Therapy (Aos *et al.*, 2006). These should form part of the core resettlement offered to families and children in secure settings who meet the criteria. Links could also be made with Family Intervention Projects to support families before a young person is released.

In our review, we found that one YOI with a broad catchment area had allocated four mental health workers specific responsibility for resettlement. These resettlement workers started wherever possible planning for resettlement on the first day that a young person came into the secure unit, using the Care Programme Approach (CPA) as a lever to facilitate continuity of care. CPA, however, generally remains poorly understood and underused across the secure estate as a way to promote continuity of care on release. Use of CPA, along with persistent problems in accessing services, should be monitored by local safeguarding boards and by commissioners.

A key issue is ensuring that children and young people have access to safe and stable accommodation on their release. We have found that mental health teams are concerned that post-release accommodation is often arranged too late in the day, which can frustrate resettlement plans. Children and young people are also still released into bed and breakfast accommodation and other environments which do not support emotional well-being and are unsafe.

There also remain significant difficulties in linking young people back into mainstream education. There is a need for awareness and joint action with schools to look at how exclusions are managed and how schools and colleges can support young offenders who have been in custody to continue their education on release. We know that school failure and under-attainment is a key risk factor for a range of poor outcomes including offending, poor mental health and substance misuse. At present, there is insufficient multi-agency

working to support schools and prevent exclusions. Our research and consultation with parents and children has also highlighted that many young people are able to make progress with their education while in custody but are often prevented from building on this progress once they return back to their community.

Access to real employment opportunities also needs to be developed. For most of those with later conduct problems (behavioural problems which start during their teenage years), employment and work-related relationships provide an important route out of criminal activity and can encourage pro-social rather than negative anti-social friendship groups. Prolonged unemployment amongst young people is also a risk factor for poor mental health in adulthood which itself imposes a significant burden on public finances as well as entrenching social exclusion.

The longer term

The consultation document asks for views on the longer term development of the secure estate for children and young people. In our view, this longer term strategy should be based on achieving certain fundamental goals including:

- A completely distinct and child-centred secure estate, in line with the UNCRC, with its management separated from the management of adult prisons.
- Custody is only used as a last resort for the most serious offences. Effective diversion schemes are in place to link children and young people with community based interventions which we know are more successful in improving outcomes
- A life course approach is taken to youth justice, which emphasises the importance of early intervention and prevention. Responsibility for youth justice is shared across all relevant government departments including the Ministry of Justice, the Department for Health, and the Department of Education.
- Regimes in secure units are based on a theoretical framework underpinned by the best available evidence on what works for vulnerable young people with high levels of mental health problems, learning disabilities and difficulties and other multiple needs. Services are designed and delivered based on the specific needs and children and young people, and this informs decisions, for example, about the appropriate size of secure estate units.
- There is robust monitoring of health and wellbeing across the secure estate, as well as the differences in impact that different regimes/types of unit have on health and wellbeing.
- Children and young people are linked with evidence based interventions which address a broad range of needs and not just those focused on offending behaviour. This includes family based interventions.

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Childhood Bereavement Network response to the Ministry of Justice and Youth Justice Board's consultation 'Strategy for the Secure Estate for Children and Young People in England and Wales 2011/12 – 2014/15'

About the Childhood Bereavement Network (CBN)

CBN is the hub for those working with bereaved children and young people across the UK. We underpin our members' work with essential support and representation, bringing them together across localities, disciplines and sectors to improve bereavement care for children and young people. We are hosted by the National Children's Bureau.

Bereavement and the secure sector

Bereaved children and young people are over-represented in the criminal justice system, with persistent young offenders being over four times as likely as the general population to have been bereaved of a parent (Harrington and Harrison 2001; Vaswani 2008). Many of the bereavements experienced by young people who offend are traumatic and violent, such as murder, suicide and drug overdose (Vaswani 2008).

Some of the family and community factors that increase children and young people's likelihood of being involved in offending behaviour (Youth Justice Board 2005) also increase the risk of family members or friends dying early. These include family conflict, poor housing, living in a disadvantaged neighbourhood, availability of drugs and firearms, and friendships with peers involved in crime and drug misuse. High rates of offending and premature deaths may both be associated with underlying risk factors.

However, some studies suggest a causal link. Especially in circumstances that are already disadvantaged, bereavement increases children's vulnerability to mental and emotional health difficulties (Green 2005) and disrupted education (Worden 1996). Bereaved young people report being bullied, (Cross 2002) and are more likely to leave home early (Kiernan 1992). A Swedish study found them to be over-represented among children in public care (Franzen and Vinnerljung 2006). Many young people and those working with them have identified significant bereavements as an important feature of their criminal histories: suggesting that when grief is left unsupported it can contribute to some young people getting involved in offending behaviour, particularly drug-related or more serious crime (eg Allen Kyng and Sprigings 2003, Boswell 2007, Barnardos 2008).

While coming into custody can provide young people with a chance to improve their lives, it brings additional challenge in dealing with bereavement. Dealing with bereavement is known to be more difficult when young people are facing other losses or stressors, which custody can bring. Bereaved young people often feel anxious about their own safety and that of their surviving relatives and this can be made more acute by being away from friends and family. They may feel intensely guilty about the death, particularly if they are concerned that their behaviour contributed to it. For the first time, they may be unable to mask their feelings about painful losses with drugs or alcohol. They may be unable to show their feelings of grief, for fear of making themselves vulnerable in the secure setting.

CBN worked with staff, managers and young people across the secure estate to identify the bereavement support needs of young people in custody, and produced a briefing outlining how the secure setting can provide timely support and a safe environment to enable young people to manage the impact of death on their lives, both in custody and on release.

Are there any significant areas that are not covered in the strategy?

Paragraph 83 outlines that the mental and physical health services provided to young people in custody should match those available in the community. However, young offenders who have been bereaved report significant difficulty in getting access to bereavement services in the community and it is vital that these are made properly available in the secure setting: it is not acceptable simply to match insufficient community provision.

Do you agree with the aim of developing enhanced units to address the needs of a small number of young people with particular complex needs?

Yes. These units should include a focus on meeting the bereavement support needs of young people in custody.

What more can be done to address the needs of young people in custody?

We believe that a broader understanding of the needs of bereaved young people in custody would be helpful. Currently, the ASSET form explores young people's difficulties stemming from significant bereavement, but only insofar as these increase their risk of offending behaviour. ASSET needs to be more closely aligned with the Common Assessment Framework to ensure that factors such as bereavement are not tackled simply because they are seen as risk for offending behaviour, but because they are a risk for a *range* of poor outcomes, which might include offending.

A range of support is needed to meet the needs of bereaved young people. In secure settings, this includes

- The setting knowing how many children and young people are affected by the death of someone close, so that they are able to plan support effectively
- Training for those working with children and young people to know how they can respond to someone experiencing bereavement, and to know where to go for further support
- High quality support including information about how children and young people grieve and 1:1 support to develop healthy coping strategies and to develop a positive connection with the person who has died
- Effective policies that respond flexibly to children's needs both in relation to bereavements while they are in custody and those prior bereavements that have had an impact on their offending behaviour.

More detail on the markers of good practice we have identified for secure settings can be found on our website www.childhoodbereavementnetwork.org.uk

What more could be done to ensure the development of effective interventions in secure establishments?

Funded longitudinal research is needed into the impact of bereavement interventions which helps to determine what works for whom, and when.

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 one another?

We would like to see a more comprehensive package of support for young people on release from custody, which should address practical issues but also have regard to wider family, personal and health needs. The death of a family member or friend may affect a young person's resettlement plans and this will need sensitive discussion with the young person and their wider network of support, including their YOT, to update plans and support the young person in working towards release.

While they are in custody, some young people will have had the opportunity to explore the impact of bereavement on their lives, and to develop positive ways of coping. This support can be continued after release, as one staff member in a secure setting pointed out to a young person

'I said "Your work (on bereavement) can start today, can start here, then follow through in the community'"

This means that secure settings and YOTs must work in partnership with local childhood bereavement services to ensure continuity of care. The YJB can support this work by providing training for staff, information on services available through the Childhood Bereavement Network and promoting the use of tools to support provision.

Response of Children's Commissioner for Wales to the Strategy for the Secure Estate for Children and Young People in England and Wales



September 2011

The Children's Commissioner for Wales is an independent children's rights institution established in 2001. The Commissioner's principal aim is to safeguard and promote the rights and welfare of children.¹ In exercising his functions, the Commissioner must have regard to the United Nations Convention on the Rights of the Child (UNCRC).² The Commissioner's remit covers all areas of the devolved powers of the National Assembly for Wales insofar as they affect children's rights and welfare and he may also make representations to the National Assembly for Wales about any matter affecting the rights and welfare of children in Wales.³

The UN Convention on the Rights of the Child (UNCRC) is an international human rights treaty that applies to all children and young people aged 18 and under. It is the most widely ratified international human rights instrument and gives children and young people a wide range of civil, political, economic, social and cultural rights which State Parties to the Convention are expected to implement. In 2004, the Welsh Assembly Government adopted the UNCRC as the basis of all policy making for children.

All of the rights of the Convention are important for all children at all times and there are specific articles within the Convention which relate to Youth Justice issues specifically articles 37 and 40. This response has been developed using the framework of the UNCRC. Relevant articles of the UNCRC are reproduced at appendix 1 as are extracts from the wider international standards relating to Youth Justice.

The Commissioner would wish to draw attention to the fact that in 2008 he reported along with the Commissioners in England, Scotland and Northern Ireland to the United Nations Committee on the Rights of the Child and that report included specific comments on youth justice.

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This response is not confidential

¹ Section 72A Care Standards Act 2000

² Regulation 22 Children's Commissioner for Wales Regulations 2001

³ Section 75A (1) Care Standards Act 2000

Introductory comments

I welcome the opportunity to comment upon the YJB consultation document in relation to a secure estate strategy. Children in custody are one of the most vulnerable groups of children and young people in society and it is crucial that for those children and young people who are denied their liberty that we do all we can to ensure their effective rehabilitation and managed return to society.

It is important to ensure that the development of strategies such as this should take account of any international conventions and guidelines pertaining to the rights of children in this area. The United Kingdom Government ratified the United Nations Convention on the Rights of the Child (UNCRC) in 1991 and in so doing committed to bringing all legislation, policy and guidance in line with the provisions of the UNCRC.

The UNCRC is a holistic convention which provides children with a number of substantive rights which are essential for their development. Governments are duty bearers to children in relation to children who are rights holders, and the Convention expects that Governments will ensure the delivery of the rights described in the UNCRC to children. The UNCRC includes specific articles in relation to Youth Justice but children who offend often have been unable to enjoy their rights as described by the UNCRC. The United Nations has also published a number of guidelines in relation to youth justice including the Riyadh guidelines, the Beijing Rules and the Havana rules setting out their view on the operation and design of a Youth Justice system based on the UNCRC. I would urge the Ministry of Justice to ensure that proposals for change to any part of the Youth Justice system should reflect these standards and guidelines.

For children and young people living in Wales it is clear that the location where a Welsh child is held is a key driver to the service and the quality of experience that they have whilst in custody. The Welsh Government has been very clear in its view of how Welsh children in the secure estate should be treated and I concur with their policy intent that they should be treated as children first and offenders second. (All Wales Youth Offending Strategy) Their rights should be respected and upheld at all stages of being held in the secure estate and the experience of my team when working with young people in the secure estate is that this does not happen consistently.

General Comments

Please note that all references to Welsh Assembly Government should now read Welsh Government for accuracies sake. Welsh Government have dropped “assembly” from their name. It should also be noted that references to inspecting bodies or similar need to reflect the differently named and independent nature of such bodies in Wales e.g ESTYN as well as OFSTED

There is much to commend within the strategy document in terms of the overarching principles and the focus upon responding to the needs of the individual child or young person. However the document is constrained by the decision not to review the whole secure estate because of practical and cost implications. Whilst the document recognises that numbers in the system are contracting and any new system should respond to the needs of the child and young person the decision to retain three distinct sectors without a comprehensive understanding of what is the most effective sector and what are the most effective features of the different regimes is disappointing. I am

particularly concerned about the suggested contraction of secure training centres and local authority secure units as opposed to young offender institutions without the qualitative evidence base for doing this. This approach seems to contradict and conflict with the very positive principles and needs led approach described elsewhere in the document and leads to a compromised solution. Considerations are driven by cost and value for money rather than what would be in the best interest of the child or young person.

There is a vagueness and lack of detail in relation to a number of important elements of the strategy about which I will comment in more detail later.

Consultation questions

Principles and priorities

The principles outlined in the document importantly acknowledge that the rights and needs of children and young people within the criminal justice system are different from, and separate to, those of adults within the criminal justice system. This is an important distinction and one that must be retained. The principles describe an approach that can probably best be encapsulated in the principle “children first offenders second”.

The Ministry of Justice reports reoffending rates as 75 per cent for children released from custody (Ministry of Justice, 2010a). It is clear that a system focused upon criminalisation and punishment fails children, victims and communities at extraordinary cost to society and the public purse. The most important change should be one of values: children are children first and offenders second, which is the underpinning approach in relation to youth justice in Wales. Addressing the underlying reasons why children commit crime should be the priority rather than how to punish them when these needs have not been addressed. Of all the interventions for children who offend, custody is the most damaging and least effective.

I am pleased to see the importance that is being attached to the principle of effectively safeguarding children within the secure estate particularly as the protection of children within custody remains a fundamental concern. Within the secure estate there are high incidences of mental health problems, self harm and bullying with significant numbers of young people feeling unsafe. There are also high levels of intimidation, violence and abuse from other prisoners and on occasion staff. Children in custody have limited access to advocacy, with only limited numbers of those in young offender institutions having spoken to an advocate.

It is important that an appropriate system of checks and balances are put in place to ensure that good intentions outlined in the strategy document are realised, and that the number of restraints and deaths in custody are minimised. According to the Youth Justice Board (2011) there were 6,904 incidents of (reported) restraint in 2009/2010, of which 257 resulted in injury. The average proportion of young people in custody who were restrained increased from 11 per cent in 08/09 to 12 per cent in 09/10. 11 per cent of boys were restrained and 18 per cent of girls. Restraint statistics are likely to be an underestimate as it is unclear whether all restraints are recorded. Young people have frequently told our legal team that they have been restrained where subsequent inquiries fail to show any record of a restraint. The figures also fail to show whether restraints were used on particular children on more than one occasion. Some young people who have contacted the offices in England and Wales have stated that they have been restrained repeatedly.

In a joint review of the experiences of children in custody, Her Majesty's Inspectorate of Prisons and the Youth Justice Board found that a third of boys and a quarter of girls in prisons had been physically restrained. The report also found that black boys were disproportionately more likely to be restrained by staff than white boys.

The principles outlined in the strategy are consistent with the UNCRC. However the principles are all focused upon an approach to working with children and young people - which whilst it is to be applauded – but seemingly ignores the significant shift in relation to how services might be delivered in the future. Significant changes to how services should be delivered in the future should be reflected in the principles section. There should be an additional principle encapsulating the changes to commissioning and delivery of service as outlined in paragraph 35. The paragraph talks about competition and market testing, greater local authority accountability for rehabilitation and resettlement outcomes, and payments by results. Surely these concepts that could fundamentally alter the current system should be reflected in the principles section particularly as the potential changes to service providers and changes to financial culture will impact upon those receiving services.

I am concerned about the lack of detail about these concepts. What does payment by results look like? What does greater local authority accountability for rehabilitation and resettlement mean? Will there be additional resources for local authorities to meet this increased accountability or are they expected to provide cost neutral accountability? What evidence is there to suggest that this approach will be any more effective than the current one?

The incentivisation of local partners to reduce youth offending appears to be premised on the assumption that local authorities and youth offending teams and others are currently failing in their approaches to reduce youth offending yet YJB statistics suggest the reverse is true and that numbers in custody have been and continue to fall.

I have concerns that incentivising local partners could have a serious impact on local children services budgets at a time of overall reduced resources. This is because if pilot areas fail to meet their targets then funding could be clawed back from them. Additionally if local authorities do not successfully reduce the use of custody they will have to meet the costs of such placements from diminishing budgets and this potentially could lead to reductions in funding for other children in that local area.

I am concerned that the consequence of these proposals could lead to the raising of thresholds within children's services and thus potentially place other children at risk through a lack of service. There is also a need to acknowledge that children and young people who are in contact with youth offending teams may already have engaged and received services from a wide variety and number of other local agencies. There is furthermore a need to acknowledge the wide range of needs of those children and young people who may be remanded into custody.

Whilst I appreciate that the diminishing number of secure settings may make this difficult I would like to see a principle that states that a child or young person should be accommodated as close to home as is reasonably possible. There is no reference in this document to the previous YJB position of placing children no more than 50 miles from home. Rehabilitation is made that much more difficult if the child or young person is placed a great distance from home. Family and professionals are less likely to visit potentially leading to the young person feeling alienated and lost and less likely to engage positively with the secure establishment regime.

Whilst the document in the section on priorities states that” the delivery of these priorities will depend upon strong collaborative partnerships with local and national agencies it is vague as to how this will be achieved or to whom it is referring. My investigation and advice team deal with a number of cases involving children and young people in the secure estate and are often involved in resolving problems where different agencies are not working effectively together. Too often agencies do not want to take responsibility for children and young people who present with challenging behaviour and complex needs and look to others to address the needs of this particular group of children and young people.

I welcome the acknowledgement that the strategy must reflect both an English and a Welsh perspective and that joint work with the Welsh government is highlighted as a priority. Need to recognize that the difference is not just about language but a very different policy context and practice in relation to devolved areas. How realistic is a bespoke service for Welsh young people in the secure estate? The document suggests that a full grasp of the issues in relation to Welsh children and young people in the system is still not fully understood. The developments at Hindley YOI are very positive and should provide a better service for children from North Wales. However such a bespoke service needs to be available throughout the secure estate if children and young people from Wales are not to be disadvantaged.

There needs to also be a clear and continuing focus on delivery and policy issues in relation to Welsh children within a system which is a joint England and Wales system as without such a focus there may be the danger of policy and practice being developed which take insufficient cognisance of the delivery mechanisms in Wales.

The development of enhanced units

Any proposal or development that seeks to meet the best interests of the child is to be welcomed. Children and young people who offend have a diverse range of complex needs, and the high rates of reoffending of those that leave custody would suggest that the current mix of secure provision is not meeting those needs.

Enhanced units (within larger establishments), providing appropriately trained staff to meet specified needs may be one solution. But more thought needs to be given to the development of alternative models of custodial setting that might meet a greater range of need. If the secure estate is contracting and more establishments face the prospect of closing then children and young people are more likely to be placed in institutions a long way from their home with the attendant problems previously referred to.

It is encouraging that thought is being given to this but without any detail in the document to suggest the type and number of places that might be commissioned to manage risk and improve outcomes it is difficult to comment further. Certainly there is scope to look at the provision of appropriate accommodation and support for children and young people with mental health problems. However careful thought would need to be given to ensuring that the commissioning arrangements for such provision did not disadvantage children and young people from Wales. I am aware that this has caused problems in the past.

Responding to decreasing demand

I am concerned that the proposals for decreasing demand appear to be driven by cost rather than what is in the best interests of the child or young person or most effective in contributing to their rehabilitation and cessation from offending. It is surprising that after ten years of commissioning the secure estate that the YJB does not understand the different outcomes for the three distinct sectors of the secure estate in terms of rehabilitation and reoffending. If this is the case as the strategy document would suggest then it makes even less sense to proceed with the current three different models, with the decision seemingly having been made to cut places in secure training centres and local authority secure units. On the basis that there appears to be no evidence to support the effectiveness of one secure environment over another it would seem that cost is driving the decision to cut.

The document quite clearly outlines the risks that are involved in decommissioning but seems to suggest that this will be inevitable without having any credible suggestions as to how this risk will be managed. It is insufficient to say “we will continue to manage these risks” without giving any indication of how. It would be totally unacceptable and in contravention of the UNCRC if children were placed with adults in the event that demand for juvenile places outstripped demand at some time in the future. Without a clear strategy for managing this risk I am left to conclude that this could be a possibility.

A distinctive secure estate

More thought could be given to alternative custodial experiences differentiating long term and short term prisoners, providing more intensive fostering placements, providing secure supported accommodation in the community, or for Wales considering devolving youth justice to Wales. By devolving youth justice to the Welsh Government I believe we would see a significant decrease in the number of children detained in the secure estate. It would allow the Welsh government and the YJB in Wales to conduct its holistic approach, in compliance with the UNCRC and in line with its own refreshed All Wales Youth Offending strategy, and would allow me as the Children’s Commissioner for Wales to safeguard the rights and welfare of all children and young people. The numbers of children and young people in custody in Wales is relatively small and would make this a realistic prospect.

The UN rules for the protection of juveniles deprived of their liberty (Havana Rules -1990) advocate

“30. Open detention facilities for juveniles should be established. Open detention facilities are those with no or minimal security measures. The population in such detention facilities should be as small as possible. The number of juveniles detained in closed facilities should be small enough to enable individualized treatment. Detention facilities for juveniles should be decentralized and of such size as to facilitate access and contact between the juveniles and their families. Small-scale detention facilities should be established and integrated into the social, economic and cultural environment of the community.”

In shaping a distinctive estate for children and young people it is important that children and young people are consulted and actively participate about what shape that might take. Clearly as recipients of a service and experience they will have some very valid observation about what works and what clearly doesn’t. There is no mention in this part of the document about seeking the views of children and young people to inform such developments.

A full and purposeful day

The correlations between education, offending and re-offending are well documented. A Mori youth survey suggests that excluded young people are committing twice as many crimes as their peers in mainstream education. Indeed low academic achievement, aggressive behaviour in school and lack of engagement in education or training are widely recognised by the YJB as some of the key risk factors to offending. It is therefore unsurprising that the educational needs of those in custody are significant.

A total of 88 per cent of young men and 89 per cent of young women in custody had been excluded from school, while 40 per cent of young men and 38 per cent of young women were under 14 when they last attended school. It has been estimated that 23 per cent of young offenders have learning difficulties (IQ below 70) and 36 per cent borderline learning difficulties (IQ 70-80 per cent). In addition 15 per cent of the juvenile secure estate has a statement of special educational needs, compared to three per cent of the general population.

The responsibility for providing children in custody with education moved to local authorities in England and Wales from 1 April 2011 under the Apprenticeship, Citizenship and Learning Act 2010. The impact of this change is too early to estimate however the shifting of responsibility onto local authorities should ensure continuity of education for children in custody both during custody and on resettlement. There are however ongoing concerns as to the quality and breadth of the education which is available to children and young people in custody.

HMIP (2009-10) Children and young people in custody report found 73 per cent of young men and 86 per cent of young women reported that they were in education. The same reported showed that 57 per cent of sentenced young men and 76 per cent of sentenced young women said they had a training plan. Children and young people in custody report that they want a more demanding education system where they are motivated and pushed to achieve their full potential. From the most recent HMIP survey only 69 per cent of young men felt the education or training they received in custody was of help or use to them and this dropped to under 50 per cent in some institutions. Furthermore "52 per cent of young men said they were learning a skill while in custody, and 28 per cent said they were employed – a drop since the last report (32 per cent)".

A report published by Ofsted in May 2010 noted many positive features of current education provision in custody. However, it also noted several areas of concern in the system. "Those who transferred between establishments were often disadvantaged by poor arrangements for sending on information about their earlier study and achievements.... the various secure establishments offered different choices of subjects and had selected different examination boards...lack of continuity and consistency was a barrier to young people reintegrating successfully into mainstream provision...information about children and young people entering and leaving secure establishments and those serving community orders was generally not good enough to allow the organisations supporting young people to meet their needs for education, training and employment. secure establishments visited relied heavily on the young offender assessment profile (Asset) for planning, however, the information that arrived with young people varied in accuracy and usefulness, and information was often late, inaccurate and out of date." The report also noted concerns about planning for release and the continuity of education or training opportunities in the community which can play a vital role in preventing re-offending.

Educational provision is variable and means that there can be issues if a child is transferred to an alternative secure establishment. Resettlement into education outside can be challenging because of the educational provision in custody. We need a consistent approach in terms of curriculum and examinations pursued and greater integration in terms of education post custodial period.

The Havana Rules clearly outline what educational provision should be made for juveniles in custody

38. Every juvenile of compulsory school age has the right to education suited to his or her needs and abilities and designed to prepare him or her for return to society. Such education should be provided outside the detention facility in community schools wherever possible and, in any case, by qualified teachers through programmes integrated with the education system of the country so that, after release, juveniles may continue their education without difficulty. Special attention should be given by the administration of the detention facilities to the education of juveniles of foreign origin or with particular cultural or ethnic needs. Juveniles who are illiterate or have cognitive or learning difficulties should have the right to special education.

39. Juveniles above compulsory school age who wish to continue their education should be permitted and encouraged to do so, and every effort should be made to provide them with access to appropriate educational programmes.

40. Diplomas or educational certificates awarded to juveniles while in detention should not indicate in any way that the juvenile has been institutionalized.

41. Every detention facility should provide access to a library that is adequately stocked with both instructional and recreational books and periodicals suitable for the juveniles, who should be encouraged and enabled to make full use of it.

42. Every juvenile should have the right to receive vocational training in occupations likely to prepare him or her for future employment.

43. With due regard to proper vocational selection and to the requirements of institutional administration, juveniles should be able to choose the type of work they wish to perform.

44. All protective national and international standards applicable to child labour and young workers should apply to juveniles deprived of their liberty.

45. Wherever possible, juveniles should be provided with the opportunity to perform remunerated labour, if possible within the local community, as a complement to the vocational training provided in order to enhance the possibility of finding suitable employment when they return to their communities. The type of work should be such as to provide appropriate training that will be of benefit to the juveniles following release. The organization and methods of work offered in detention facilities should resemble as closely as possible those of similar work in the community, so as to prepare juveniles for the conditions of normal occupational life.

Effective resettlement

I am pleased to see that attention is being given to improving case management skills both within the secure estate and the community. My Investigation and Advice Officers are often contacted by children and young people within the secure estate about issues that should have been dealt with through more effective liaison between those working in the secure setting and those working in the community. It would appear that there is still a disjoint between the two settings despite evidence of some good practice. I am not sure that the focus on improving the case management skills of the secure estate will necessarily solve the problem. More attention needs to be paid to fostering close working relationships between secure estate staff and YOT workers as my staff report back to me that the lack of such relationships and understanding about each others roles and responsibilities is a contributory factor in poor practice.

I am concerned at the pace of change. The YJB has had very clear sentence planning guidance in place for YOTS and the secure estate for 10 years yet the standard of practice in both YOTs and the secure estate is clearly problematic and not contributing to effective resettlement. It is not clear from this document how that is going to improve. YOT access to eAsset will help but it is the personal interaction between the child or young person in custody, secure establishment staff and the YOT worker / key worker in the community that is key.

It would appear that there are a number of initiatives underway to improve resettlement practice but little evidence as yet as to whether these are any more successful than the more traditional practices employed by YOTs and the secure estate.

Concluding Comments

There is a clear need to root the next stages of development of the strategy for the secure estate in international standards and practice ensuring that children's rights are upheld, their needs met and their welfare safeguarded.

As Children's Commissioner for Wales I would want to ensure that any changes to the secure estate in England and Wales includes an impact assessment in relation to the effects that the change will have upon children and young people in Wales. They should not be adversely affected by any changes in relation to children and young people from England. I trust that the commitment to consult and work with Welsh government in relation to change will ensure that this does not happen.

Appendix 1

Extract from the United Nations Convention on the Rights of the Child

Article 3:

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her wellbeing, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 12:

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 37:

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action

1. No child shall be tortured or suffer other cruel treatment or punishment. A child shall only ever be arrested or put in prison as a last resort and for the shortest possible time. Children must not be put in a prison with adults and they must be able to keep in contact with their family.

Article 39:

1. Children neglected, abused, exploited, tortured or who are victims of war must receive special help to help them recover their health, dignity and self-respect.

Article 40:

A child accused or guilty of breaking the law must be treated with dignity and respect. They have the right to help from a lawyer and a fair trial that takes account of their age or situation. The child's privacy must be respected at all times.

2. Concluding Observations in this area made by the United Nations Committee on the Rights of the Child in 2008

Paragraph 27 - The Committee recommends that the State party take all appropriate measures to ensure that the principle of the best interests of the child, in accordance with Article 3 of the Convention, is adequately integrated in all legislation and policies which have an impact on children, including in the area of criminal justice and immigration.

Paragraph 29 - The Committee recommends that the State party use all available resources to protect children's rights to life, including by reviewing the effectiveness of preventive measures. The State party should also introduce automatic, independent and public reviews of any unexpected death or serious injury involving children – whether in care or in custody.

Paragraph 33 - The Committee recommends that the State party in accordance with Article 12 of the Convention, and taking into account the recommendations adopted by the Committee after the day of general discussion on the right of the child to be heard in 2006:

a) Promote, facilitate and implement, in legislation as well as in practice, within the family, schools, and the community as well as in institutions and in administrative and judicial proceedings, the principle of respect for the views of the child;

Paragraph 39 - The Committee urges the State party to ensure that restraint against children is used only as a last resort and exclusively to prevent harm to the child or others and that all methods of physical restraint for disciplinary purposes be abolished.

Paragraph 42 - The Committee, reiterating its previous recommendations, in the light of its general comment No. 8 on "the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", as well as noting similar recommendations made by the Human Rights Committee; the Committee on the Elimination of Discrimination Against Women; and the Committee on Economic, Social and Cultural Rights, recommends that the State party: b) Ensure that corporal punishment is explicitly prohibited in schools and all other institutions and forms of alternative care throughout the United Kingdom and in the overseas territories and crown dependencies; c) Actively promote positive and non-violent forms of discipline and respect for children's equal right to human dignity and physical integrity, with a view to raising public awareness of children's right to protection from all corporal punishment and to decreasing public

acceptance of its use in childrearing;

Paragraph 57 - The Committee recommends that additional resources and improved capacities be employed to meet the needs of children with mental health problems throughout the country, with particular attention to those at greater risk, including children deprived of parental care, children affected by conflict, those living in poverty and those in conflict with the law.

Paragraph 78 - The Committee recommends that the State party fully implement international standards of juvenile justice, in particular Articles 37, 39 and 40 of the Convention, as well as general comment No. 10 on “Children’s rights in juvenile justice” the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“the Beijing Rules”), the United Nations Guidelines for the Prevention of Juvenile Delinquency (“the Riyadh Guidelines”) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (“the Havana Rules”). It also recommends that the State party:

- a) Raise the minimum age of criminal responsibility in accordance with the Committee’s general comment No. 10, and notably its paragraphs 32 and 33;
- b) Develop a broad range of alternative measures to detention for children in conflict with the law; and establish the principle that detention should be used as a measure of last resort and for the shortest period of time as a statutory principle;
- c) Children in conflict with the law are always dealt with within the juvenile justice system and never tried as adults in ordinary courts, irrespective of the gravity of the crime they are charged with;
- d) Following the welcome withdrawal of its reservation to Article 37 (c) of the Convention, ensure that, unless in his or her best interests, every child deprived of liberty is separated from adults in all places of deprivation of liberty;
- e) Provide for a statutory right to education for all children deprived of their liberty;
- f) Review the application of the Counter Terrorism Bill to children;
- g) Ensure that, when children in the Overseas Territories are subject to deprivation of liberty in another country, all the guarantees enshrined in Article 40 of the Convention are respected and that this respect is duly monitored; the State party should also ensure that those children have the right, unless it is considered in the child’s best interest not to do so, to maintain contact with their family through regular visits;
- h) Adopt appropriate measures to protect the rights and interests of child victims or witnesses of crime at all stages of the criminal justice process.

**Strategy for the Secure Estate for Children and Young People
in England and Wales**

Plans for 2011/12 – 2014/15

Submission from the Children's Rights Alliance for England (CRAE)

About CRAE

The Children's Rights Alliance for England (CRAE) is an alliance of statutory and voluntary organisations and individuals that seeks the full implementation of the United Nations Convention on the Rights of the Child in England. Our vision is of a society where the human rights of all children are recognised and realised.¹

CRAE protects the human rights of children by lobbying government and others who hold power, by bringing or supporting test cases and by using national, regional and international human rights mechanisms. We provide free legal information and advice, raise awareness of children's human rights, and undertake research about children's access to their rights. We mobilise others, including children and young people, to take action to promote and protect children's human rights. Each year we publish a review of the state of children's rights in England.

Introduction

CRAE is deeply disappointed that this draft strategy fails to examine the state's obligations under domestic and international human rights law towards children in custody; or the criticisms and recommendations made in relation to the treatment of children in custody from, *inter alia*, the UN Human Rights Council, the UN Committee on the Rights of the Child, the UN Committee Against Torture, the European Committee Against Torture, the Council of Europe Commissioner for Human Rights and the parliamentary Joint Committee on Human Rights. All of these reports were issued since the last secure estate strategy was published by the YJB in 2005.

We welcome the statement in the YJB Chair's foreword to the draft strategy that '*the protection of children's rights is central to any period in custody*', and note further references to children's rights, but see little evidence in the document that the YJB has systematically assessed the state's human rights obligations and developed a robust strategy for meeting these legal requirements. We also note that the previous strategy included commentary under a heading 'The rights of children and young people held in custody should be respected and upheld' in its section on "Assumptions": this is missing from this draft document.

¹ Not all CRAE members necessarily support the content of this submission.

We are also deeply disappointed by the lack of aspiration in the draft strategy. Why is wholesale reform not practical and cost-effective?

Terminology

We note the draft strategy uses the term ‘young people’ much more frequently than ‘children and young people’. The latter is a more accurate description given the age range of 10 to 17 years.

Principles and priorities

The draft strategy lists the four priorities for the criminal justice system set out in the Government's Green Paper and states these ‘*should also be the priority for youth custody*’. No explanation is given as to why these broad priorities should apply. CRAE has two fundamental objections with this starting point: first, that these four priorities have been agreed for both adults and children when international law requires a distinct approach to *juvenile* justice; second, a distinct set of purposes for child custody would prioritise meeting their needs and facilitating positive rehabilitation, with a conception of rehabilitation extending much beyond children's offending behaviour. From a human rights perspective, punishment has no legitimate place in the juvenile justice system. We deeply regret that the very clear message in the previous strategy – ‘The punishment of custody lies in the loss of liberty itself, and not in any gratuitously punitive aspect of the regime’ – has not been carried over to this draft strategy.

We propose a small but significant change in language about the use of custody: referring to a community sentence not being *possible* (rather than ‘appropriate’) would, we believe, show some commitment to Article 37b of the Convention on the Rights of the Child.

To fully comply with Article 37b of the Convention, there would need to be a statutory custody safeguard for children. Indeed, without a broader Government strategy for ensuring custody is consistently used as a last resort, plans for the secure estate are permanently vulnerable to external influences, including sentencing trends, political and media interests and public concern (as seen by the judicial response to this summer's disturbances). A statutory safeguard would enable the YJB to decommission child custodial places with confidence because the process would be part of a broader strategy to ensure high-quality and effective custodial placements for those small number of children that meet the high threshold. Having this broader strategy, and legislative measures in place, would allow the YJB to coherently plan the likely demand for custodial places and the kinds of interventions detained children are anticipated to need.

The principles as presently drafted conflate macro planning principles and priorities, for example a distinct system for children and maintaining the safety and well-being of children, with micro objectives focused on the child's experience and needs, for example effective assessment of need and a full and purposeful day. We strongly suggest two sets of strategic principles and priorities – one focused on the secure estate generally; the other focused on what children (and their parents / carers) should be able to expect during their period in custody. We propose the macro strategy includes:

- Accommodation specifically designed for children
- A dedicated and highly skilled children's workforce
- Ensuring custody meets children's needs and complies with domestic and international law
- Working with families
- Engaging local authorities and others with statutory obligations towards children in and leaving custody
- External scrutiny and independent monitoring.

We strongly recommend a separate a consultation to develop principles (or standards) governing children's period in custody. This should help drive forward significant improvements in children's qualitative experiences. Custody cannot and should not be judged simply on reoffending rates, though this is of course incredibly important.

We suggest the National Minimum Standards for Children's Homes be used as a basis from which to develop these principles (or standards). Our starting point, for example, would include:

- That each child's individual needs are assessed by a multi-agency team led by the local authority and their care and progress is subject to regular review
- That children feel safe and are protected from harm
- That children feel respected and that their privacy and dignity is upheld
- That children's views and experiences inform their individual care planning and the running of the establishment
- That children are encouraged and assisted to maintain positive family relationships
- That children are provided with a range of positive role models, men and women, that consistently demonstrate empathy, understanding, compassion and kindness whilst maintaining firm boundaries and high expectations of behaviour
- That children will only ever be physically restrained as a last resort and staff will at all times seek to uphold their privacy, dignity and self-respect. Staff will never deliberately inflict pain, provoke, insult or humiliate children
- That the food provided in the establishment is of sufficient quantity and variety to meet children's physical needs and dietary requirements
- That children are offered high quality education and vocational training that allows them to recognise and develop their talents and interests and succeed
- That children are offered a variety of play, leisure and sporting activities and have regular access to fresh air and outdoor space
- That children are provided high quality therapeutic support to enable them to understand their offending behaviour; empathise with victims of crime; and to lead crime-free lives on return to the community.

Notwithstanding our proposal to radically change the principles and priorities section, we have comments on specific text:

- The point about commissioned services recognising the distinctive approach required suggests that providers are (or will be) organisations delivering services to both adults and children. The strategy could express a preference for commissioning services being from

organisations exclusively geared towards meeting the needs of children; or at least with a track record of providing high quality and effective services to children

- The reference to 'built' environment could be changed to 'physical' environment as this takes in open space. We also urge the focus of this to be on meeting children's needs (rather than conducive to working effectively with children). We strongly support the commitment to small living units
- It is not clear whether the diversity section is seeking to show compliance with the Equality Act 2010. As currently drafted, the text does not meet the full requirements of the 2010 Act, specifically in relation to reasonable adjustments for disabled children; the absence of reference to maternity and pregnancy and beliefs; and the lack of consideration given to how custodial providers should meet their obligations under Section 149 of the 2010 Act (public sector equality duty)
- In the safety and well-being principle / priority the reference to secure establishments *minimising* the likelihood of harm is much too weak in relation to harm from adults: this should be redrafted to emphasise the responsibility of custody providers to *ensure* children are protected from harm from staff. Furthermore, the positive obligations on custody providers under Articles 2, 3 and 8 of the European Convention on Human Rights should be included in this part
- The assessment of need should address children's ordinary needs *as children*, and how these will be met in custody; needs formerly unmet in the community and the roles and responsibilities of statutory agencies; as well as planning for the child's return to the community. Meeting the ordinary needs of children will of course have different implications for different age groups and length of detention. We would expect any principles or standards developed for secure units to give particular consideration to the needs of the very small number of children detained for the remainder of their childhood
- The full and purposeful day needs to incorporate children's ordinary needs such as access to fresh air and social and physical activity (organised and "free"); pursuit of interests and hobbies; and maintaining contact with family
- We welcome the reference to the Munby judgment but would suggest that the reference is changed to 'confirmed' rather than 'established' as there was nothing previously in the law which excluded children from protection under the Children Act 1989, the European Convention on Human Rights or the Convention on the Rights of the Child – indeed, this latter treaty gives additional and specific protection to children in custody. The Munby judgment concerned an error in the policy document PSO 4590
- We strongly support the reduction of the size of the secure estate in terms of overall capacity, though would stress that this should not necessarily mean a reduction in the number of establishments. Much smaller units close to children's families and communities surely must

be the policy goal

- We strongly support the focus on effective interventions and collaborative working with other statutory agencies (though would urge you to give more emphasis to their legal duties towards children in custody, including local authorities' duties under the Children Act 1989 to prevent the need for criminal proceedings against children and to encourage children not to commit crimes (Paragraph 7 of Schedule 2)).

The development of enhanced units

We strongly support the development of high quality small units to meet the needs of **all** children for whom there is no alternative but a period in custody. We strongly oppose the development of a two-tier approach to custody as described in the draft strategy.

Responding to decreasing demand

We very much welcome decreasing demand for child custody though without the legal safeguard outlined above this could dissipate very quickly.

Decisions about which services to commission for children sentenced to custody should be based on a thorough needs analysis of current and past populations (say over the past three years). This review should be robust and honest in examining the ordinary and additional needs children in custody have (for example, the high proportion with learning difficulties); the needs which are currently being met to an adequate or high standard and why; and the needs which are not being met and why. This analysis should consider key findings and recommendations of inspection reports, surveys of children, one-off consultations such as those undertaken by User Voice and legal cases, inquests, complaints and advocacy casework. Decisions about which services to decommission should not be based on age alone.

Once this needs analysis is complete, the YJB should critically apply research evidence from a variety of disciplines to come to strategic conclusions about effective interventions in child custody.

A distinctive secure estate

Secure places should only be commissioned from providers with a demonstrable track record in meeting children's needs and positive rehabilitation. The YJB should be clear about the requirements on providers for securing children's well-being whilst in secure units; and also ambitious in its definition of positive rehabilitation (extending beyond a child no longer offending).

Decommissioning should automatically take place (and be seen to take place) when children have been abused or neglected (written into contracts). There should be no financial penalties on the state for ending contracts because of providers' failure to protect and meet the needs of children.

A full and purposeful day

We have already outlined some of our aspirations for secure settings, including opportunities to play and engage in leisure pursuits. The YJB should be rigorous in its standard setting, monitoring and responses to complaints and legal challenge. It should push for a robust and comprehensive inspection framework and statutory safeguards for children in custody, including a statutory right to:

- Multi-agency needs assessment;
- Periodic and independent reviews of care and treatment;
- Advocacy; and
- Aftercare.

Effective resettlement

The concept of resettlement implies children were settled before entering custody. This is not the situation in the vast majority of children's lives. The engagement of the local authority, on a statutory basis, from the moment a child enters custody would help to ensure longer-term planning and intervention when this is required. Crucially, it would also help to hold to account those statutory agencies that too often have failed children who enter custody.

Other comments

This area of policy must be removed from the remit of the National Offender Management Service which has no proven expertise or track record in meeting the needs of vulnerable children. Whilst desperate to see radical improvements in children's well-being and life chances, we foresee considerable risks in applying "payments by results" to child custody, including inevitable short-termism and anti-collaboration.

CRAE has many other suggestions for moving towards child-centred provision and would welcome further discussions with the YJB about these.

We are a member of the Standing Committee for Youth Justice and this submission should be read alongside its response which we contributed to and fully endorse.

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October 2011



supporting voluntary organisations that
work with offenders and their families

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

Ministry of Justice

A response from Clinks and the National Council for Voluntary Youth Services (NCVYS)

October 2011

Introduction

This response is submitted jointly from Clinks and NCVYS. It is supported by NCVYS and Clinks members Centrepoint, the Foyer Federation, Platform 51 and the Prince's Trust.

Following the publication of the Consultation Paper, Clinks published a briefing on the issues and questions raised and Clinks and NCVYS both invited evidence from their Voluntary and Community Sector (VCS) members. This response also draws upon evidence gathered at a round-table convened by Clinks and NCVYS to debate issues facing the youth justice sector. The event was attended by twelve organisations who work with young people in contact with the criminal justice system.

Clinks and NCVYS welcome the direction of travel set out in the Consultation on the Secure Estate. In particular we support the principle of a distinct, specialist secure estate for children and young people and the focus on improving rehabilitation. Yet any strategy for the secure estate should be seen within the wider objectives of the Ministry of Justice to reduce the use of custody for young people. There is a clear need to develop effective alternatives for those young people for whom custody is not necessary. We support Unicef's statement that the detention of many children and young people after the August riots is very worrying and is a potential breach of the UN convention on the rights of a child. Article 37 states that the detention of children should only happen as a last resort in criminal proceedings.¹

¹ *Unicef criticises Britain for jailing children over riots*, The Guardian (Sunday 9 October 2011) <http://www.guardian.co.uk/uk/2011/oct/09/unicef-britain-riots-children-jailed>



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Distinct and specialist estate for young people:

Clinks and NCVYS welcome the proposals to create a youth estate that is operationally separate from the adult system with distinctive governance arrangements. A specific and specialised approach is needed to support children and young people within custody. However, we would seek to qualify this approach with a number of sub-principles.

1.1 Children with needs or offenders requiring punishment?

The approach that underpins the creation of a distinct and specialist estate will be critical to its success or failure in reducing reoffending. The key objective of the secure estate should be the effective rehabilitation of children and young people. NCVYS's response to the Department of Education's Youth Policy discussion papers focused on the importance of (and our duty to) promote and protect the welfare and well-being of young people.² This principle is just as critical, if not more so, for children and young people in the secure estate.

There is evidence that an overly offence-focused approach to children and young people has led to failures to appreciate the degree to which young people coming into contact with the CJS are children disproportionately disadvantaged, with high levels of school failure, negative experiences of parenting, poor communication skills, and exposure to substance misuse and violence in their homes and local communities. The Prison Reform Trust (PRT) report, *Punishing Disadvantage*, is a recent and comprehensive review of these issues and their impact on the outcomes for young people in contact with the CJS.³ The practical implications of an offence-focused approach have been emphasised by a number of commentators, including the Office of the Children's Commissioner (OCC):

*Children and young people were defined by their criminality rather than their needs or vulnerability. This meant that they also defined themselves by their criminality which had a detrimental impact on their ability and willingness to acknowledge that they needed help.*⁴

A distinct approach to children and young people should be characterised as needs-based, with a focus on rehabilitation. We support the thoughts of Clinks and NCVYS member Catch 22 in their submission to this consultation:

Providing the right support for young people requires that agencies work together in a coordinated way and the strategy for the secure estate for children and young people must be seen in this context, particularly when considering the role of families, the importance of education and training, and meeting children and young people's right to dignity and respect under the UN Convention on the Rights of the Child...

The best way to prevent reoffending is to support young people's development and give them the opportunity to reach their potential. A distinct and specialist secure estate for young people would have a core principle of developing young people's skills and abilities similar to any other young people's service.

Interventions must address young people's educational needs and aspirations, health and wellbeing, family relationships, and support their rehabilitation and successful resettlement upon release.

² NCVYS. Sept 2011. *Response to Positive for Youth*. Online: <http://bit.ly/PositiveforYouthNCVYS>

³ Prison Reform Trust. 2010. *Punishing Disadvantage*. Online: <http://www.prisonreformtrust.org.uk/uploads/documents/PunishingDisadvantage.pdf>

⁴ Office of the Children's Commissioner. June 2011. *'I think I might have been born bad' Emotional wellbeing and mental health of children and young people in the youth justice system*. Online: http://www.childrenscommissioner.gov.uk/content/publications/content_503

1.2 Transitions

The principle of a distinct estate needs a caveat that provision will be made to support transitions. Currently the record is poor, both in terms of transitions from the secure estate back to the community (we suggest some good practice case examples in the Resettlement section) and from youth custody into adult services.⁵ In its recent report on the mental health needs of children and young people in custody, the OCC found there was poor transition between services and, in particular, a lack of support on leaving custody and transferring to adult services. There appeared to be little knowledge within the secure estate of exemplars for planning transitions within non-secure services that could provide working models. Members of the Clinks/NCVYS focus group emphasised the importance of 'continuity of care' and meaningful and sustained relationships. A more holistic and coordinated approach to service provision is vital.

We welcome the proposal to develop more effective processes and support for managing transitions into the young adult secure estate. The Transition to Adulthood (T2A) Alliance advocates the recognition of young adults as a distinct group within the criminal justice system, due to their levels of maturity and the economic, social and structural factors that specifically impact upon them. T2A Alliance work has shown that adult services are often not appropriate for young adults aged 18-24 and that young adults are often at risk of 'falling through the gap' between child and adult services. T2A advocates a tailored approach to working with young adults that is flexible and sensitive to their developmental maturity. T2A recommends that all young people up to the age of 21 be held in the youth estate as this would support the natural process of desistance. Young adults often feel extremely intimidated in adult prisons, where they are often seen as easy targets for intimidation and bullying by older inmates. Furthermore, the rules that govern Young Offender Institutions have a much stronger emphasis on education.⁶

1.3 Workforce Development

We welcome the Consultation's vision for the workforce in secure establishments to be recruited specifically to work with children. Staff should be committed to working with young people and adequately trained to deal with the challenges that this group presents. However, we echo concerns made by the Independent Steering Group of the Young Offenders Academy Project in their submission to this consultation. Currently many staff lack relevant training and are not primarily focused on the education and development of vulnerable and difficult children. Recruitment should focus on people with experience and expertise in working with young people and an interest in rehabilitation rather than those with a background in security and prison work. There should be ongoing workforce development to support and develop staff working with young people.

We propose an employer-led qualifications framework for the youth justice sector. We support Catch 22's proposals that:

Within this framework, staff would be able to supplement a core qualification with specialist learning, for example in criminal justice or housing policy, enabling them to adapt flexibly and take on additional responsibilities as required, rather than needing to take whole new qualifications. This would have a number of benefits, including providing consistency of qualifications which would benefit both staff and employers, as well as enabling staff to support young people with a range of different issues, rather than being curtailed into specific specialisms.

⁵ Office of the Children's Commissioner. June 2011. 'I think I might have been born bad' Emotional wellbeing and mental health of children and young people in the youth justice system. Online: http://www.childrenscommissioner.gov.uk/content/publications/content_503

⁶ T2A Alliance. MoJ Consultation: Strategy for the Secure Estate for Children and Young People in England and Wales. <http://www.t2a.org.uk/>

The Howard League for Penal Reform's recent report *Life Outside: Collective identity, collective exclusion* noted the importance of relationships between young people and staff in the secure estate.⁷ A number of the young people interviewed mentioned the benefits of a 'good worker'. This supports the findings of the national evaluation of Intensive Supervision and Surveillance (ISS), which found that the quality of the relationships between the young person and their worker could have a very strong impact on outcomes.

The Howard League report also noted that young people have been particularly complimentary about workers who have had personal experience of being in the criminal justice system. Catch 22's submission agrees:

[ex-offenders] with experience of youth work are a rich resource that is currently not sufficiently utilised within the secure estate. A mixture of people who are committed to working with young people, and those who can stand as role models through moving out of crime would contribute to creating a completely distinct secure estate for young people.

1.4 Restorative Justice

Any strategy to reduce reoffending should consider the possibilities provided by restorative justice (RJ) and mediation, which can be powerful tools for helping young people to understand the consequences of their actions. RJ is increasingly and effectively used when young offenders are given a community sentence and there is the potential for RJ to also be used in cases where young people have been sentenced to custody. Clinks and NCVYS member, Independent Academic Research Studies (IARS), has been engaged in a 3 year project entitled "Mediation and Restorative Justice in Prison Settings" (MEREPS). MEREPS' key objective was to explore the opportunities for implementing mediation and RJ practices in prison settings. A further aim was to test if such practices can help support victims of crime, raise offenders' sense of responsibility, facilitate peaceful and effective dispute resolution of conflicts between prison staff and prisoners, and help reintegrate offenders back into society post release.

IARS research highlights the need for joined up working between voluntary, private, community and public sector bodies in developing, delivering, and evaluating restorative justice practice, within the context of secure estates for children and young people.⁸ It also draws attention to the fact that the vast majority of voluntary activity takes place at a local level, often addressing the needs of society's most disadvantaged and marginalised groups. A national strategy on RJ's implementation in the secure estate will need to take the issue of locality and local service provision seriously. As partners, providers and advocates, voluntary organisations are ideally placed to work with local authorities to achieve results for local people - improving the quality of life and the quality of services in every area and encouraging strong and cohesive local communities. The IARS research into Restorative Justice also highlights its value in empowering young people to enable them to solve the problems that they face.

IARS research notes that many of those who had experienced RJ in prisons did not believe that its benefits could be achieved via any other practice or ethos. For instance, one practitioner said:

I have been working in prisons for most of my life. The anxiety and fear that young prisoners experience prevents them from hoping for something better, while their motivation to do something for others is non-existent. It is only through a process of transformation that they can genuinely be offered a chance to change. To help them deal with their realities, prisons should be more than just punishing them. The system should be about giving hope, skills... helping

⁷ *Life Outside: Collective identity, collective exclusion*, The Howard League for Penal Reform (2011) http://www.howardleague.org/7/?backPID=8&tt_products=319

⁸ T. Gavrielides (2011) 'Restorative Justice and the Secure Estate: Alternatives for Young People in Custody', IARS <http://iars.org.uk/content/publications>

them change their attitudes, educating them and yes even sometimes providing them with qualifications. I haven't come across any practice that can do all these and transform lives other than RJ.

Case study:

Catch22 **Wessex Restorative Justice** works within the community with people who have been affected by crime. We enable victims, offenders and the community to come together to discuss what has happened, who has been affected, what harm has been caused and find ways to repair that harm. Catch22 contacts the victim of the crime in question, offering them a chance to be part of the offender's attempt to make amends for what he or she has done. We give young people the opportunity to explain what happened in their own words, take responsibility and put right the harm they have caused.

Recognising Diversity:

While the Secure Estate consultation document provides in-principle recognition of diversity issues within the secure estate, no analysis of specific inequalities is woven into the strategy. Reductions in the use of youth custody have not affected all young people equally and evidence demonstrates that young people experience their time in the secure estate differently. In this section, we highlight the issues facing two disadvantaged groups within the youth estate; BAME young offenders and girls.

2.1 BAME (Black, Asian and Minority Ethnic) young offenders

The Impact Assessment accompanying this consultation identifies the overrepresentation of BAME young people in the under-18 custodial population compared to the national population. However, there is no acknowledgement in the consultation document or the Impact Assessment of the fact that reductions in the use of custody for young people have not applied as much to BAME children as to white children. Prison Reform Trust's analysis found that from 2007-8 to 2010-11, the percentage fall in the numbers of BAME children in custody was only 16%, compared to 37% for white children.⁹

The 2009-10 HMIP survey of children and young people in the secure estate found there were clear differences in a range of areas between the reported experiences of young people from BAME backgrounds, as compared with those from white backgrounds.¹⁰

This demonstrates that there are multiple structural disadvantages faced by young people in the criminal justice system from BAME backgrounds, and tackling this should be at the forefront of future policy and strategy making.

2.2 Girls and young women:

The Clinks/NCVYS focus group identified issues relating to girls and young women in the CJS as a priority, both in terms of funding and research. Current gender-specific provision within the youth estate is patchy and the All-Parliamentary Party Group (APPG) on Girls in the CJS is welcomed. The number of girls and young women in custody grew from less than 100 in 1990 to about 450 by 2008.¹¹ While girls were disproportionately affected by the rise in the use of custody for young people, recent reductions have been more pronounced for boys.¹²

⁹ Prison Reform Trust. July 2011. *Last Resort? Exploring the reduction in child imprisonment 2008-11*. Online: <http://www.prisonreformtrust.org.uk/PressPolicy/News/vw/1/ItemID/140>

¹⁰ HMIP and YJB. 2010. *Children and Young People in Custody 2009 – 10*. Online: http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmipris/Children_report_2010_rps.pdf

¹¹ Independent Commission on youth crime and antisocial behaviour. 2010. *Time for a fresh start*. Online: http://www.youthcrimecommission.org.uk/attachments/076_FreshStart.pdf

¹² Tim Bateman Sept 2011. *Child imprisonment: exploring 'injustice by geography'*. Prison Service Journal (197)

Research is needed to explore the distinct needs of young women within the CJS. Girls are more likely than young men to suffer from eating disorders, to be harassed by adults, to be victims of crime themselves, experience family crises and to live in poverty.¹³ Platform 51, a member of Clinks and NCVYS, emphasises that girls typically display different offending behaviour patterns than both boys and adult women:

*While girls and boys experience similar factors relating to their offending, girls' offending is more strongly associated with: low self-esteem; the influence of boys in risky situations; personal relationships, including problems with parents and family, neglect and conflict; and socio-economic indicators such as poverty, large family size, poor housing, and educational problems.*¹⁴

In Platform 51's view, girls can be treated inappropriately and over-punitively due to misunderstandings about their behaviour, or a lack of awareness of alternative ways of working with them. Qualitative evidence from the YJB indicates that girls prefer building one-to-one relationships and a female-only environment.¹⁵

Clinks and NCVYS would support the recommendation of Independent Commission on youth and anti-social behaviour to ensure that measures to deal with young female offenders are designed from the outset to meet their particular needs.¹⁶ We would support the Platform 51 recommendation for better staff training on the needs of vulnerable girls and a responsive and specialist system.

Maintaining the safety and well-being of children and young people:

3.1 Safeguarding and Restraint:

The 2011 Howard League report, *Twisted: The Use of Force on Children in Custody* reviewed recent reports and statistical information on the use of restraint in the juvenile estate. It cited almost 7000 incidents of reported use of restraint in 2009/10, of which 257 resulted in physical injury. The OCC's report found that there was a 'tendency to focus on physical controls to manage risk'.¹⁷ It also noted that custodial and care staff lacked understanding of the impact of previous abuse on young people within the secure estate. Together, these two factors make the use of restraint in the juvenile secure estate extremely problematic.

The routine use of strip searching in both male and female juvenile estates can be particularly disturbing for young people who have experienced abuse and need to be conducted sensitively. Practice is inconsistent across the estate in relation to the use of dressing gowns to preserve dignity and minimise embarrassment. Furthermore, we have concerns about the routine use of strip searching, rather than an 'intelligence-led' approach. We also have concerns about the use of separation (or segregation) as a form of punishment.

¹³ Independent Commission on youth crime and antisocial behaviour. 2010. *Time for a fresh start*. Online: http://www.youthcrimecommission.org.uk/attachments/076_FreshStart.pdf

¹⁴ Platform 51. 2011. *Platform 51's evidence to the All-Party Parliamentary Group on women in the penal system inquiry on girls and the penal system*.

¹⁵ YJB. 2009. *Girls and offending. Patterns, perceptions and interventions*. Online: http://www.yjb.gov.uk/publications/Resources/Downloads/girls_offending_fullreport.pdf

¹⁶ Independent Commission on youth crime and antisocial behaviour. 2010. *Time for a fresh start*. Online: http://www.youthcrimecommission.org.uk/attachments/076_FreshStart.pdf

¹⁷ Office of the Children's Commissioner. June 2011. *'I think I might have been born bad' Emotional wellbeing and mental health of children and young people in the youth justice system*. Online: http://www.childrenscommissioner.gov.uk/content/publications/content_503

An excellent source of intelligence would be the OCC and User Voice research on restraint in the secure estate, in which eighty-nine young people were consulted.¹⁸ The report showed that the use of restraint can differ greatly between institutions, and 'where used and applied inappropriately has profound, lasting and negative impacts on young people'.

3.2 Youth participation

We support the commitment in the consultation paper to 'actively seek and incorporate the views of children and young people into existing practice'. Young people often feel marginalised by services that do not reflect their circumstances. The Howard League recently published a series of reports drawing on findings from a national participation programme with young people in custody and released into the community. The reports demonstrate the importance of gaining an insight into young people's perception of themselves and others for informing services that hope to reduce reoffending:

*Life Outside explores young people's perceptions of themselves as separate from the rest of society, how the conditions and restrictions are imposed on them when they leave prison criminalise and exclude them further and the importance of positive relationships with professionals, their families and communities... children and young people in the youth justice system come from backgrounds of social and economic disadvantage. Their experiences within the system reinforce their perceptions as a 'collective other', furthering their feelings of being disenfranchised and detached from society and eroding their hopes of positive futures. Unless these fragile foundations are addressed, any attempts to build upon them will fail.*¹⁹

There are a number of things that the MoJ and YJB should consider in taking consultation with young people forwards.

Clinks recently concluded a review of service user involvement within secure settings in the criminal justice system, including YOIs.²⁰ The researchers interviewed eleven YOIs as part of the survey. Roughly 30% of YOIs spoke of currently running Wing Meetings and 70% had a Prisoner Consultative Committee or Prison Council. There was a considerable amount of staff buy-in to the notion that service user involvement should form part of the core business of YOIs, demonstrated by one Governor's comments:

It provides the oil and cement for delivering transformational change – it provides a mechanism for people to talk to each other in a non-judgemental way, which provides solutions and the potential for change in organisations that have great difficulty contemplating such changes. It's one of the most important and potent tools.

YOI Portland has used dialogue sessions to discuss deep-rooted problems with its young offender population. For example, to address the use of control and restraint within the institution.

Participation with young people can be tokenistic and the Clinks Review raises a number of recommendations for improving approaches to service user involvement, which we would urge the MoJ and YJB to consider when formulating a future strategy. One of the most important aspects of effective participation is meaningful training. In its recent consultations with young people, User Voice has used a variety of methods to train the young people involved, including, one-to-one support, public speaking

¹⁸ User Voice & Office of the Children's Commissioner. March 2011. *Young people's views on restraint in the secure estate*. Online: <http://www.uservoice.org/wp-content/uploads/2011/03/Young-Peoples-Views-on-Restraint-in-the-Secure-Estate-A-User-Voice-report-for-the-OCC.pdf>

¹⁹ Howard League. Sept 2011. *Life Outside: collective identity, collective exclusion*.

²⁰ Clinks. 2011. *A review of service user involvement in prisons and probation trusts*. Online: <http://www.clinks.org/publications/reports/service-user-involvement>

skills and in-depth briefings. YOIs may find it helpful to draw on successful youth-led practice in voluntary and community youth organisations working with hard-to-reach young people. For example Centrepoin't's Parliament enables young people who have experienced homelessness, who are elected by their peers, to represent and champion their views to Centrepoin't management and local and central government.

Clinks and NCVYS members have also emphasised the role of peer mentors for reducing reoffending. There is compelling evidence of the impact of peer mentoring on changing the lives of offenders in custody and in the community. The fact that peer mentors have faced similar challenges to the young people they are working with brings an extra dimension to the relationship.

Effective Resettlement

Clinks and NCVYS would like to see significantly more attention placed on resettlement, which is currently only mentioned in brief within the strategy. Poor resettlement has the potential to undermine any progress which has been made with a young person during their time in custody, as well as frustrating a young person's good intentions upon their release. As the Youth Resettlement Framework (2004) noted, getting resettlement from custody right is vitally important.

4.1 Existing practice

Resettlement must start before a young person leaves the secure estate. More work needs to be done to ready young people in custody for the challenges facing them on release, in particular for those who are living independently. We believe that skills and knowledge relating to issues such as sustaining tenancies are as important in preventing reoffending as behavioural programmes. We are concerned that young people who are not on a full care order are not fully entitled to services which provide a seamless transition between custody and community. This means this transition can be uncoordinated, with little contact from community services and social workers whilst a young person is in custody. 'Through the prison gate' services, where providers of community services also deliver services within custody, can help provide the opportunity for trusting relationships to be developed with key support workers prior to release.

The Howard League's report *Life Outside* found that many children and young people felt that they were 'set up to fail' before they had even left the prison gate.²¹

Some children and young people felt that this was because they were not listened to when their resettlement arrangements were being put in place.

The Howard League has also recently expressed concern that children and young adults are leaving custody without being issued a National Insurance number, which further hampers their chances of successful resettlement.²²

When Catch22 asked young people about the experiences they had found most useful whilst in custody, they frequently cited the resettlement work they had done on employability and 'preparing for life outside custody' was seen as the most worthwhile experience they had. This case study of Catch22's resettlement work is an example of how voluntary and community organisations can support young people.

²¹ Howard League. Sept 2011. *Life Outside: collective identity, collective exclusion*.

²² http://www.cypnow.co.uk/Youth_Justice/article/1095154/young-people-leave-custody-without-ni-numbers/?DCMP=EMC-CONYouth%20Justice%20News

Case study:

Catch22's **Inspire Resettlement Service** in east London supports young men aged 15 to 19 years old who are on remand, serving custodial sentences or on community orders to make positive changes in their lives. Resettlement Brokers build lasting relationships with young people: from getting to know them while they're still in custody, to helping them find a job or training opportunities when they're released. We also support them in finding accommodation and getting them help with any drug or alcohol problems they may have.

The young person will receive regular on-going support from a dedicated Resettlement Broker while they are in custody and for up to 12 months after that. This support will include personal development and employability skills designed to support their integration back into the community, as well as access to jobs or training. We focus on moving forward and draw on young people's strengths and personal resources to help them overcome their problems and encourage them to take control of their lives.

By listening to and working closely with the young person we will get them the right sustainable employment, education or training. We do this by:

- understanding their individual needs
- helping them to complete a CV
- producing an action plan, including activities that have been agreed by the young person and their Resettlement Broker
- offering activities and opportunities, from relevant group work, to providing employment opportunities, work trials and work experience.
- young people who are ready to access employment will also be supported by a trained volunteer mentor

4.2 Education, Training, Employment (ETE):

Young people who have been in custody typically have poorer educational outcomes than their peers – 90% of young men and 75% of young women in custody have been excluded from school and, according to Her Majesty's Inspectorate of Prisons (HMIP), 40% and 53% of young men and women respectively were under 14 when they last attended school.²³ Education and training provision within the secure estate must provide children and young people with the same level and standard of provision that they would be entitled to outside of the secure estate, but should work also to develop, encourage and meet young people's potential and aspirations to equip them for productive engagement in society and the workplace upon their release.

The importance of speech, language and communications for all children and young people in custody should be prominent throughout education, development and offending behaviour management. The Public Accounts Select Committee's inquiry into youth justice confirmed that:

70% of young offenders suffer from significant communication difficulties, but current forms of assessment do not give this sufficient weight. The justice system assumes a level of understanding on the part of young offenders that will in many cases be lacking. This increases the risk that young people will not engage with or understand the requirements of their sentence plan.²⁴

Therefore ETE provision in secure settings, especially YOI's, is crucial for successful resettlement. The HMIP Report which addressed resettlement issues in June 2011 found that planning and transitional

²³ Prison Reform Trust, *Bromley Briefing* 2011

²⁴ NCVYS's response to the Education Select Committee's Inquiry into Youth Services, December 2010

http://www.ncvys.org.uk/UserFiles/NCVYS%20response%20to%20Education%20Select%20Committee%20Youth%20Services%20Inquiry_1.pdf

arrangements were often haphazard, or indeed non-existent.²⁵ There was a lack of accurate aggregated information about the resettlement needs of young offenders in custody, and hence no effective strategic direction or commissioning of services. Individual training plans were often 'tick box' exercises, and although the majority of young offenders interviewed confirmed that they had seen their plans, most could not recall their specific targets for ETE. A key finding (and linked recommendation) was that there was no monitoring by establishments of the outcomes for young offenders returning to the community, hence little basis for improving their service.

The submission to this consultation from the Independent Steering Group of the Young Offenders Academy Project expressed serious concern about the current level of ETE provision in secure settings. It recommended:

*collaboration with organisations and agencies outside the walls will be a requirement for achievement. As HM Chief Inspector of Prisons told The Guardian "few prisons holding young men manage to provide them with even 10 hours a day out of their cells"*²⁶

Catch22 also note that intensive and tailored education aimed at developing young people's skills and abilities should be similar to any other young people's service. There should be a move away from simply looking at educational needs towards a stronger focus on development and aspiration.

At the Clinks/NCVYS roundtable, attendees also expressed concern that young people are often left waiting 3-5 months for an educational or vocational course to commence and this gap in provision can lead to that young person reoffending. It is also vitally important that education (and other services) are tailored to each individual's needs, and courses must allow for flexibility.

Summer Arts Colleges are just one example of successful programmes to re-engage young offenders in ETE. 95% of young people participating in Summer Arts College programme gained a qualification (80% at level 1, 15% at level 2). In the four weeks immediately after the Summer Arts College, more than half (52%) of those previously not in any ETE had progressed on to further ETE provision. Around two-thirds of those with ETE arranged were attending full-time or at least 75% of the time and almost three-quarters were in mainstream education or training.²⁷

4.3 Accommodation:

In February 2011, Barnardo's published *No Fixed Abode: The Housing Struggle for Young People Leaving Custody* which examined the arrangements for assisting young offenders in accessing suitable accommodation following release.²⁸ The report identified a range of issues that needed to be addressed, including the poor support for 16 and 17 year olds who are often placed in unsuitable B&B accommodation without any support, due to a lack of suitable alternatives or ineffective planning.

There was also evidence of children as young as 13 being resettled with families who were vulnerable and unable to meet the needs of their children. 'Looked after' children felt that they were forgotten once they were sent to custody, and the lack of contact and support meant that their return to their community was poorly planned and chaotic. We welcome the commitment to improve outcomes for the looked after children but there are a number of practical hurdles to overcome. The HMIP Thematic Report in May

²⁵ HMIP. June 2011. *Resettlement provision for children and young people. Accommodation and Education, Training and Employment*. Online: <http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmipris/Resettlement-thematic-june2011.pdf>

²⁶ HM Inspector of Prisons, Nick Hardwick. The Guardian. 15 September 2011.

²⁷ These are all from the Outcomes report for Summer Arts Colleges from 2010 which can be found at <http://www.artscouncil.org.uk/about-us/our-plan-2008-2011/children-and-young-people/>

²⁸ Barnardo's. Feb 2011. *No Fixed Abode: The Housing Struggle for Young People Leaving Custody*. Online: http://www.barnardos.org.uk/no_fixed_abode_february_2011.pdf

2011 on 'looked after' children highlights the lack of communication between local authorities and key staff in the secure estate, as well as the poor standard of monitoring and information kept about looked after children in YOIs in particular – most establishments did not keep an accurate record of the looked after children currently held by them. This, of course, has serious implications for maintain family links and for subsequent resettlement planning.

4.4 Family

We believe that there should be significantly more emphasis placed on families and communities. Young people do not exist in isolation and should not be treated as such. Effective work with young people also needs, wherever possible, to involve work with their parents, carers and their families who are part of the solution.

We agree with the submissions of Catch22 and the Independent Steering Group of the Young Offenders Academy Project that the secure estate reconfiguration should lead to a larger number of small units, rather than a smaller number of larger units, enabling young people to be placed closer to home. This could facilitate an environment which is more conducive to young people's rehabilitation in contrast to a more 'prison-like' environment such as in many larger establishments. A larger number of small establishments would also enable young people to be placed closer to home, where appropriate. The average distance from home for young people in custody is around 50 miles.²⁹ This has a severe impact on the ability to sustain relationships whilst in custody; 30% of young men (aged 15-18 years) and 47% of young women in custody reported having had no visits in the last month or never having visits.³⁰

Sustaining the relationship between young people and their families has been shown to be key to effective resettlement. The further away a young person is placed from his or her family, the more likely it is that relationships will break down during a young person's period in custody. Placing young people closer to home also presents the opportunity for more integrated working with the families by professionals. Working with families can be a very effective intervention to prevent reoffending, and sustains the work done within the secure estate once a young person is released.

Services and agencies must take a joined-up approach to individual children, young people and their families. Better links and information-sharing between services, young people and families is crucial. The VCYS (voluntary and community youth sector) can facilitate this process as it is often in contact with the most hard-to-reach children, young people and families. However, it can only do this if it is recognised by government as a partner and funded to contribute to knowledge sharing.

Voluntary and Community Sector involvement

The Secure Estate strategy needs to be set in the context of the Government's wider strategy of meeting children and young people's needs and aspirations. Just as services for young people outside the secure estate need to be joined up, multi-agency working is necessary for the effective resettlement and rehabilitation of young people within the secure estate. An isolated secure estate risks compounding the chances of reoffending rather than reducing the risk.

The VCYS has a central role to play in supporting these wider needs of children and young people. The VCYS can offer the range of services necessary to break the cycle of reoffending, including education and training services; health services; arts-based interventions; resettlement and aftercare provision; and support to access mainstream children and youth services. VCYS organisations are well positioned to offer a holistic framework of 'wrap-around' support to assist in rehabilitation. The success of local based 'link worker' schemes where a single individual works with an offender from arrest (or release)

²⁹ Prison Reform Trust, *Bromley Briefing* 2011

³⁰ Prison Reform Trust, *Bromley Briefing* 2011

through to successful resettlement has demonstrated the effectiveness of innovative VCYS service delivery.

The VCYS offers the consistent, personal approach best placed to achieve transformational outcomes. The VCYS is well placed to reach marginalised groups in society through their expertise, innovation and commitment. Working with the voluntary and community sector can not only help develop a strong ethos of work in prisons, but also enable prisoners to make reparation.

There is an abundance of evidence that demonstrates the impact that the sector can make to reducing reoffending. For example, Catch 22 has shown that 90 per cent of its programme entrants who have been involved in crime will not reoffend while working with it.³¹ The Foyer Federation submission to the Ministry of Justice's Green Paper *Breaking the Cycle* shows that 75% of young people leaving Foyers progress to secure housing, education and employment pathways.

However, there is growing evidence that the VCYS is in a fragile state, with many NCVYS and Clinks members seeing reductions in programmes. NCVYS's *Comprehensive Cuts: Report on funding changes in the voluntary and community youth sector* documented a survey of our members in October 2010, which revealed that nearly 70% of the 135 respondents to the survey had seen a drop in income in the past year. Of those who hadn't seen a drop in income, over 75% are cutting projects in anticipation of cuts that they know will hit them next year.³² Further reports, *Comprehensive Cuts 2* and *Comprehensive Cuts 3*, showed further evidence to support this.³³ A Clinks survey of approximately 85 organisations and individuals also suggested that most organisations responding were undertaking programmes of redundancies with many seeking to reduce their staff complement by over 50%.³⁴ An alarming number were already spending reserves to keep their services operational, and many stated that they were unlikely to survive beyond April 2011 unless they could access additional funding in the near future. Cuts to other related services may also impact on attempts to create a more welfare-based approach to dealing with young offenders. For example, Young Minds have highlighted that some child and adolescent mental health services are losing funding.³⁵ This is likely to impact on the 23% of young men in custody who reported emotional or mental health problems in a report by the chief inspector of prisons. Homelessness and supported housing services, which provide an important resettlement option for young offenders, have also seen significant cuts. Homeless Link research has found that homelessness services have been subject to funding cuts of 25% on average, leading to an estimated 16% drop in bed spaces available across the country, equating to 7000 fewer spaces.³⁶

Voluntary and community groups and statutory services working together are a key part of the solution. Some representatives from the VCYS sector do not feel valued by those in authority and are often left out of decision making. We are concerned that the work of many VCYS organisations, including faith, BAME and smaller local projects remains undervalued and untapped by statutory agencies, and under the radar. There should be more opportunities for experienced voluntary sector organisations to be involved with the secure estate for children and young people to drive innovation and deliver effective services to those most in need.

³¹ *Life changing results: Our services are here to help you achieve them* Catch22 (October 09) <http://www.catch-22.org.uk/Files/Commissioners-brochure.pdf?id=4b3218c7-895d-4256-9a40-9dac00a2a49b>

³² <http://ncvys.org.uk/UserFiles/Comprehensive%20Cuts.pdf>

³³ http://ncvys.org.uk/UserFiles/Comprehensive_Cuts_Part_2.pdf and http://www.ncvys.org.uk/blogs.php?act=view_topic&id=236

³⁴ See Clinks submission

³⁵ <http://www.cypnow.co.uk/news/1048469/News-Analysis-Sentencing-plans-will-founder-without-investment/>

³⁶ <http://www.homeless.org.uk/cuts-monitoring>

Further information

This response is submitted jointly from Clinks and NCVYS. It is supported by NCVYS and Clinks members Centrepoint, the Foyer Federation, Platform 51 and the Prince's Trust.

Clinks exists to provide infrastructure support to the VCS working with offenders across England and Wales. Our mission is to support, represent and campaign for the Sector, so that VCS organisations, and all those with whom they work, are engaged and informed to transform offenders' lives and reduce reoffending. We are a membership organisation with over 360 members, including the Sector's largest providers as well as its smallest, and our wider national network reaches 3,500 VCS contacts. Overall, through our weekly e-bulletin *Light Lunch*, we are in contact with over 6900 individuals and agencies with an interest in the Criminal Justice System (CJS) and the role of the VCS in the resettlement and rehabilitation of offenders.

The National Council for Voluntary Youth Services (NCVYS) is the independent voice of the voluntary youth sector in England. A diverse and growing network of over 280 national voluntary youth organisations and regional and local youth networks, NCVYS has been working since 1936 to raise the profile of youth work, share good practice and influence policy that has an impact on young people and the organisations that support them. Our mission is to work with our members from voluntary and community organisations to build thriving communities and sustainable networks that help all young people achieve their potential.

This response was produced as part of the work of the Catalyst consortium. Catalyst is co-ordinated by the National Council for Voluntary Youth Services with the National Youth Agency, the Social Enterprise UK and the Young Foundation. It is working with the Department for Education (DfE) as the strategic partner for young people, as part of the Department's wider transition programme for the sector. Catalyst will work to deliver three key objectives over a two year period. It will strengthen the youth sector market, equip the sector to work in partnership with Government and coordinate a skills development strategy for the youth sector's workforce

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Coram Children's Legal Centre

**Response to the Ministry of Justice consultation on the Strategy for
the secure estate for children and young people in England and
Wales**

October 2011

Coram Children's Legal Centre (CCLC), part of the Coram group of charities, specialises in law and policy affecting children and young people. CCLC provides free legal information, advice and representation to children, young people, their families, carers and professionals, as well as international consultancy on child law and children's rights.

The CCLC has wide experience working to reform juvenile justice systems around the world. Staffed by a core team of child rights lawyers and researchers, the CCLC engages in research, implements reform programmes, undertakes consultancies and delivers training in the areas of juvenile justice for governments, UN agencies and NGOs. The organisation has an extensive understanding of international child rights and juvenile justice standards, as well as a practical knowledge of how to implement these standards in practice.

Introduction

1. Coram Children's Legal Centre welcomes the opportunity to contribute ideas towards the development of the new strategy for the secure estate for children and young people in England and Wales. The CCLC has extensive knowledge of international child rights standards and experience working in the field of juvenile justice. We are able to draw from our expertise to provide the following responses to the questions that are most relevant to our work and knowledge base.
2. The CCLC is pleased to note the government's commitment to improving outcomes for children and youth in custody, and to doing so in a way that ensures that the safety and well-being of children and young people in custody is protected. We welcome the emphasis on ensuring that there is a distinct, specialist secure estate for children and young people and the commitment to providing bespoke services for young people with complex needs.
3. We are, however, concerned about the implication that the YJB is planning to decommission places in Secure Children's Homes (LASCHs). We consider Secure Children's Homes together with a number of the enhanced units within broader institutions to be the only acceptable secure accommodation currently available for children in custody in England and Wales.¹ We are gravely concerned about the impact of a number of practices, commonplace in Secure Training Centres (STCs) and Youth Offending Institutions (YOIs), such as routine strip searching, the use of physical restraint and single segregation, on the wellbeing of children and young people in custody. Youth Offending Institutions, which are designed on an adult prison model, are particularly inappropriate for addressing the complex needs and vulnerabilities of children in conflict with the law.

¹ The Office of the Children's Commissioner (2011), 'I think I must have been born bad', London: Office of the Children's Commissioner, available at http://www.childrenscommissioner.gov.uk/force_download.php?fp=%2Fclient_assets%2Fcp%2Fpublication%2F503%2FI_think_I_must_have_been_born_bad_-_full_report.pdf

4. The CCLC is pleased to hear that the YJB and the MOJ are undertaking research on the differences between the three sectors of the secure estate in terms of the rehabilitation and reoffending outcomes achieved. We strongly recommend that there is no further decommissioning of places in LASCHs until the evidence from this research has been evaluated and published.

Principles and priorities

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

5. Coram Children's Legal Centre is pleased with the general principles expressed in this document. The principle that there should be "a distinct specialist secure estate for children and young people" is vitally important in the light of international legal standards which obligate states to ensure that legal systems differentiate between adults and children in the administration of justice.²
6. However, the CCLC disagrees that one of the four principles of youth custody (and of the youth justice system in general) should be 'punishing offenders', as set out in the government's Green Paper, *Breaking the Cycle*, and suggested in the current consultation strategy document. According to international human rights law, youth justice systems, and institutions and components of these systems should be based on principles of rehabilitation and reintegration and protection of the best interests of the child, rather than on punishment.³ According to the UN Committee on the Rights of the Child, "[t]he protection of the best interests of the child means, for instance, that the traditional objectives of criminal justice, such as repression/retribution, must give way to rehabilitation and restorative justice objectives in dealing with child offenders."⁴ Focusing on rehabilitation rather than punishment can help to promote the child's sense of worth and ability to become a constructive member of society and can help reduce rates of recidivism. It is our view, therefore, that punishment of offenders should be removed as a principle on which the secure estate's strategy is based.
7. We would urge the YJB to comprehensively elaborate as to how the principles expressed in the strategy will be realised in practice. For example, the principle of "recognising diversity" is vitally important, and yet there is little reference to this principle elsewhere in the document. There is considerable work to be done before the priority of eliminating disadvantage within the criminal justice system is realised. The Corston Report describes how a system "largely designed by men for men" has

² International Convention of the Rights of the Child (adopted 20th November 1989, entered into force 2nd September 1990) 1577 UNTS 3, Art 40; United National Rules for the Protection of Juveniles Deprived of their Liberty GA RES 45/133 (14th December 1990)

³ International Convention of the Rights of the Child (adopted 20th November 1989, entered into force 2nd September 1990) 1577 UNTS 3, Art 40(1)

⁴ CRC Committee 'General Comment 10 on children's rights in juvenile justice' (25th April 2007) UN Doc CRC/C/GC/10 para 10

marginalised the needs and experiences of women, and calls for “a new, radical...woman-centred approach”.⁵ International legal standards require states to adopt specific, detailed, action-oriented policies based on the realities of girls in detention and the particularities that pertain to their situation (such as a previous history of abuse, a heightened risk of further abuse, pregnancy and sexual health needs etc).⁶ Similarly, the CCLC would encourage the YJB and the MOJ to indicate more concretely how the secure estate will take into account the different experiences of BME children. Whilst, as identified in the strategy, the number of children in custody is falling, the rate of decrease is considerably greater among young white people than among other ethnic groups. As a result, the proportion of BME children in custody compared to the whole has increased over the last decade.⁷

8. Upholding and protecting the participation rights of children should be one of the basic principles of the secure estate. Participation rights of children are enshrined both in international and domestic law. According to article 12 of the UN Convention on the Rights of the Child, governments must “assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child”, and must give “due weight” to these views “in accordance with the age and maturity of the child”.⁸ Furthermore in its general comment number 10, the Committee on the Rights of the Child notes “that the voices of children in the juvenile justice system are increasingly becoming a powerful force for improvements and reform, and for the fulfilment of their rights”.⁹ In their report “I must have been born bad”, the Office of the Children’s Commissioner identify the Bluebird Unit as a good practice example, where the emphasis is on building positive relationships and on involving young people fully in their own treatment: “We noted that young people were encouraged to take control of [a ward] meeting and there was a focus on positive feedback”.¹⁰
9. Under the principle of “maintaining the safety and well-being of children and young people”, the strategy highlights the importance of incorporating the views of children and young people into existing practice. The CLC fully supports this position. In addition we would recommend including a separate principle: “*ensuring that the views of children and young people are taken into account and given due consideration*”. This should be a guiding principle that informs every aspect of the

⁵ Baroness Jean Corston (2007), ‘The Corston Report’ available at <http://www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf>

⁶ The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (The Bangkok Rules), UN Doc C.3/65/L.5 (6th October 2010)

⁷ The Howard League for Penal Reform (2010), ‘Access to justice denied’, London: the Howard League, available at http://www.howardleague.org/fileadmin/howard_league/user/online_publications/Access_to_Justice_Denied.pdf

⁸ International Convention of the Rights of the Child (adopted 20th November 1989, entered into force 2nd September 1990) 1577 UNTS 3, Art 12

⁹ CRC ‘General Comment 10 on children’s rights in juvenile justice’ (25th April 2007) UN Doc CRC/C/GC/10 para. 12

¹⁰ The Office of the Children’s Commissioner (2011), ‘I think I must have been born bad’, London: Office of the Children’s Commissioner, available at p. 47.

planning, commissioning and discharging of duties in the secure estate for children and young people in England and Wales.

10. This principle must start with a presumption that all children are capable of forming and expressing views. It requires those responsible to put in place appropriate measures to ensure a child's views are heard in a way that is meaningful to them, without prejudice to their capacities. This strategy should take into consideration the mechanisms that need to be available to ensure that the views, feelings and wishes of children with communication difficulties, such as children with disabilities or special educational needs, or children who do not speak English as a first language, are listened to and seriously considered in all administrative proceedings affecting children in custody.

The development of enhanced units

- 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?

11. The CCLC supports the proposals to develop enhanced units that address the needs of young people with particularly complex needs. Every effort needs to be made to ensure the successful rehabilitation, socialisation and re-integration of all children in conflict with the law. This means that custodial arrangements should provide specialist support that caters to the particular needs and vulnerabilities of each child.¹¹

12. Nevertheless, it does concern us that there seems to be an underlying assumption that children with complex needs form a small minority of the overall population of children in custody. A large body of research profiling children in custody in England and Wales has demonstrated that a majority of children and young people in custody are highly vulnerable, suffering from a range of interrelated problems, including: a history of economic and social deprivation; previous exposure to domestic violence, abuse or neglect; mental illness; poor physical health; learning disability; and drug and alcohol dependence. The following statistics have been drawn from a number of recent studies:

- 50% of children in custody have served time in care or have had substantial contact with social services.¹²
- 2 out of 5 girls and 1 out of 4 boys have experienced domestic violence. 1 in 3 girls and 1 in 20 boys have been sexually abused.¹³

¹¹ CRC 'General Comment 10 on children's rights in juvenile justice' (25th April 2007) UN Doc CRC/C/GC/10 para. 18

¹² The Standing Committee for Youth Justice (2010), 'Custody for Children: The Impact', London: The Standing Committee for Youth Justice, accessible at http://www.scyj.org.uk/files/the_impact_of_custody_-_position_paper_FINAL.pdf

- 40% of children have been homeless in the 6 months prior to entering custody, and 75% had not been living with a parent.¹⁴
- More than 50% have been in contact with or referred to mental health services¹⁵
- One study shockingly found that 20% (of their sample of 80 children) had previously attempted suicide and that twice this number had previously self-harmed.¹⁶
- A study conducted by the YJB found that 49% of girls and 35% of boys in custody aged 12-17 reported to be dependent on drugs.¹⁷
- 88% of boys and 89% of girls in custody have been excluded from school at some point in their lives.¹⁸
- 60% of children and young people in the youth justice system have significant speech, language and communication needs.¹⁹
- 50% of children in custody have a learning difficulty.²⁰
- 12% of children in custody have a chronic physical health condition.²¹

Not only does the evidence demonstrate that the majority of children and young people in custody have complex needs and vulnerabilities, statistics on re-offending rates reveal that the majority of current custody arrangements are inadequate for

¹³ Youth Justice Board (2007), 'Accommodation needs and experiences, 2007', as cited in 'I think I must have been born bad' (2011)

¹⁴ Youth Justice Board. (2007), 'Accommodation needs and experiences', London: Youth Justice Board.

¹⁵ Brooker, C. and Fox, C. (2009) Health needs assessment of children in secure settings in the East Midlands, University of Lincoln, as cited in Prison Reform Trust (2010), 'Punishing disadvantage: a profile of children in custody' London: Prison Reform Trust, available at <http://www.prisonreformtrust.org.uk/uploads/documents/PunishingDisadvantage.pdf>

¹⁶ Brooker, C. and Fox, C. (2009) Health needs assessment of children in secure settings in the East Midlands, University of Lincoln, as cited in Prison Reform Trust (2010), 'Punishing disadvantage: a profile of children in custody' London: Prison Reform Trust, available at <http://www.prisonreformtrust.org.uk/uploads/documents/PunishingDisadvantage.pdf>

¹⁷ Youth Justice Board (2004) *Substance Misuse and the Juvenile Secure Estate*. London: YJB, as cited in Prison Reform Trust (2010) 'Punishing disadvantage: a profile of children in custody', London: Prison Reform Trust, available at <http://www.prisonreformtrust.org.uk/uploads/documents/PunishingDisadvantage.pdf>

¹⁸ DCSF (2008), 'Permanent and fixed period exclusions from schools and exclusion appeals in England 2006/7', London: Department for Children, Schools and Families, as cited in The Standing Committee for Youth Justice (2010), 'Custody for Children: The Impact', London: The Standing Committee for Youth Justice accessible at http://www.scyj.org.uk/files/the_impact_of_custody_-_position_paper_FINAL.pdf

¹⁹ Bryan, K. Freer, J. and Furlong, C. (2007). *Language and communication difficulties in juvenile offenders*. International Journal of Language & Communication Disorders, 42, 505 -520 in The Office of the Children's Commissioner (2011), 'I think I must have been born bad', London: Office of the Children's Commissioner, available at http://www.childrenscommissioner.gov.uk/force_download.php?fp=%2Fclient_assets%2Fcp%2Fpublication%2F503%2FI_think_I_must_have_been_born_bad_-_full_report.pdf p 28

²⁰ Department of Health. (2009), 'Healthy Children, Safer Communities', London: Department of Health in The Office of the Children's Commissioner (2011), 'I think I must have been born bad', London: Office of the Children's Commissioner, available at http://www.childrenscommissioner.gov.uk/force_download.php?fp=%2Fclient_assets%2Fcp%2Fpublication%2F503%2FI_think_I_must_have_been_born_bad_-_full_report.pdf p 28

²¹ Brooker, C. and Fox, C. (2009) Health needs assessment of children in secure settings in the East Midlands, University of Lincoln, as cited in Prison Reform Trust (2010), 'Punishing disadvantage: a profile of children in custody' London: Prison Reform Trust, available at <http://www.prisonreformtrust.org.uk/uploads/documents/PunishingDisadvantage.pdf>

addressing children's needs. Although it is positive that the re-offending rate has been falling, the CCLC agrees with the YJB's assessment that the rate of reoffending, currently at 71.9%, is "unacceptable".

The standard of care provided to children in specialised units, such as the Keppel Unit at Wetherby, exemplifies good practice.²² In their recent report "I think I must have been born bad", the Office of the Children's Commissioner describes the excellent quality of care provided to children in the Keppel Unit which they attribute to largely be the result of: high staff to child ratios; a positive attitude to working with young people amongst staff; and a high level of specialist health input.²³ Whilst the YJB's commitment to building on this good practice is commendable, the CCLC would like to emphasise that this standard of care should be regarded as the norm for all children held in custody, rather than the exception, reserved for a minority of children assessed as especially vulnerable.

Responding to decreasing demand

- Do you agree with the proposals for adjusting to decreasing demand?

13. The CCLC is concerned about how the consequences of the recent riots in England are going to impact on the YJBs projections regarding decreasing demand in the secure estate, especially considering the high rate of custodial sentences imposed in cases involving young people charged with offences connected to the riots.

14. In general we are concerned about the risks associated with the proposals to decommission places within the secure estate. We express this concern in the context of our strong view that the number of children in custody in England and Wales should be substantially reduced. In addition, we would like to reiterate our long standing concern that the age of criminal responsibility in England and Wales remains remarkably low at 10 years, and that children as young as 12 can be sentenced to custody, even in cases on a non-violent offence. It is difficult to conceive the level of understanding likely to be brought to a custodial sentence by children of this young age.

15. The YJB has correctly identified a number of risks associated with decommissioning custodial placements and consolidating the secure estate into fewer sites. In particular, we share the concern that "the reduction in sites makes matching supply and demand on a geographical basis more difficult". International standards provide

²² The Office of the Children's Commissioner (2011), 'I think I must have been born bad', London: Office of the Children's Commissioner, available at http://www.childrenscommissioner.gov.uk/force_download.php?fp=%2Fclient_assets%2Fcp%2Fpublication%2F503%2FI_think_I_must_have_been_born_bad_-_full_report.pdf p. 41

²³ The Office of the Children's Commissioner (2011), 'I think I must have been born bad', London: Office of the Children's Commissioner, available at http://www.childrenscommissioner.gov.uk/force_download.php?fp=%2Fclient_assets%2Fcp%2Fpublication%2F503%2FI_think_I_must_have_been_born_bad_-_full_report.pdf p. 41

that detention facilities for children and young people should be decentralised and facilitate access and contact between the children / young people and their families.²⁴ In general, we are concerned that there is no mention in the strategy of the need to place children in accommodation close to their homes and their families.

16. In addition, the CCLC is especially concerned about paragraph 44 of the strategy which reads:

“Decommission to date has largely come from public YOIs and the reduction in demand from the younger age group has yet to be fully reflected in the decommissioning programme. Reflecting the fall in demand for places for 10-14 year olds, the reductions in commissioned places are now likely to be proportionally higher in the STC and secure children’s home sector.”

As mentioned above, the CCLC considers Secure Children’s Homes, together with a number of enhanced specialised units, to be the only appropriate accommodation for children in custody in England and Wales, and recommends that placement within a Secure Children’s Home should be open to children of all ages. The CCLC does not consider the regime, conditions and treatment of children within the majority of STCs and YOIs to comply with international legal standards which provide that children deprived of their liberty must be treated in a manner which is consistent with their dignity and sense of self worth.

In their recent research the Office of the Children’s Commissioner found that children and young people accommodated in specialised units and in the best LASCHs were “more positive about their experiences and their future plans than those in the more mainstream units. Young people reported feeling safer in these units and felt the staff were more able to support their needs”.²⁵ As such, the CCLC is of the firm position that these units are the only facilities that satisfy international standards which require that children are detained in an environment which is in keeping with the rehabilitative aims of residential placement.²⁶

17. The CCLC welcomes the proposed research on the differences in policy and practice within the three sectors of the secure estate. In particular we would like to see comprehensive evidence on how successful each type of accommodation is in reducing reoffending and promoting the rehabilitation and reintegration of children into communities. We recommend that no further decommissioning of places within secure children’s homes takes place until the evidence from this research is examined.

²⁴ United National Rules for the Protection of Juveniles Deprived of their Liberty GA RES 45/133 (14th December 1990), para. 30.

²⁵ The Office of the Children’s Commissioner (2011), ‘I think I must have been born bad’, London: Office of the Children’s Commissioner, available at http://www.childrenscommissioner.gov.uk/force_download.php?fp=%2Fclient_assets%2Fcp%2Fpublication%2F503%2FI_think_I_must_have_been_born_bad_-_full_report.pdf p. 12

²⁶ CRC Committee ‘General Comment 10 on children’s rights in juvenile justice’ (25th April 2007) UN Doc CRC/C/GC/10 para. 89

A full and purposeful day

18. The CCLC is very pleased with the strategy's strong emphasis on ensuring that children in custody are engaged in "full and purposeful" days during their period in custody. We would like, however, to see an explicit commitment to ensuring that children's access to education and other activities relevant to their rehabilitation are of the same standard as those provided by the state to children at liberty.
19. The Munby judgement established that children in custody have the same rights and entitlements under Human Rights legislation (as articulated in the European Convention on Human Rights, the Human Rights Act (1989) and the United Nations Convention on the Rights of the Child) as those children in any other setting.²⁷ Furthermore the UN rules for the protection of children deprived of their liberty provides that "Juveniles deprived of their liberty shall not...be denied the civil, economic, political, social or cultural rights to which they are entitled under national or international law, and which are compatible with the deprivation of liberty."²⁸
20. In practice this means that children in custody should get 25 hours of education a week, and that they should have access to a full curriculum and resources. In addition, children should be able to participate in daily outdoor activities including the opportunity to play competitive sports.
21. In addition children should have access to mental health support programs (such as a range of therapeutic disciplines) and drug and alcohol services, at the same standard as those available to children in the community

Effective resettlement

22. The CCLC is very pleased with the proposal to establish community-based resettlement units. In addition, the CCLC would like to recommend the following:
 - Arrangements for resettlement should begin whilst children are still in custody including making plans for accommodation, education and training, employment and family reintegration support on release.
 - All children leaving custody should have access to supported accommodation during the remaining period of their detention and training order (DTO).
 - Local Youth Offending Teams (YOTS) should be involved in the provision of support programs during custody and after release for the full remaining period of their DTO.

²⁷ C (a child: contact), Re [2004] EWCA Civ 1293

²⁸ United National Rules for the Protection of Juveniles Deprived of their Liberty GA RES 45/133 (14th December 1990)

Response from Coventry Youth Offending Team

Strategy for the Secure Estate for Children and Young People in England and Wales Plans for 2011/12 – 2014/15 Consultation

06 October 2011

Principles and priorities

- Do you agree with the principles stated in this document?

Yes

- Are there any significant areas that are not covered?

There does not appear to be any emphasis on through care within the principles. The secure estate is in effect a means to an end. It is important to recognise within the principles that it does not work in isolation from the rest of the youth justice system and that co-ordination between professionals, external YOTs and families/carers is vital to the success of the secure estate. While there is recognition later in the strategy its importance is undermined by it not having a higher profile, which would be gained from a related principle.

A seamless transition between both community and custody and vice versa is integral to rehabilitation.

The development of enhanced units

- 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?

Yes, such an approach would be of a clear benefit because it would allow young people's needs to be met within one facility rather than them being moved further a field and/or to other establishments as different "needs patterns" emerge.

Such moves result in young people having to get used to new surroundings and regimes which is a significant additional challenge for vulnerable young people.

Furthermore, this move may be further away from their families and support networks.

We agree with delivering a much more tailored service to those young people with specific needs but considerations needs to be given to how regular family contact can be maintained and encouraged.

STCs have an arrangement where by families and carers are picked up from the nearest train station and taken to the centre. This reduces barriers for them in visiting the trainees.

A concern is that this approach may be result in the range of specialists available in the current “specialist” units would not be replicated rather the range would be reduced as more smaller units are set up.

We would not want a dilution of the specialisms available in units and in the current climate where limited resources are under increasing strain this may be a possibility. If that was the cost we would advocate for retention of current system.

- What more can be done to meet the needs of young people in custody?

More individualised programmes of work rather than the reliance of groups that often do not have sufficient capacity or meet diversity of need

Improvement in the promotion of family contact while young people are in custody. This could be supported by mediation to address difficulties or relationship breakdowns, and for parents to understand and accept their responsibility in supporting resettlement and the addressing of offending behaviour.

Access for young fathers to have qualitative time with their children where appropriate. Important for both parents and children to aid continuation of relationship/bonding and for when father exits custody.

Custody should not be wasted time and it is often one of the only times that young people experience any kind of routine and security in their lives.

The time has to be spent preparing them for their release into the community, often into exactly the same circumstances that they left behind, with an increased knowledge and skill base to assist them in avoiding further offending.

The recommendations appear to support this but adequate consideration needs to be given to those on short term sentences to ensure that timetabling and delivery of sequenced programmes does not deny them the opportunity to participate which is frequently the case. When this happens punishment is the only outcome.

Responding to decreasing demand

- Do you agree with the proposals for adjusting to decreasing demand?

Yes, in relation to YOI beds. However, we feel that better use should be made of STC provision that is only ten years old, rather than closing beds here as this environment is

more conducive to changing behaviours and resettlement rather than more rigid adult based facilities.

The rigid regime in YOI provides a strong temporary control but does not encourage the development of self control skills which can be utilised on returning to the community. We believe that the regimes operating in STC or LA secure are more conducive to empowering young people to learn new strategies and reintegrate successfully in to the community

Unfortunately when we recently looked at the reoffending rates across the two strands this was not borne out by our re offending analysis .

We looked at YPs who were released onto a post-custody licence programmes between 1st October 2009 – 30th September 2010 (a 12 month cohort). Their offending was then measured over a 12 month period from the start date of their post-custody intervention.

The results are split into STC and YOI. STC re-offending rate stands at 2.5 whilst YOI is 1.38. However, as some young people released from YOI may be over 18 . We also included our 10% rule which brings it to 1.52. We don't have access to PNC routinely but our variance has never exceeded 10% hence our local rule until we get our PNC results.

YJB should take the figures nationally over at least three years (if they have not already done it, which they may have) to see which environment most successful in terms of reduced reoffending.

We broadly agree with the proposals for adjusting to decreased demand. We are, however, mindful of the impact that this has on young people and their parents in terms of contact and also the impact that it has upon individual YOTs in terms of staffing and financial implications.

To ensure that the secure estate remains as cost effective as possible there needs to be a mechanism for ensuring that beds are effectively decommissioned.

However in recent years this has seen many beds lost from the midlands (one of the most densely populated areas of the country). Greater consideration needs to be given to geographical issues when decommissioning beds in the future because of the increased costs placed on YOTs and families/carers in seeing young people.

Whilst many parents find it hard enough to resource regular visits, increased distances will only serve to exacerbate this issue.

Equally, and from personal experience, the amount of practitioner time spent on motorways and the mileage costs incurred are currently significant, any further increases could be detrimental to service provision.

Video conferencing may go some way to allaying the time/finance concern; however it is not available in all establishments and is not suitable for all activities and individual young people.

All external (from YOT and secure establishment) agencies involved with young people's resettlement plans would need to be prepared to engage in the process of visiting and working with young people who are placed at significant distance from their operational bases. Alternatively, arrangements would need to be made on a

service-by service basis to have work picked up locally to the secure establishment and to have this work transferred to the home area on release.

Our biggest concern would be for the 10-14 year olds, who, given their often increased vulnerability, would potentially suffer most from large geographical distances between them and parents/carers.

- What role should market testing play in this process?

We don't understand the question given that there is no opportunity for the market to test.

So possibly unrelated comments are The market does not have the opportunity to test , local YOTS do not have commissioning role , choice re location or even STC or LA secure. We would perceive ourselves as the market but without the benefit of choice or provider.

LA/YOTS should be directly involved in shaping , commissioning and testing of providers.

Local experience has shown that the fewer young people remaining within the criminal justice system are presenting with increased risk and vulnerability issues and are far more entrenched in their offending behaviour. This group require more intensive and tailored interventions to meet their complex needs and this applies both within the community and within custody.

A distinctive secure estate

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

The point regarding workforce development is a good one. There needs to be a clear line of progression within this specific field for any staff that want to stay working in the area. However there also need to be transitional arrangement with regard to training for staff that want to move back to working with adults of those that want to move to working with children.

Nursing is a good example of a profession where there are development opportunities across many different fields of work and staff do not feel as though they are limited in their specialism. Introducing a career structure across the entire secure estate would aid with staff retention, increase morale and the skill sets of all staff.

Placements should be dependent of the young people's needs and court order i.e DTO rather than defined and influenced by their age. Such as an 18 year old

serving a DTO remains the responsibility of a YOT but is placed in an over 18 YOI who have little investment in the DTO process.

Placement moves or transfers should only take place as a last resort and in consultation with all parties. Such an approach would ensure that moves take place appropriately with adequate planning between the unit, YOS and families. This would result in it being a more positive experience for young people.

Given the variety of needs that this group of young people present, any interventions would need to be offered on a 'tiered' basis to ensure access for all. Equally, specialist, tailored interventions would need to be available for those young people unable to engage with a more generic provision, specifically those placed within enhanced units. Latest 'What Works' findings are essential in providing young people with the best available resources, to assist them in affecting positive change where possible.

A full and purposeful day

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

Range of programmes that reflect diversity and need

Quality of staff – appropriate delivery training

Portfolio of interventions

Evidence based

Nationally accredited recognised within the National Accreditation Framework to ensure awards gained can be more easily transferred and built upon.

Ability to use both in the community and custody to prevent programmes being discontinued due to transition

Increased range of academic and vocational qualifications and consistency of such awards across establishments. Provision for YP shouldn't be a 'lottery' dependant on where they are placed.

Ensure that those receiving shorter sentences can gain immediate access to ETE provision.

Apprenticeship, Skills & Children's Learning Act 2009: now gives YP the right to access education as provided in mainstream schools and responsibility on LA's to ensure this is provided. This needs to be monitored.

Ensure that SEN status of YP is recognised and incorporated into programme of education & training and necessary specialist support is provided where identified. Financial implication of this requires attention.

More opportunity for external ETE placements for YP (even if only on ROTL). This would provide continuity of placement and aid more effective re-integration into the community.

Positive factor that education is central

- What role should the YJB play?

The support and monitoring of the roll out of the strategy.

Working with YOTS to support their involvement in the commissioning and evaluation of services their client group is in receipt of and increasingly for which they will be paying.

The YJB should be responsible for sourcing appropriate interventions using 'What Works' findings and should also quality assure the work that is carried out within establishments, in conjunction with the secure estate and YOTS.

Effective resettlement

- 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?

Seamless provision is often hampered by distance, YJB should as part of commissioning ensure that there is greater flexibility in the provision of visiting. Both for families and YOT workers, as this will improve and increase contact prior to release.

Currently some units designate days for legal visits or reviews which means that staff who could undertake multiple visits with different young people are often forced to return on different days. This MUST be addressed or contact will continue to diminish and cash strapped YOTS will struggle to support expensive round trips to see one young person both in terms of mileage costs and staff hours. We also take families with us so this has a double impact on contact with young people.

Increased consistency in the use of catchment area YOIs etc to allow YOTs to deploy workers specifically units to improve resource value for money and contacts.

Increase the flexibility of sentence reviews to allow more to be undertaken at one time, for example less rigidity dictated by the secure estate.

Increased flexibility of FE Colleges with reference to interview timing/dates. Enable college staff to interview at secure facility if needed. This will help prevent YP losing out on college placements

Response to consultation by DfE (Children in Care Division)

Children in Care Division is part of the DfE Children Families and Young People Directorate. The Division is responsible for policy concerning children's homes, which includes secure children's homes (SCH). This involves managing the SCH capital programme. The Division also maintains an overview of the relationship between local authority responsibilities resulting from the Children Act and wider youth justice policy.

Summary

- The strategy is based on sound principles. It will be important that where young people have to be detained that they are held in distinct specialist, child-focused, establishments.
- DfE accepts that the YJB's commissioning responsibilities require it to make the best most effective use of its constrained resources. The strategy seems to recognise that it may be difficult to define how "effectiveness" is measured in practice.
- **Whilst SCH only comprise a relatively small sector of the secure estate, the document does not make any reference to their contribution. This represents a significant flaw in the strategy.**
- Developing enhanced units in YOIs will provide more options for the placement of very challenging and vulnerable young people. However, enhanced units in YOIs, staffed by officers of NOMS, are unlikely to have the same level of expertise as SCHs delivering care and containment in line with child-focused standards. There have been examples of SCHs accepting very vulnerable young people who could not be managed in enhanced units,
- More analysis of the factors driving decreasing demand in the secure estate would be helpful in order to estimate how far it is reasonable to develop the strategy on the assumption that demand will remain low throughout the CSR period.

Given the high level of need and vulnerability of the children detained in the secure estate all secure establishments will need to create a culture that places the needs of the child at the centre, as the best way of preparing them for resettlement minimising the likelihood of their reoffending. It will be important to build on the recognised success of SCHs rather than consigning them to a residual role. A comprehensive, balanced, strategy for the secure estates needs to acknowledge the distinctive contribution that all sectors of the estate have to offer detained young people.

Principles and Priorities

We strongly support the principles outlined at para. 24. A distinct specialist secure estate is essential. Children's offending behaviour should not be assessed and managed in the same light as offending by developmentally mature adults. Children should be placed in establishments best able to meet their needs, giving them the maximum opportunity to address their offending behaviour; and they should be offered an early and comprehensive assessment of their needs. The secure estate for children must safeguard their welfare whilst offering them the support needed so that they are diverted from further offending.

We support the priorities outlined at para. 26. Children should be detained in distinctive child orientated provision and be able to access "effective regimes". In this context, however, it would have been helpful for there to have been a definition setting out how "effectiveness" might be measured. At the very end of the document (para. 93) there is an acknowledgement that "the evidence base on effective interventions in custody is limited".

In the absence of a definition we take "effectiveness" to mean that children must be offered appropriate services that are able to respond fully to their needs so that they are detained in a safe enabling environment offering personal support that maximises the opportunity to avoid their reoffending on release. To this end, the provision of education and training opportunities to make up a genuinely "full and purposeful" day, alongside any necessary personal therapeutic support will make a major contribution to successful community resettlement, improving public protection by minimising the possibility of re-offending.

Effective commissioning and responding to decreased demand.

The table at paragraph 16 demonstrates that there has been a decrease in demand within the secure estate over roughly the past two years. To assess whether it is reasonable to assume that this trend will continue over the period of the current CSR more information would be needed about the drivers for this decrease. Some analysis of the needs of those young people who continue to be detained would also have been helpful.

It is likely, though, that the needs of this group will be complex and that they will require more intensive support to divert them from reoffending. Presumably it is this likelihood that provides the rationale for the development of "enhanced units" within YOIs, as exemplified at "Box 2".

DfE does **not** accept the contention at paragraph 45 that "STCs and secure children's homes are broadly interchangeable." This assertion is not supported by any subsequent argument providing meaningful comparative information describing how the regime of a SCH compares with that of a STC.

In fact, paragraph 37, indicates that that there is only a limited understanding of the differences between the three sectors of the secure estate and how such differences might relate to costs and to outcomes for young people. This paragraph explains that research has been commissioned to examine regime differences and it could be argued that the publication of the strategy is premature until a thorough analysis of the results of such research. In any event, within the strategy document there is no information to support the sweeping generalisation at para. 45.

SCHs have an excellent track record. Independent inspection findings have consistently assessed SCHs as either “good” or “outstanding”. They are first and foremost children’s homes and operate within the same regulatory framework as other forms of residential care for children. This enables them to provide detained children with a genuinely holistic service equipped to respond to all dimensions of their developmental needs. SCHs provide an extremely safe environment able to focus on the education/training of the individual child. Inspections indicate that children placed in SCH have real opportunities to make significant educational progress.

Paragraph 47 recognises that there are risks associated with decommissioning as the secure estate consolidates into fewer, more dispersed, sites. Local placement will be much less likely in future, making resettlement planning correspondingly more difficult. Where there are fewer more geographically dispersed establishments much stronger relationships will be required between youth justice services and local authority agencies, so that detained young people have the chance to remain in touch with the communities where they will be resettled. Paragraph 100 suggests that this issue might be mitigated by improving communication about resettlement between secure establishments and local authorities. More information would have been helpful about how, in practice, this process will operate.

Whilst para. 48 states that that there will be continuing management of the risks involved more information is necessary about how, in fact, risks will be managed going forward

A distinctive estate for children and young people

Paragraph 49 provides a strong rationale for the importance of maintaining a distinct juvenile secure state and DfE strongly supports this approach in order to safeguard children and promote their welfare. However, this paragraph would benefit from including a reference to the provision of vocational, training and continuing education opportunities to young people beyond the school leaving age.

Paragraph 53 acknowledges the importance of strong independent inspection regimes to ensure that establishments comply with regulatory standards and deliver high quality care and rehabilitation support. However, the paragraph goes on to imply that the current inspection regime is “incoherent” but the reasoning behind this implication is unclear. DfE supports the continuation of a rigorous inspectorial regime led by inspectors with strong professional

understanding of children's developmental needs. The independence of Inspectorates from commissioning and resource management functions remains an essential safeguard to avoid standards being compromised to the detriment of very vulnerable young people.

Improving rehabilitation and reducing offending

Paragraph 56 is clear that this strategy for the secure estate will complement broader work to improve outcomes for looked after children and care leavers – more information about this would be welcome, since this is the first time that the welfare of children from care in the estate is mentioned.

Safeguarding and Workforce

The section on safeguarding is one of the most important in the strategy document. The framework of regulations and standards that apply to SCH means that their operations are firmly aligned with current legislation and guidance and comply well with the requirements laid out in the bulleted list at paragraph 66. For example, the framework for the permissible use of restraint in children's homes (including SCH) has recently been revised and came into effect April 2011. Revised guidance takes account of lessons learned from serious restraint-related incidents and the views of children and young people. This section would have provided an opportunity to highlight good practice in SCHs.

Good practice in developing the SCH workforce could, similarly, have been mentioned in the workforce section, though this is very clear in spelling out workforce development challenges faced by public YOIs.

The contribution of the DfE capital programme to improving safeguarding arrangements within the secure estate (e.g. be investing in CCTV and security systems in SCH) could have been mentioned at paragraph 68.

Mental and Physical Health and Wellbeing

Paragraph 86 refers to the development of the enhanced unit at Wetherby YOI. This development undoubtedly has the potential to provide improved support to some young people who might not otherwise be safely managed within a larger YOI environment. However, there have been cases where SCHs have accepted young people who could not be safely managed in enhanced units. The strategy would benefit from acknowledging the significant contribution SCHs make to responding to some young people with highly complex needs placed in the secure estate, rather than entirely ignoring this.

Response from Devon and Cornwall Constabulary

Secure Estate Strategy – Consultation

Consultation questions

The concept of children in custody has always been contentious and has occupied a highly political place within successive Governments. There is a need to focus on how the impact of custody on young people can be ameliorated, to achieve a seamless approach to resettlement by recognising the need for intensive planning commencing at pre-sentence report stage and involving the young person in the process.

Principles and priorities • Do you agree with the principles stated in this document?

The principles are sound, however the YJB/MOJ should ensure that it has capacity to drive change on national priorities, and that it has the mechanisms and local intelligence needed to work with YOT's and improve value for money. There should be a clear and measurable strategy as to how the risk of reoffending will be reduced.

• Are there any significant areas that are not covered?

The need for a compromise to resolve the conflict between justice and welfare and perceptions of young offenders, informed in many ways by the media – not an easy task as has been shown many times in the past e.g. the recent riots

The development of enhanced units • 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?

Custody involves the most delinquent and damaged peer groups residing together and lessens resilience by preventing the growth of protective factors. Therefore it has been argued that reconviction rates were significantly higher for those leaving YIO's and that an approach that maintains education and family ties (LASCH's) has a positive effect on future outcomes and reducing reoffending. The development of enhanced units (similar to LASCH's) to address the needs of young people with particular complex needs therefore can be seen as a positive move and will increase the protective factors for the young person by helping them engage with education and attending to their physical, emotional and behavioural needs.

• What more can be done to meet the needs of young people in custody?

The justice system assumes a level of understanding on the part of the young offenders that is quite often lacking and this increases the risk that young people will not engage with or understand the requirements of their sentence plan. A review of the assessment process, particularly around communication would help to meet some of the needs of young people in custody and speech and language therapy could be considered as part of the sentence plan and transition process

Responding to decreasing demand • Do you agree with the proposals for adjusting to decreasing demand?

There is possibly a need for adjusting to decreasing demand due to financial constraints but as shown recently during the riots in England things can change very quickly. In those unusual, but quite likely to happen again, situations there is a need to have enough places for young people as the alternative to placing them either in adult institutions or police custody. There is also a need for places of safety for vulnerable young people as in the past they may have been kept in police custody for their own safety and this is not a suitable arrangement.

- What role should market testing play in this process?

It would be unwise to test the market in respect of members of the public as the majority of their views will most likely be influenced by the media. I would suggest youth justice practitioners and other stakeholders are consulted.

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

A distinct secure estate for young people would contribute to ensuring their rights under the United Nations Convention on the Rights of the Child are met, as are their rights under Human Rights legislation. This could be achieved with further work around training of youth practitioners in the youth justice system in all aspects of the rights of the child.

A full and purposeful day • What more could be done to ensure the development of effective interventions in secure establishments?

Effective interventions must take into account Risk Classification and Criminogenic Needs to determine the intensity of the intervention to address education, mental health issues and substance abuse. Records of action need to be kept and are essential for achieving continuity of provision. Stakeholders need to be clear about the intervention programmes overall rationale, its methods and their responsibility in it. Effective interventions should concentrate on problem solving and social interaction with a cognitive behavioural focus and Community Based as evidence suggests this leads to more effective outcomes.

- What role should the YJB play?

The YJB should recognise the challenge to all practitioners in that custody weakens protective factors and increases risk factors and should promote the fact, through training and marketing, that the most effective way of reducing re-offending in young people is to prevent them entering custody in the first place.

Effective resettlement • 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?

Children who spend time in custody are three times more likely to have mental health problems than those who do not. They are very likely to have more than one mental health problem, to have a learning disability, to be dependent on drugs and alcohol and to have experienced a range of other challenges such as significant speech and communication problems, domestic violence, being in local authority care, homelessness, sexual abuse, health problems, dropping out of school or significant underachievement. Many of these needs go unrecognised and unmet. At the point of arrest, there is an opportunity to identify these needs early on, to link young people and their families with the support they need and to reduce the chance of people going in and out of the youth justice system, causing difficulties for victims and their communities. Therefore the appointment of a Health Commissioner and Police Commissioner working together to underpin offender health management should be robustly supported by the YJB.

To ensure a seamless approach to resettlement there needs to be integration between separate planning systems and communication between partner agencies.

Although it is difficult to establish what is effective resettlement it is recognised that a core principle underpinning most resettlement models is continuity and consistent case management. Therefore custody needs to focus on rehabilitation and on meeting the needs of the young person.

Devon Youth Offending Service's response to the Secure Estate Strategy.

Principles and priorities

- Do you agree with the principles stated in this document?

Yes, the principles seem to be the correct ones.

- Are there any significant areas that are not covered?

Yes, I would have liked to see more discussion regarding the distance from the home area to the custodial establishment and how this affects the quality of the work being done with the young person. This affects the frequency and quality of contact with family, the continuity of educational provision and the ability of the youth offending team to support the young person. As the Secure Estate shrinks this is likely only to become more of an issue – currently young people from North Devon are placed in the Bristol area in the case of YOIs for both girls and boys (both establishments over 100 miles away from large parts of Devon), in Bristol (again) for SCHs and in Medway in Kent (over 240 miles) for STCs.

These placements are all so far away from the young people's home areas that this distance is a serious impediment to good quality work during the custodial sentence and during the licence period. Any 'shrinking' of the Secure Estate is only likely to make these problems worse.

My view is that distance from home area is the 'elephant in the room' in the strategy – it is very important yet this factor is barely acknowledged.

The development of enhanced units

- 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?

Yes, this is a positive development.

- What more can be done to meet the needs of young people in custody?

Three areas could be changed. Firstly whilst the educational provision has improved markedly over the past few years the quality of offending behaviour work has not shown a similar improvement. This work is often patchy, sometimes barely delivered (due to waiting lists for courses) and therefore a significant opportunity is missed to tackle the very reason the young person received a custodial sentence in the first place. This would be something that the general public would find very hard to understand!

Secondly communication between the custodial institution and the young person's home area still remains of mixed quality. It is very rare for instance

for staff from the custodial establishment to attend planning meetings in the community – this an important chance to ensure continuity of provision is missed. I accept distances make this difficult but could video conferencing or something similar be used? Surely if the desired outcome is better continuity of sentence plan from custody to the community then this is an important way to achieve this.

Thirdly attendance at placement planning meetings remains variable – some custodial establishments will ensure all relevant staff are in attendance, others will have the bare minimum. Once again this makes effective planning very difficult. I am working on a protocol to ensure that for school-age children a representative from their last school will attend the initial planning meeting to ensure educational continuity – this will only be worth doing if educational staff from the Secure Estate also attend this initial meeting.

Responding to decreasing demand

- Do you agree with the proposals for adjusting to decreasing demand?

I think this has to be done with extreme care. Youth crime levels can be cyclical, affected by the changing public perception of various crimes and recent events such as the riots in August 2011. Decommissioning beds needs to take this into account that there may be sudden spikes in demand and also ensure that a good regional spread of custodial resources is maintained. Currently the distribution of resources is not equitable and I worry that any reduction may make these issues worse. This is the key point for Devon YOS.

- What role should market testing play in this process?

Not sure I fully understand this question. If 'market testing' means consulting fully with all concerned partners and genuinely taking their views into account then I am all for it! If it means something else then I need further explanation of what this is.

A distinctive secure estate

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

Both local units and more specialised units would be useful. Anything that makes units for children and young people separate and distinct would be a good thing.

A full and purposeful day

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

This area does need to change very considerably. Correctly the perception is that the few offending behaviour courses there are often over subscribed leading to waiting lists (which means that young people on shorter sentences miss out). I have even heard of young people on longer sentences being told they cannot start the courses quickly as people on shorter sentences must take priority. This begs the question of who actually does do these courses!

I would suggest that a huge change of emphasis is needed so that every young person in custody does some offending behaviour work every day. Further the courses they undertake should be courses that are shared with the 'home' Youth Offending Team so that the programmes of work can be continued after release. I know there is often a perception that only accredited courses can be undertaken – whilst such courses are obviously the ultimate goal I do worry that a perceived choice of an accredited course or nothing will lead to nothing being done. Any courses which can be followed in custody and that the YOT can pick up upon release would be very welcome and will serve to improve outcomes for this group of young people.

- What role should the YJB play?

To ensure that a basic minimum of offending behaviour work takes place for every young person in every custodial establishment.

To ensure that Secure Estate placements are as close as possible to the young person's home area.

To 'incentivise' the Secure Estate placement providers to work to ensure that the young people they deal with do not re-offend. Do they even gather data on how their young people behave in the community after release? If this was brought in I think this would be a good driver to improving standards of offending behaviour work in custody.

Effective resettlement

- 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?

This has been detailed above – we need better links to the home area during custodial sentences (by being geographically closer to the home area), better links with custody after the young person is released (staff from custodial establishments offending planning meetings in the community) and a continuity of work from sentence to the community (perhaps through the

same programmes being used). If these changes were made resettlement would be considerably improved.

There needs to be a whole system approach with the key aim (perhaps linked to financial incentives?) being that young people do not re-offend. This will need a change in emphasis from the sentence period being the main focus to the sentence plus the licence period, in other words a longer focus. If such a change in emphasis happens then through care will be improved, communication with YOTs and the community will be improved and hopefully, re-offending will decrease.

Response from Durham County Council

Consultation : Secure Estate Strategy for Children and Young People

Thank you for the opportunity to comment on the consultation document. The comments from Durham County Council refer to the numbered paragraphs in the consultation document. We have chosen not to simply answer the limited number of questions set at the end of the document as this would significantly limit our ability to raise specific areas of concern.

Our overall view is that the paper contains many generalities and makes assumptions and proposals about future plans based on what appears to be very limited evidence. Examples of this are outlined in some of the paragraph references below.

Paragraph 16

We accept that numbers in the secure estate fell between 2006/7 and 2010/11, but the report would have more credence if the figures were set against the general population figures rather than simply focusing on the secure estate population for the same period – if this was included we suggest it would demonstrate a link between the two figures.

18

We agree that significant progress has been made towards the development of a distinct secure estate for under 18s. We welcome the significant reduction in numbers of young people in YOI's which also care for young adults since 2000. We question the suggestion that safeguarding arrangements have improved in YOI's when during the first 7 months of 2011, there was a death of a teenager every month. This suggests that safeguarding arrangements urgently need to be reviewed.

19

We would suggest that the YJB needs to examine the different elements of the secure estate in terms of success in safeguarding and reduced recidivism to examine specifically what works – this paragraph is an example of making generalised comments when it would be more balanced to show that in some areas of the estate there are areas of success that are not represented in other parts. It is acknowledged that the YJB doesn't know the difference in recidivism between different parts of the estate yet is commissioning for the next 3 - 4 years, without knowing what works most effectively. The secure children homes sector does have much better performance than 19.1% - but it is concerning that commissioners of service don't know this and have not measured such performance in the last 10 years.

24

We support the principles as set out in this paragraph. With reference to recognising diversity, what is not reflected in the report is the increase of complexity in the secure population over recent years. This includes

transgender young people, those on the autistic spectrum, those with learning difficulties, mental health issues, substance misuse and speech and language problems.

We agree that children and young people should be placed in the establishment best able to meet their needs, yet are currently engaged in a process where, despite the increase in young people with complex needs, the YJB is currently reducing the level of provision in SCH's at a greater level than in another part of the estate based on the figures in this document (as shown in table in para 45)

We agree that an early and effective assessment of need is essential – and is key to effectively safeguarding young people. Despite this recognition we were disappointed that following the recent riots, young people were initially placed in YOI's where with the lower staffing levels per population meant that an early and effective assessment of need would have been much more difficult to achieve. The SCH sector could have played a significant triage role if asked for some of the young people who's backgrounds were unknown. We were not approached despite having vacancies

Para 26 and 30

Priorities for the next 4 years

We are concerned that priorities have not been based on a recognised commissioning framework.

References to the need for a critical review of existing evidence of what works is somewhat concerning when the YJB has had 11 years to gather this information and assess effectiveness. To start looking now at what works, when, despite the estate being full, decommissioning is taking place, is not based on any recognised commissioning model. It means that whatever the outcome of a future "critical review", some services will have already been lost. Such a review should have informed current activity rather than follow it.

31

Local authorities will be funding the full cost of remand placements next year. Few would agree that their choice as commissioners should be undertaken at a national level. All LA's will be seeking best value for any commissioned services and this approach would remove such an opportunity. An example is that the YJB pays increased costs to STC's based on capital arrangements – why would a LA pay an increased cost for a service for a government department to gain the benefit of this? Another example is that in this area one of the STC's has a current Ofsted judgement of inadequate. A LA's overall Ofsted judgement is affected if it chooses to place looked after children in settings that are judged less than good or outstanding. For this reason, this LA could not support such a proposal.

33

We agree that the differences in cost per place across the estate is important – some of the differences between STC's and SCH are associated with capital funding arrangements made some years ago – see 31 above. This needs to be recognised as one of the factors yet the report does not refer to it. It should also be noted that whilst the staff ratios are often higher in SCH's than in STC's the bed price costs are lower based on information recently circulated by the YJB.

34

We are concerned that continuing to do more of the same whilst practical and cost effective is not effective commissioning and is not a fair approach.

35 and 36

Your report appears to recognise the importance of using commissioning powers effectively and in particular, using competition and market testing. It is therefore concerning that in the current examination of SCH contracts you have resisted the opportunity to use competition, believing it not to be a fair way to manage the need to cut resources. Such mixed messages are both confusing and difficult for providers to respond to effectively

37

It is a significant concern that we are now moving into the 12th year of YJB commissioning and this information is still not known to the YJB. It means that commissioning over the next 2 -3 years will continue in a context in which the YJB doesn't know what works best. It could also potentially disadvantage both young people and some sectors of the secure estate in the future. Specifically, it is clear from our own performance data that some parts of the estate have had much more success in relation to effective resettlement and reduced recidivism than other parts.

38

This report refers to "a small minority of young people in custody presenting a very complex range of physical and mental health needs". The report does not appear to recognise the actual numbers or that this number is increasing, as is the number of young people in the general population on the autistic spectrum. This means that the YJB is not effectively commissioning to meet the special needs of such young people.

39

Having read the report into the Keppel Units operation after one year on we are confused as to how the YJB can form the view of "emerging good practice". The report acknowledges it is simply based on views and not on any evidential evaluation about outcomes, quality or what works. Some of the issues drawn from the report could not be described in terms of good practice - the evidence for this simply does not exist in the report. Again, it is a concern that future commissioning could be based on such poor evidence of what works best.

It is also important to emphasise that the YJB appear to have formed a view that enhanced units in YOI's are the means by which the needs of the most challenging young people in custody can be met. We have evidence to demonstrate that such units have not coped with young people with autism, transgender issues and mental health problems who have been transferred from those enhanced units into SCH's. This perception that enhanced units are the answer to managing such young people is flawed and needs to be backed up by evidence before it is a part of future planning.

40

It is assumed that reference is being made to the potential role for specialist NHS provision by this paragraph. Whilst we agree that an increasing number of young people require such specialist settings, more work is needed between YJB and DH

to progress joint commissioning as the current level of provision nationally is very limited.

41

As a provider that has already developed a step down facility as part of a new build, which is geared up to supporting young people in terms of resettlement, we are unclear why the YJB refers to developing a number of small sites rather than engage with what already exists. In a context in which the YJB aims to reduce beds in SCHs this could be an opportunity to pilot a new approach at no extra cost.

43 - 44

The “sustained decrease in demand” has halted. The sector is operating at over 95% in STC’s and almost 98% in SCH’s currently. The only current spaces available are in juvenile male YOI places. In all other settings vacancy levels are in single figures. Our own facilities have had 16 admissions in 16 days. These admissions are not a result of the recent riots, though undoubtedly they had an impact in some settings. Whether or not demand is linked to such events, it has demonstrated that despite a significant previous reduction, this picture is now changing. Population sizes are increasing and the market needs to be geared up to respond to demand. We would urge the YJB to acknowledge that it did not foresee the events that emerged during and following the riots and there is nothing to suggest that a similar demand spike could not happen again.

Decommissioning to date has not been proportionate or equitable in that 0.2% in the STC market does not, compare with 37% (YOI) and over 13% already (SCH), with more to follow. Because of the decision to remove beds from a sector that is currently operating at over 97% occupancy, we fear that when the review of STC contracts take place in the next two years, there will be a recognition that reductions made were too great and they will benefit from the current SCH losses. This raises broader risks for government as it is clear that for the SCH sector, decommissioning will lead to a diminishing resources across the board and with that reduction valuable welfare resources will also be lost.

45

STC provision is now seen as broadly interchangeable with SCH. In our view the two settings are different and STC’s cannot provide services such as an extended placement for young people with the most complex needs when remands or sentences come to an end. See reference in above paragraph

47

We agree with the points outlined in this paragraph. It is important that risks in decommissioning are fully recognised – of particular concern is that the risk identified in the first bullet point have been realised in that demand for custody has increased to the extent that the estate is almost at full capacity. To decommission as is currently suggested may result in an inability to meet demand. Similarly the ability to re-commission once services are lost needs to be recognised as a difficult and lengthy process that could not meet immediate demands such as those that occurred in August 2011.

We do not agree with bullet points 3 and 4 – largely because there is no evidence to suggest that geography makes a difference to providing high quality placements –

especially when the benefits of improving technology is taken into account. Resettlement is also about good practice, partnership working and effective systems, rather than geography

49

We agree a distinctive estate for children and young people is important

50 and 51

We agree with the points made in these paragraphs

52

Don't these points suggest that future commissioning needs to consider further reductions in the YOI sector?

54 – 62

We do not wish to make any additional comments in relation to these points

67

This paragraph is worrying in that safeguarding is everyone's business - it does not simply rely on LA children's services fulfilling their statutory duties. In the majority of secure settings the way in which staff are employed, inducted, developed and supervised for instance will have a significant impact on how young people's needs are met and protected situation it could mean that the role of LA is minimal in terms of a safeguarding function. It is reasonable to suggest that YJB needs to commission and monitor services that provide appropriate levels of care and supervision in the right setting which meet the needs of young people

69

We wish to express the highest level of concern about some of the recommendations in the Independent Review of Restraint(IRR) – particularly in the follow up report's reference to use of pain compliance in restraint and potentially a use of handcuffs. This flies in face of effective safeguarding and is not an appropriate way to protect vulnerable young people. There is significant evidence to demonstrate that the use of pain can have an impact on adults, but is not effective in restraining young people, particularly those who have abusive experiences in their history.

It is important that we all learn from the outcomes of the inquests that followed the deaths of Gareth Myatt and Adam Rickwood in the secure estate. In both cases serious concerns were raised about physical restraint and the part it played in the death of both boys. The introduction of pain compliance in restraint in this context would suggest a lack of learning from both the inquests and the other enquiries that followed the death of these two young men.

It is a particular disappointment that in a context in which 7 young men have died in YOI's the last 9 months, there are no references in the report to the need to better understand and address this and create settings that are safer and more protective young people in the future. The fact that each young person was 18 is not a reason to consider that the learning would not have benefit for the safeguarding of younger prisoners.

70 - 74

Workforce Development – no additional comments to make.

77

We agree with the proposals made

87

We suggest that having read the report commissioned by the YJB following the first year of the Keppel unit there is not as yet any recorded evidence of this unit's success. As evaluation of delivery and outcomes needs to focus on facts and results and not on opinions – there are some significant gaps identified that do not justify the comments made

In response to the specific questions raised we would make the following comments

Do you agree with the principles state in this document?

Yes

Are there any significant areas that are not covered

Yes – see comments above under paragraph 24

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

Not in the way suggested. The proposals appear to rely on the development of enhanced units within YOI's. Has any consideration been given to developing a specific focus in discreet parts of larger SCH – Aycliffe for instance is already geared up to provide services for young people with substance misuse and mental health issues and to offer resettlement / step down options. It has also developed some expertise in work with trans-gender young people.

As yet there is no evidence to demonstrate the difference made by the specialist units already developed in YOI's and we believe that this is essential before further planning takes place.

What more can be done to meet the needs of young people in custody?

See comments made above

Do you agree with the proposals for adjusting to decreasing demand

No – current demand is testing the capacity of the secure estate to its limits. These demands were starting to emerge prior to the recent riots and the inevitable demand that followed. We recognise that the impact of this will be felt for some time. It also needs to be recognised that some increases are not associated with the riots and shows that changes in demand come about very quickly. Decommissioning needs to be seen in the context that it cannot be turned around as quickly as demands are made

It also needs to be seen that decommissioning will occur that is outside of the control of YJB – in the current financial climate there will be providers who can no longer operate within the context of a falling secure market. The approach to managing the market is flawed in that it is allowing the providers to determine how long they will

remain in the market – any unplanned withdrawal will potentially leave gaps that cannot be filled.

What role should market testing play in this process

Market testing and competition are critical elements of effective commissioning in today's market – and are provide fair opportunities for providers to demonstrate how they can contribute

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

- Transparent evaluation of what different aspects of the secure estate have delivered and outcomes achieved
- Transparent learning from the recent increase in deaths of teenagers in YOI's – what is there to say that the current provision is safe for juveniles?
- What learning can be shared across the estate to reduce the likelihood of similar deaths of younger people in the secure estate?
- Joint commissioning with health – particularly in relation to meeting mental health, LD and substance misuse needs
- Joint commissioning of a secure estate with DfE to ensure that needs are met and risks shared across the estate to ensure that welfare needs and those of young offenders are all met

What more could be done to ensure the development of effective interventions in secure establishments?

Effective commissioning of interventions – would include mapping of need / scoping exercises to identify the needs of young people who are already in / likely to end up in the secure estate, set against what is already delivered to meet needs, what gaps exist and what can be done to fill them.

Evaluation of services – exploring with former residents and commissioners of what works.

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

Through an open transparent working relationship that demonstrates fairness and equity and planning that is founded on a clear evidential basis.

Company name/organisation East Riding YOT
Address Council Offices, Main Road, Skirlaugh
Postcode HU11 5HN

Principles and priorities

Do you agree with the principles stated in this document?

The principles in the document are commendable and should provide a clear focus for the commissioning of provision. There is a tension, mentioned in the document, which needs to be addressed. The provision of appropriate placements that are best able to meet the needs of young people becomes more difficult as the estate shrinks and there is a danger that this principle will become impossible to achieve. Placements as near to the young person's home is key to ensuring effective resettlement – this would become increasingly difficult as places are decommissioned.

Are there any significant areas that are not covered?

There has been no mention of the forthcoming changes regarding Looked After Status, Care planning regulations etc which will have a significant impact on services and how they are expected to deal with young people in the secure estate. This needs to be taken into account in any strategy as there are potential competing and conflicting areas which may hinder the whole process and seriously complicate matters. There needs to be very clear thinking as to how the proposed changes will impact on the strategy and service delivery **before** they come operation.

The development of enhanced units

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?

The development of enhanced units is a welcomed as it ensures that those young people requiring a more intensive package are receiving it. However, provision should be equally accessible by all young people requiring it, and should be as near to a young person's home as possible. The needs of these young people will require a joint approach with community provision, which could prove problematic if placed a considerable distance away.

What more can be done to meet the needs of young people in custody?

This links with A full and purposeful day – quite often we find that young people go into custody with assessed needs, but the establishment does not have the capacity to deliver programmes or interventions that can help with a young person's rehabilitation (eg. JETS). In a number of cases, particularly with some of the shorter sentences, very little is done with the young person. This is in the main referring to the prison estate, where there seems to be a distinct lack of resources in effective programmes and experience is that few can access resources that can help them stop offending.

Responding to decreasing demand

Do you agree with the proposals for adjusting to decreasing demand?

The YJB is right to adjust provision due to decreasing demand , but needs to satisfy itself that any reduction does not compromise the principles stated or reduce the ability to meet the needs of young people.

What role should market testing play in this process?

NOT PROTECTIVELY MARKED

If market testing drives up the quality of provision and gives a better outcome for young people then it should be welcomed. If alternative provision is found then they should be bound by the principles outlined in this document and be held accountable through the contract monitoring process. It is also important to ensure that any commissioning in the market does not place the secure estate at risk in terms of sustainability of provision. Any provision must have the needs of the young person as its primary focus.

A distinctive secure estate

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

Further work need to be done with the prison estate – there has been significant improvements over the years but the juvenile element is only a small part of a large adult orientated service. Staff within the juvenile prison estate should be more aligned with what is going on in the wider children's workforce

A full and purposeful day

What more could be done to ensure the development of effective interventions in secure establishments?

This is covered in a previous section

What role should the YJB play?

The YJB should ensure do more to ensure that services are in place to meet the needs of young people regardless of where they are placed. A full and purposeful day should mean exactly what it says.

Effective resettlement

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?

This has been covered in some parts – both elements should be complementary and be a seamless transition. There could be opportunities for some flexible and imaginative work to help young people reintegrate back into the community and the YJB can play a key role in facilitating this through sharing and promoting innovative practice

Estyn

Response to:

YJB Consultation on the Strategy for the Secure Estate for Children and Young People in England and Wales - Plans for 2011/12 – 2014/15

August 2011

About us

Estyn is the office of Her Majesty's Chief Inspector for Education and Training in Wales.

Estyn's aim is :

- To raise standards and quality in education and training in Wales through inspection and advice, in support of the Welsh Government's strategic direction.

Estyn's objectives are:

- To deliver a high quality education and training inspection service in Wales that is proportionate to risk and supports the continuous improvement of education and training in Wales; and
- To provide sound advice, based on independent inspection advice to inform the Welsh Government in the formulation and evaluation of strategy and policy.

Estyn has the lead role in Wales, for inspecting education and training provision for offenders in custody and in the community.

Introduction

Estyn welcomes the opportunity to respond to this consultation on the Youth Justice Board's 'Strategy for the Secure Estate for Children and Young People in England and Wales'. We have answered the questions where we feel we have relevant experience.

Principles and priorities

- **Do you agree with the principles stated in this document?**

Estyn fully supports the principles stated in this document.

- **Are there any significant areas that are not covered?**

The Welsh Government makes explicit use of the UN Convention on the Rights of the Child (UNCRC) as the basis for its policy in relation to children and young people.

In Wales, children and young people also have the right to support to work in their preferred language and ensure linguistic progression in the medium of education received, in line with the 'Welsh Language Scheme' and Section 21 of the Welsh Language Act 1993.

The development of enhanced units

- **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?**

We support any developments that would better meet the more complex needs of these children and young people. Our inspections have found that these are rarely met appropriately. We also support the opportunity for enhanced workforce development that such units would offer.

In the case of HMP Parc, there is some question of whether the location of the young people's unit in a very large adult prison is wholly appropriate. A purpose built unit may better meet the needs of this group.

- **What more can be done to meet the needs of young people in custody?**

There are shortcomings in the custodial provision available in Wales. There is some question of whether the accommodation at Parc is suitable for purpose. In addition, there is little provision for girls, and there is no provision for either sex in West, Mid and North Wales. This means Welsh children and young people are still held in institutions in England. The families of these children and young people often face very long journeys for visits. Access to education that reflects fully the Welsh Curriculum is limited.

Recent inspections of all establishments holding Welsh children and young people, show that standards are at least satisfactory and in some cases outstanding. However, standards of provision change and it is important that providers maintain and continually improve provision so that all children and young people receive education that is excellent.

In our most recent inspection of HMP Parc Young People's Unit, some young people complained of boredom during evening association. The prison was trying to address

this through efforts to improve the enrichment activities available, and the recent appointment of a youth worker was a welcome initiative.

There should be improved liaison with the YOT and local authorities to provide additional information to enhance an individual young person's assessment. Where young people are already pursuing formal education qualifications prior to their detention in custody, liaison with schools should be developed. This ensures planned programmes enable young people to continue their studies while in custody.

A thematic report (2009) by HMI Prisons shows that there is considerable under-reporting of the extent of disabilities in prisons. Recent inspection reports reveal a range of initiatives to meet learning disabilities and difficulties. These include:

- programmes to help young people with attention deficit and hyperactive disorder (ADHD);
- testing for dyslexia, motor skill screening and other additional learning needs;
- the use of learning support assistants to provide effective one to one support, particularly for those with very low reading ability and English as an additional language;
- reading groups for weaker readers;
- the use of external educational psychologists to provide consultancy to identify young people with particular learning difficulties and/or disabilities, including dyslexia, and to obtain special education needs information from local authorities and schools; and
- access to support from psychologists to help young people manage their behaviour better.

However it is not clear whether these initiatives are available in all custodial settings. It is not clear if any research has been carried out to identify which of these approaches are the most helpful.

A distinctive secure estate

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

We agree that young people under school leaving age in particular should receive a full timetable of education, training and purposeful activity. It is important that learning in custody is aligned as closely as possible with learning in the mainstream sector. In Wales this means having regard to the School Effectiveness Framework. The Welsh

Government has produced a clear specification for learning in its statutory guidance for local authorities, 'Learning for Children in a Youth Custody Setting in Wales'. We support the approach set out in this document.

As well as basic education and vocational training programmes, children and young people should have access to all of the entitlements under the Welsh Government's youth support strategy.

We think the proposal to implement a workforce strategy is a good one. In our inspections in youth justice settings we have reported a range of good features and shortcomings in this area. For example, in Hillside Secure Children's home we reported on the role of care workers to support learning. This is important as the school does not employ learning assistants to support young people with additional learning needs. We said this role was not always clear and plans to strengthen their role were at an early stage.

In our joint inspection of youth offending services, we found that many YOS staff do not get enough 'professional supervision'. This means there is not always enough scrutiny of client-focused work. Most YOS education workers do not receive supervision from their host local authorities. Around half of health staff in YOS receive supervision from a YOS manager but this does not provide them with the professional supervision they need.

While all YOS arrange compulsory safeguarding training for staff, on a few occasions, staff do not receive timely training as part of their induction process.

Overall most YOS staff get good access to training. They undertake post qualifying and practice training awards. Where appropriate they take management qualifications. Non social work staff undertake YJB qualifications via the Open University and a few staff are at various stages of higher degree courses. However, for more experienced staff the level of courses is not challenging enough.

In our inspections of offender management by probation services in Wales, we found examples of good workforce development. The good training and development for accredited programmes tutors and unpaid work staff helped them meet the learning needs of offenders. Staff in accredited programmes attend basic skills awareness training, unpaid work supervisors complete teaching and learning qualifications and training in pro-social modelling. However basic skills staff do not receive enough training to help them meet the complex barriers to learning experienced by many offenders.

Estyn leads on the inspection of education and training in the secure estate in Wales. We agree that there is scope to create a more coherent inspection framework in the secure estate for children and young people. We currently work with HMI Prisons to inspect HMP Parc and with Care and Social Services Inspectorate Wales (CSSIW) to inspect Hillside. However we do not use our own inspection framework to inspect the

education in either of these two establishments. CSSIW does not join inspections at Parc.

A full and purposeful day

• What more could be done to ensure the development of effective interventions in secure establishments?

In our inspection of youth custody settings we have noted the following shortcomings:

- Overall, in custody there are not enough examples of good practice of providing additional support to different groups of learners, including Welsh speakers, those with additional learning needs and young women
- There is not enough Welsh language or bilingual provision available
- Young people's access to library support is often not good enough and the level of professional librarian support should be increased
- There are not enough accredited, short courses for young people on short sentences
- There are limited opportunities for young people to follow vocational subjects and develop their knowledge of skills for the world of work
- Systems to collect and analyse data are not developed well enough. This impacts significantly on provider's ability to evaluate their performance and drive forward improvements
- Too much of the provision is at Entry or Level 1 and there is not enough provision available at higher levels
- Formal lesson planning, including the use of ILPs as working documents needs improvement
- The behaviour management skills of all teachers need improvement
- The PE curriculum needs developing to include skills coaching and offer appropriate accreditation
- There needs to be improvements in joint working between care and education staff
- Providers need to continue to develop more effective links with local authority school improvement services

In our 2008 remit report, 'Meeting the Learning needs of Children and Young People who Offend', we made a number of recommendations, including:

- to ensure there are enough appropriate work-based training places to meet the needs of all young people;
- to collect national data on the attainment and achievements of children and young people supervised by Youth Offending Teams (YOTs) in the community; and
- to monitor the use of individual learning plans for all children and young people who offend, as required in the All Wales Youth Offending Strategy.

We believe that progress in these areas would improve significantly the educational outcomes for this group of children and young people

• What role should the YJB play?

Estyn has conducted a number of inspections of the secure children's home, the youth offender institution, and youth offending services in Wales. In addition we have conducted a number of remits on children and young people who offend. The reports of these make recommendations on how providers can improve the education on offer. It is not clear what role the YJB has in monitoring progress against these recommendations or how it uses these to improve and develop provision.

One role that the YJB could play is to commission more research into what works.

Effective resettlement

- 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?**

We are currently working on a joint inspectorate thematic report led by HMI Probation on the joint inspection of the transition of young people subject to community and custodial sentences from youth to adult based provision. The YJB may wish to consider any recommendations we produce.

We have noted the Welsh Government's guidance 'learning for children in a youth custody setting in Wales'. This underpins the responsibilities of local authorities for the education and training of children and young people in youth custody as set out in the Apprenticeships, Skills, Children and Learning Act (the ASCL Act) (2009). For home local authorities this means promoting the educational attainment of these children and young people (in custody and the community) and to ensure continuity of provision as

quickly as possible following their release. Local authorities may need additional guidance and training to enable them to take on these new responsibilities.

Estyn is considering how best to inspect this within our inspections of local authority education services for children and young people. Again the YJB may wish to note the findings of our inspections of these new arrangements.

Conclusion

Estyn would be happy to discuss further any of the points we have raised within this consultation response.



**Foyer Federation Response to the
Strategy for the Secure Estate for Children and Young People in England and
Wales
11 October 2011**

Introduction

1. This response has been prepared by the Foyer Federation in response to the Youth Justice Board's consultation on its Strategy for the Secure Estate. It draws on our own and our network's experience in working with young people who are already or are at risk of being in contact with the criminal justice system. In preparing it, we have taken account of the views of staff and young people in Foyers, who have strong feelings about what would work better for them and for society.

The Foyer Federation

2. For over a decade, the Foyer Federation has helped turn young people's experiences of disadvantage into solutions that support their transition into adult independence. We develop transformational programmes and campaigns that fill gaps in community services and inspire policy and decision makers to make a more effective investment in young people. Each year, over 10,000 16-25 year-olds from a range of challenging backgrounds benefit from an integrated housing, learning, and personal development offer delivered through a quality assured network of 140 local services in urban and rural settings across the UK, known as 'Foyers'. The direct experience of vulnerable young people and those working with them helps inform our understanding of the barriers facing young people and develop new approaches to overcome them.
 - 2.1 Over the last few years, Foyers have been asked to work with young people with more challenging backgrounds, including young people with offending backgrounds including those who have been in custody. Evidence from across our network suggest that young people's needs are becoming ever more complex with the challenges faced those whose journey to adulthood is problematic becoming even more acute as youth unemployment continues to bite. This places a responsibility on all those who plan, commission and deliver services to create a broader range of interventions that ensure fairer

access to the skills, resources, and opportunities that all young people are entitled to. It also requires a fundamental shift in our thinking about the different stages of social development, including the fact that they may cut across traditional markers of age and identity. The Foyer Federation has been developing its own thinking in this area for some time and our new strategic plan, with its focus on our Open Talent campaign and programme is intended as a response to the crisis too many young people in Britain face as they attempt to make the transition to adult independence. *Open Talent* calls for a shift away from the current 'deficit based' thinking towards a more positive approach looking at assets and aspirations. For example, support plans for young people often begin with the negatives, looking at what the young person doesn't have, is not good at and the behaviour challenges rather than identifying aspirations and then working towards achieving those. The core of the offer should not be the activity alone, but what the activity has to offer in the long term; the focus should be on how the activity helps the young person to identify and develop their own skills, resources and opportunities. This same approach adopted in the secure estate will help build relationships between the staff, children and young people, focus on building assets, and in turn will ensure engagement in learning and activity but also increase the likelihood for a life free of criminal activity upon release.

2.2 Of the 10,000 young people living in Foyers each year, at least 34% come from offending backgrounds, with significant numbers at risk of being involved in offending experiences. Over 50% of these are aged 16-18. The 71.9% reoffending rate for young people leaving custody is identified in paragraph 19 of the consultation document as being "unacceptable". Evidence shows that the holistic Foyer approach which integrates secure housing, education and employment pathways can offer a much more sustainable route to independence. The vast majority of young people make a positive move when they leave the Foyer with around three quarters moving directly into education, employment or training. For some time, we have recognised the potential for the positive, person-centred, community focussed support offered by Foyers to provide a cost effective solution to meet the needs and goals of more young people from offending backgrounds. Our youth justice strategy on youth justice is about working with our members to develop the capacity of Foyers as delivery platforms for a range of integrated offender services and to help them secure funding that will enable them to work with more young people caught up in the criminal justice system.

2.3 Five years ago, the Foyer Federation received a grant from Futurebuilders to explore the development of approaches to support the transition of young people from offending, care and other at risk backgrounds. This included the establishment of a framework to support services and commissioners in shaping a transformational offer for young people. Over the last 3 years, the Foyer Federation has continued to develop this framework, introducing a range of initiatives that build on the potential of the Foyer process and

increase its impact on those most vulnerable in the transition to adulthood. Some of these have been developed with a particular focus on work with young offenders or have demonstrated approaches that address the specific challenges faced by this group.

- 2.4 The Foyer Federation's role in improving the quality of services available to young people from offending backgrounds included the publication of a national Resettlement and Rehabilitation strategy in 2010 to promote the role of Foyers as 'Delivery Platforms' for a range of local offender services. This in turn led to the establishment of a strategic partnership with the Youth Justice Board to support the YJB's work on developing an 'enhanced offer' for young people leaving custody. As well as contributing to YJB's regional consortia in the North West, South West, and South East, the Foyer Federation published a draft 'Delivery Platform' guide, to offer a set of standards to help Foyers shape their approach to working with young offenders. This guide was based on the experience of the Foyer Accreditation scheme, which has quality assured Foyer services since 1998 and is recognised for pass-porting against the Supporting People Quality Assessment Framework. The quality assurance of Foyers is seen as critical in shaping the integrated offer that young people are able to access.

A Vision for the Secure Estate

- 3 We are concerned that the parameters of this consultation are being limited by the constraints of the current spending review. In his introduction, the Minister refers to Section 105 which invites respondents to "articulate wider ambitions beyond the spending review period" as an opportunity to begin to shape the future policy debate around the youth justice agenda. We believe this focus is the wrong way round. The starting point should be to establish the Vision for the youth justice system and then to work back from that to identify what is possible in the current economic circumstances including what can be done in the short term to work towards that vision and, most importantly, not to compromise it.
- 3.1 The danger in this approach is that it leads to a 'tinkering round the edges'. Section 44 is a good example of this, where it is stated that, to date, the largest number of places that have been removed from the system have come from YOIs. The document goes on to state that this means that there is likely to be a disproportionate loss of beds in Secure Children's Homes and Secure Training Centres in the future. However, if the 'Vision' is, as stated in the Principles in paragraph 24, to create "*A distinct, specialist secure estate for children and young people*", one might actually choose to continue to prioritise a reduction in YOI places.
- 3.2 The remainder of this response takes it as read that the 'Vision' needs to be stated from the outset and any proposals should be measured against their

ability to deliver that vision, regardless of institutional or financial constraints. That vision should, of course, be consistent with the priorities set out in the Government's *Green Paper, Breaking the Cycle* to reduce re-offending behaviour, to reduce the cost to the public purse and maximise the outcomes for the children and young people.

3.3 For the past few years, the Foyer Federation has been the accountable body for some work to explore the potential for developing a Young Offender's Academy project. While the concept of the Young Offenders Academy was developed as a local solution to custody in urban areas, elements within the model can be expressed through a range of approaches, including alternatives to remand and supervision, restorative justice, community sentences and other features, and to embrace the needs of those vulnerable young people who are caught up in the adult justice system. The Foyer Federation's 'Delivery Platform' guide referred to above offers a potential framework for services to use to explore some of these elements. We are currently working with a number of partners where existing accommodation and support services can be reshaped to provide some of these elements - for example, in Devon and Cornwall, where a local group of stakeholders and young people have been engaged in exploring the creation of a 'superhighway' of different accommodation offers that follow a young person from custody as they move from a focus on high needs to high goals.

Principles and Priorities

4 We broadly welcome the Principles set out in paragraphs 24 and 25 although we feel more of a distinction could be made between provision for those young people who are on remand as distinct from those who have been sentenced. The secure estate should be developed on the principles of rehabilitation and preparation for resettlement as well as recognising society's need to see young people punished when they have done something wrong. There are three components to the Foyer Federation's vision:

4.1 Custody is necessary for a small minority of children and young people who have been found guilty of committing serious offences. Wherever possible, alternatives to custody should be used.

4.2 A range of less secure provision should be available for those who have committed an offence that requires punishment but do not need to be held in custody, as well as for those on remand. We have worked with a group of young people from custody to explore how this might be achieved by reshaping existing Foyer provision. We thus welcome the concept of *satellite sites* referred to in paragraph 41 for those who have been released from the custodial site and care under Section 34 of the Offender Management Act 2007. These *satellite sites* should, in effect, offer the potential to provide a seamless pathway to resettlement, with the capacity to work on restorative justice and

support community sentence options in order to sustain young people's involvement in positive activities and environments outside the custodial estate. It is particularly important for such options to be available for young people on remand to limit the possibility of their dislocation from local services and support networks.

- 4.3 There should be a range of rehabilitation and resettlement options available that minimise the potential for reoffending.
- 4.4 Whether a young person finds themselves in the secure or non-secure part of the system, the approach should be a holistic one with a strengths based focus enabling young people to build their assets by identifying their skills, resources and opportunities. All components should contribute to this approach and be quality assured:-
- 4.5 The physical build should inspire a desire to change and develop;
- 4.6 Staff should be well qualified and receive appropriate training and development enabling them to build relationships and in turn preparing the children and young people for resettlement.
- 4.7 Services should be co-ordinated and integrated services so that progress can be easily tracked and monitored. Specialist organisations have a critical role to play in providing the support and therapy that will facilitate a more strengths based focus.
- 4.8 Engagement in appropriate activities and learning should develop young people's employability skills. For example, life skills, anger management, life coaching, access to the necessary mental well-being services, learning of the national curriculum, and an opportunity to participate in projects that they design themselves.

Development of enhanced units

- 5 With regards to the *'limited number of smaller, satellite sites that aid resettlement back into the community, some of which may be open or semi-independent living accommodation'* (Secure Estate Consultation, 41), we propose that a quality assured YOA network made up of Foyers and the expertise of Housing Associations is utilised in developing and delivering this.

A distinctive secure estate

- 6 We welcome the fact that the Government recognises that "it is a challenge for current service provision to meet the needs of all young people in the secure estate" (para 38) and believe the voluntary and community sector is well placed to deliver Section 34 provision. During the Education Select

Committee inquiry into youth services, The National Council for Voluntary Youth Services Chief Executive, Susan Rauprich confirmed their member Catch 22 *"has shown that 90 per cent of its programme entrants who have been involved in crime will not reoffend while working with it."*¹

- 6.1. The organisation User Voice surveyed young people who had experience of a secure environment and for the majority, the time spent was very negative in that the institutions were seen as '*lock ups*' absent of '*any support opportunities for rehabilitation or progression*'² with half of the survey participants claiming custody did not achieve the prevention of re-offending. We would therefore urge government to implement Section 34 of the Offender Management Act 2007. This will facilitate the development of more appropriate provision, including more opportunities for Foyers to move into this area of work, thereby helping to reduce re-offending rates.
- 6.2. The success of the secure estate should be judged in terms of the extent to which it transforms the life chances of those young people who come into contact with it. Transformational outcomes should include not only a reduction in re-offending but also ongoing participation in learning or training, access to services for the mental and health well-being, securing and sustaining employment as well as a sense of purpose that enables the young person to recognise their own self-worth. This would help steer a young person in a direction that enables them to take responsibility for their own goals and to help them achieve their aspirations.
- 6.3. Such outcomes are dependent upon a number of factors including joined up commissioning processes, where local authorities are tapping into the expertise of the specialist voluntary and community sector organisations. Developments such as the Raising of the Participation Age should help ensure all children and young people in the secure estate are actively engaged in learning. It is essential, however, to ensure staff are appropriately trained, have the right skills mix and access to the right resources.
- 6.4. We wish, however, to challenge the notion that the young people's secure estate should be limited to young people under the age of 16. We do not believe this is appropriate. Our experience working across the 16-25 year age range suggests that the social and economic development of many young people in the criminal justice system will have been interrupted because of family breakdown, inadequate parenting and other events in their early lives. Their education will often have been disrupted and they will need additional time to complete their journey to independent adulthood. There is a strong argument for retaining young adults in the

¹ Children & Young People Now, 28 January 2011

² Young Offenders' Insights into Tackling Youth Crime and its Causes, User Voice, 2011

'youth' system for longer to enable them to achieve better outcomes. It is 'stage' not 'age' that matters.

Responding to decreasing demand

7. See earlier comments about the need for the 'Vision' to drive any future development. Decreasing demand should be used to create opportunities to invest in new services that fit with the agreed vision.

A full and purposeful day

8. We believe more emphasis could be made on the development of personalised approaches that can help bridge young people through and beyond custody. The Foyer Federation has developed an online learning platform, MyNav, that provides young people with the digital skills to help navigate their transition through shared learning experiences. This initiative brings together new media technology and informal learning opportunities to deliver a personalised package of support to young people offering tailored learning opportunities, a reflective social networking space, and an online personal learning plan. Among a pilot group of 200 young people, the portal recorded 145 active learners per day, generated 100 learning plans in which individuals tracked and achieved education and employment goals, enabled users to share experiences of disadvantage focused on learning from each other's solutions, and provided an environment in which over 75% of users improved their emotional wellbeing through the development of positive social networks. One of the project ambassadors started to use MyNav on release from custody. After 9 years spent in and out of the justice system, he identified MyNav as the solution which helped him to *'stay out of trouble and out of prison ... by encouraging me to record the good things I'm involved in'*. Evidence suggests that the tool could be scaled up to engage and track young people through custody and resettlement options as part of a consistent positive approach.

Effective resettlement

9. In order to achieve effective resettlement, the principles of rehabilitation, learning and integration of services should be enshrined in any reconfiguration of the secure estate. By adopting a strengths-based focus, such as an *Open Talent* approach and ensuring all children and young people are placed in the appropriate part of the secure estate, rehabilitation and resettlement processes could be improved.
- 9.1 Children and young people need to be engaged in activities that will prepare them for the world of learning and employment. Young people should be engaged in learning provision that includes building their interest and confidence to participate in learning upon release. Young people need to be engaged in activities that will develop their skills, enabling them to identify

their own resources and opportunities, and in turn will equip them with vital employability skills. The extent to which children and young people will engage in the learning activities is heavily dependent upon the integration of services. For example, a young person engaged in learning should also be engaged in life skills workshops, anger management sessions, counselling and the necessary services that will help build their mental well-being. It is critical that the services are coordinated so that young people are working towards a minimum resettlement 'portfolio' with data appropriately recorded and kept up to date to help effective of tracking progress.

Conclusion

10. To reiterate, the secure estate must operate within a holistic framework that is aimed at improving outcomes through a quality assurance, engagement in learning, coordination and continuity of services both within the secure estate and upon release. Rehabilitation can only be achieved with the appropriate level of support. The support package should be personalised and tailored to the needs of the individual. Resettlement UK has identified five key principles in order to ensure successful resettlement: motivation, quality support, accommodation, on-going process of development and participation. We would agree with this approach and believe these principles can be factored into a rehabilitation support package.
- 10.1. It is critical that the approach towards children and young people within the secure estate is focused on building their assets that will enable them to develop and their skills.
- 10.2. We urge the Government to consider adopting the vision of a secure estate where children and young people are not needlessly placed in custody. Placement must be made in accordance with the gravity of the offence and so for the small minority of children and young people, a secure site is suitable. The majority should be placed under Section 34 and develop a resettlement pathway through a network of *smaller satellite hubs* and rehabilitation services.