

# Developing the Secure Estate for Children and Young People in England and Wales – Responses to the Consultation (G–L)

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.

- G4S
- Gwalia Care and Support
- Haringey Youth Offending Service
- Healthcare Inspectorate Wales
- Hillside Secure Children's Home
- HM Inspectorate of Prisons
- Independent Academic Research Studies (IARS)
- Kent Youth Offending Service
- Knowsley Metropolitan Borough Council Directorate of Children and Family Services
- Leap Confronting Conflict
- Leeds Youth Offending Service
- Leicestershire Youth Offending Service Management Board
- Lincolnshire County Council
- Lord Ramsbotham
- Lucy Faithfull Foundation (LFF)



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

Plans for 2011/12 – 2014/15  
Consultation Document

**Submission by G4S Children's Services to the Ministry of Justice and Youth Justice Board Consultation Document**



## **1. Background**

In the UK G4S Care and Justice Services employs over 40,000 highly trained people delivering services in a wide range of areas such as custody, rehabilitation, electronic monitoring, police support and the new Welfare to Work programme. Our partnership with more than 150 voluntary, community and training organisations is key to delivering value for money and quality services.

Working with children and young people is a growing element of our work. We operate three Secure Training Centres (STCs) and a young peoples facility at HMP Parc for the Youth Justice Board (YJB). This equates to 307 places in the secure estate, 12% of the commissioned estate (as at April 2011) and we employ over 800 staff working in these establishments. We also manage a range of children's homes, caring for children placed by local authorities across England.

Our aim is to provide professional, quality and safe care for young people. Our approach is underpinned by adopting best practice in childcare and focusing on the outcomes for children and young people set out in Every Child Matters.

We welcome the opportunity to comment on the strategy. It comes at a time of major challenges brought about by reductions in government expenditure, the substantial fall in the population of the secure estate, the recent civil disturbances in England and the changing characteristics of children and young people in the estate.

## **2. Principles and Priorities**

### **Government Policy:**

G4S supports the principles set out in the government's Green Paper 'Breaking the Cycle'. Our prime concern in the establishments we operate is to manage the children and young people in our care safely and securely and to offer them high quality education and training opportunities. We also aim to provide them with effective support and interventions to aid resettlement and tackle their offending behaviour.

We welcome the emphasis on decentralisation particularly with regard to strengthening the accountability of local authorities and other statutory agencies that play such a key role the resettlement of young people on their return to the community. We also recognise the importance of strong co-commissioning to ensure that the different components of the service are delivered effectively and in a co-ordinated way.

### **Vision for the Secure Estate**

While the Green Paper provides a policy context for the strategy, we believe that the strategy itself could offer more of a vision for the secure estate of the future. In addition to this our view is that the priorities set out in the document would be strengthened if they were supported by some specific aims and objectives. In

the document there are very few actions or measures put forward to enable services and regimes to be developed and improved to address the needs and challenges presented by the children and young people placed in custody.

### **Secure Estate Principles:**

We fully support the principles set out in the document for the development of the secure estate. In particular we support the development of a distinct, specialist secure estate, which can provide a focus for the enhancement of regimes and facilities that meet the needs and the challenges presented by the young people in our care.

However there are some important points of principle that could inform the development of the estate that are not included.

- **Location of Establishments** - as the YJB considers further decommissioning of places and facilities to reflect the reducing custodial population, the issue of location of facilities remains an important factor in decision making. Accessibility to courts and ease of access for case managers, families and legal representatives are important factors in safeguarding young people and in planning for their resettlement. Our view is that there would be merit in including this in the principles that underpin the development of the estate.

### **Case Study – Secure Training Centres**

The STCs provide secure accommodation to some of the most vulnerable young people in the secure estate. The location of the four centres offers placements to children and young people from areas of high demand.

- Medway STC in Rochester, Kent – Most placements are received from parts of London and the South of England.
- Oakhill STC in Milton Keynes, Buckinghamshire – Placements predominantly from parts of London and South East England.
- Rainsbrook STC in Rugby, Warwickshire – Draws from the Midlands with girls placed from a much wider catchment area due to the specialist service offered.
- Hassockfield STC in Consett, Durham – Mainly takes children and young people from the North East and other parts of northern England.

- **Small Living Units** – as the young people's estate has developed the YJB and other agencies have recognised the importance of young people being accommodated in smaller living units. The principle can be applied to the very small Secure Children's Homes (SCHs) through to the much larger Young Offender Institutions (YOIs) where the design and scale of residential units can have a significant impact on safeguarding and the young person's level of engagement with the regime. The environment provided in smaller living units offers more individualized care, enabling staff to build stronger relationships and give more focused support to young people, understand their individual characteristics and needs

better and challenge poor behaviour more effectively. It is a principle that underpins the rationale for the use of STC and SCH accommodation and the development of enhanced YOI facilities.

### **Priorities for 2011/12 to 2014/15**

We support the focus on reconfiguration of the estate and further movement towards distinctive provision together with the improvement in the rehabilitation of young people

However in addition to these priorities we view the continuing work to improve safeguarding as a key priority. Establishing effective safeguarding measures are fundamental to the role of custodial establishments and are important factors in sustaining confidence in the custodial system. There will be significant resources dedicated to improving the various aspects of safeguarding, including behaviour management, over this period and our view is that it merits priority status in the strategy.

We believe that the addition of some specific aims and objectives linked to the priorities would strengthen the priorities section of the document considerably.

### **3. Reconfiguring the Secure Estate for Children and Young People**

#### **Effective Commissioning & Reducing Reoffending**

We support the continuation of a national commissioning function providing the specialist skills and expertise to commission services for this distinctive population. This approach has delivered significant improvements to the secure estate over the last decade.

We note the commitment to continuing to commission from the 3 sectors. Our view is that the strategy offers an opportunity to set out the role the YJB envisages for each sector in the future. The interchangeable role of SCHs and STCs is recognised. However the role of STCs has changed substantially over time. Its initial client group was 12-14 year old boys sentenced to a Secure Training Order (STO). This has changed dramatically over time with STCs managing:

- Sentenced and remanded young people.
- Boys and girls
- Age range from 12-17
- Young people with any type of sentence
- Young mothers with babies and pregnant girls
- Regular changes in the mix of young people on individual sites.

STCs now offer the most flexible form of provision in the estate and this flexibility offers the YJB a useful tool to manage a reducing population. We would welcome greater clarity on how the YJB intends to utilise STCs in the estate over this planning period.

We recognise that understanding why costs differ so significantly is an important consideration. You set out an explanation for these differences. One issue that is not covered is the PFI financing charge for STCs. With three of the four STC initial contracts coming to an end by 2014 the unit costs of STCs will fall substantially, bringing them much closer to the costs of YOI enhanced units and the YOI provision for young women.

We support the focus on achieving better value for money from existing provision and have worked closely with the YJB to deliver efficiency savings over a number of years. However there is scope for greater clarity in defining what constitutes value for money and developing a transparent mechanism for measurement and reporting. We would like the opportunity to contribute to this process if the YJB is interested in leading it.

We would welcome the development of specifications that focus on outcomes for young people and having greater flexibility in the delivery of services. Our view is that this could deliver more efficient delivery with improved outcomes. To support the development of this approach we are interested in piloting a Payment by Results approach to contracting with STCs and welcome the early discussions that have begun with the YJB on this issue.

### **Competition**

We are fully supportive of the MoJ and National Offender Management Service (NOMS) competition strategy and view the principles overarching that strategy as relevant for the development of the secure estate for children and young people.

While competition to date has focused on SCHs and STCs, the progress that the YJB has made on achieving a distinct estate in the YOI sector offers realistic potential for competition of YOIs. In England five of the six remaining public sector male YOIs are dedicated sites for those under 18 years of age. Given that the strategy states that there is likely to be very limited reductions in capacity in this sector the benefits of competition include:

- Giving the YJB the opportunity to completely review the service specification for public sector YOIs.
- Testing the market to secure improved value for money.
- Offering a solution to the issues of governance, accountability and leverage for practice change prevalent in the current arrangements.

With regard to competition for STCs, with three contracts expiring in the life of this strategy, we would support an approach that gives the opportunity to secure maximum value for money from the market by undertaking a single competition covering the three sites and enabling contractors to bid for all sites. This approach would require some short-term contract extensions to align the contracts and we would be willing to work with the YJB to secure this alignment.

### **Co-Commissioning**

We do have some concerns about the increasing fragmentation of commissioning for the secure estate for children and young people (for example the proposed changes to commissioning arrangements for education in STCs). For effective operation of an establishment the different components of the regime need to be fully integrated with a lead operator taking overall responsibility for delivery. This requires co-ordination of commissioning arrangements and we welcome the proposal to create a more coherent national framework for working collaboratively with both commissioners and providers on this issue.

#### **Case Study – Oakhill STC Working Across the Regime**

D came from a chaotic background having lived with his mother, grandmother, spent time in local authority care and had previously been in custody. He had been expelled from school and his local college and had no academic qualifications.

On arrival at Oakhill he was assessed and began working with a Learning Support Assistant who helped him achieve Adult Numeracy Levels 1 and 2 and Entry Level Literacy Level 1. She also supported him in improving his behaviour and decision making skills. D expressed an interest in catering and was able to benefit from the Food Technology facilities in the centre. He then started to work 4 days per week with the centre's catering company and achieved NVQ1 in Catering, improving his skills and self-esteem.

He linked in with the Connexions service in the centre and following interviews with an advisor he was helped to apply to 2 colleges for places on their catering courses. He was given mobility to attend interviews at both and was offered places on both courses. One of the colleges prepared to accept him was the one he was previously expelled from. Following meetings with his key workers in the centre it was agreed that he would return to his old college. He started at college on his release from Oakhill.

This would not have been achieved without the different elements of the regime working together to bring about the best outcome for D.

### **Intensive Support in Enhanced Units**

We support the view that there is a group of children and young people in the secure estate who require more intensive support for a complex range of physical, mental health and other behavioural needs. We would be interested in sharing your analysis of the number of children and young people that fall into this category.

The enhanced units you have developed at Wetherby YOI and Hindley YOI are enhanced in comparison to the basic YOI regime. The intensity of support that can be offered at those units is unlikely to compare with that available at an STC or SCH.

There is a further difficulty in enhanced units because the standards of accommodation and quality of regime are significantly superior to the basic YOI regime. This makes it very difficult to move young people back to the basic YOI wing. There is no incentive for the young person to move and this can lead to blockages of places in the enhanced unit because most young people will remain there until their release even if they were assessed as being able to move to the YOI. This is not the case for STCs where the enhanced residential units in operation are not significantly greater in quality than the standard units and young people are more content to move between different parts of the establishment.

Given that the strategy envisages reductions in STC and SCH capacity there may be some merit, on value for money grounds, in considering retention of that capacity to address the needs of this group rather than invest in the development of new enhanced facilities. Our view is that the STCs we operate are already meeting the needs of these young people across the age spectrum and the centres could expand their role in dealing with the group placed in the enhanced units. In addition to managing very vulnerable young people with complex needs we provide a range of specialist care including; the management of sex offenders; meeting the distinctive needs of girls and young women (including provision for mothers and babies); and a range of mental health services that includes access to specialist psychiatric support from St Andrews Healthcare.

#### **Case Study – Medway STC Working with Sex Offenders**

D was given a 4 year custodial sentence and placed on the sex offenders register indefinitely following conviction for sex offences against a child over period of time. D was 13 years old at the time of the offences.

Following his admission to the centre D was involved in an offence related comprehensive assessment supported by intervention work. The comprehensive assessment is designed to evaluate risks and dangerousness, predict recidivism, identify needs and determine suitability for therapeutic work. A visiting clinical psychologist supervises the assessment process and a comprehensive report is prepared covering all aspects of the assessment.

The assessment process enabled D to reflect on his offence, his view of his victim, his awareness of his victim's needs and the impact of his offending on her.

D's parents were involved in the assessment process and the subsequent intervention sessions. They were able to provide valuable background information and discuss how D's offence had impacted on them as a family and identify ways they could support his transition on return to the community.

The intervention programme for D was designed to cover his period in custody and on his return to the community where the Youth Offending Team will take responsibility for the delivery of the offence related work based on the comprehensive assessment. This work will focus on the managing the risks presented by D and addressing the impact of his offending behaviour with the aim of ensuring that he does not reoffend.



### **Alternative Accommodation**

The powers to place young people in different settings have been available for some time and we have given considerable thought as to how this option could be implemented. We have a number of open children's homes located close to STCs. We have developed a proposal to enable young people to be accommodated in the open facilities while having access to the specialist facilities offered by the STCs. This would be based on a detailed assessment of the young person and the risks that they present. We would welcome the opportunity to discuss this proposal in more detail with the YJB.

### **Responding to Decreased Demand**

The YJB has done much over the last two years to ensure that the reduction in demand for places in the secure estate has been matched by the decommissioning of excess capacity. This has been managed carefully to ensure that peaks of demand, as experienced during the summer, can be managed within operational capacity with additional temporary provision brought on stream at short notice.

The strategy predicts that demand will continue to fall at a slower rate over the coming years. In the absence of any detailed projections in the strategy it is difficult to assess the implications of this prediction on the size of the population by 2015. There are legislative changes just in place or planned that could impact further on demand. These include:

- **Gang Injunctions** – where young people breach this civil order there is the potential for a custodial sentence of up to three months and this may impact significantly in demand particularly from urban areas. Current estimates are that they are likely to be around 90 cases per year in the young people's estate and there is a lack of clarity about the requirement for them to participate in the regime.
- **Remands** – Planned changes to the remand legislation and the charging mechanism for remands could see a substantial reduction in the number of young people remanded to custody.

However, to assist your decommissioning plans, we would be pleased to develop proposals for some affordable contingency provision that can help to meet the specific needs of children and young people as a cost effective approach to meeting unexpected short-term increases in demand.

#### **Case Study – Creating Additional Capacity Following the English Riots**

The disturbances in England during the summer of 2011 led to a surge in arrests, convictions and custodial sentences. This had a direct impact on capacity in the secure estate.

Working with the YJB, we were able to identify an additional 11 places within STCs that could be brought on stream within a matter of hours and delivered on

a marginal cost basis. We also guaranteed that the regime standards set out in contracts would be maintained for these extra places.

The additional places have been a valuable resource for the YJB with our STCs operating safely and effectively while above their operational capacity.

### **A Distinctive Estate for Children and Young People**

We fully support the priority of creating a distinctive estate for children and young people and the rationale for doing so.

With regard to the educational needs of young people our view is that all young people in custody should receive a full timetable of education, training and purposeful activity.

## **4. Improving Rehabilitation and Reducing Reoffending**

### **Introduction**

We support the approach taken by the YJB to improve rehabilitation and reduce offending. We wish to participate in identifying ways in which providers can be given greater freedom to manage resources within the framework of contracts and suggest that linking this work to a Payment by Results pilot may be a way to progress this.

More advice and support on the outcome of research and evidence of effective practice would be helpful. We also recognise the need to reflect on our own practice and to identify and build on the effective elements of our operation.

We are the major supplier of secure services for young people in Wales at HMP & YOI Parc. We work closely with a range of local and national agencies in Wales to support the resettlement of young people from the establishment. We would be happy to participate in discussions with the statutory agencies in Wales to offer our experiences of resettlement issues and to help identify ways in which this can be improved.

### **Safeguarding**

The safeguarding section of the strategy is relatively brief and sets out an overview of the YJBs approach to this issue over the last ten years. In setting out the work undertaken there is little analysis of the impact of this work.

From our perspective safeguarding has been the major development issue over this period and has impacted on every facet of our operation. The characteristics of young people in custody have changed with an increased proportion sentenced for violent offences and an increase in those involved in gang related activity (gang related offenders in custody could increase further through the application of the new Gang Injunction). We are also seeing more disruptive behaviour displayed by young people in our establishments. Our approach to safeguarding has had to adapt to reflect this. In particular, a substantial amount of work has been undertaken across the estate on recruiting and training staff to

manage the behaviour of young people in our care, with staff often dealing with extremely challenging behaviour.

For those working in the secure estate, our understanding and ability to deal with these issues has improved substantially as have the information and reporting systems that enable safeguarding practice to be reviewed and improved. However safeguarding will continue to provide major challenges. In addition to implementing the recommendations of the Independent Review of Restraint, there are new challenges in operating within a smaller estate with fewer establishments and young people placed together from a wider range of communities and backgrounds.

We would find it helpful for a greater emphasis to be placed on the safeguarding challenges that need to be addressed in the operating environment that we will be facing over the period covered by the strategy.

We have worked very closely with the YJB and MoJ with regard to the implementation of new restraint techniques following the independent review and will be early implementers of the new system. We have engaged with the process from its early stages and have offered our expertise as operators of secure establishments and provided input from the custody staff's perspective as practitioners. We would welcome the opportunity for further collaboration of this type as existing safeguarding policies are reviewed.

### **Workforce Development**

We welcome the emphasis placed on developing a workforce to meet the needs of this group of children and young people. We support the work undertaken by the YJB to establish a National Qualifications Framework for Youth Justice.

It is disappointing that the strategy focuses so heavily on NOMS with no mention of work in other parts of the secure estate to improve the professionalism of the workforce. A significant number of staff have achieved graduate and postgraduate qualifications and many others have undertaken post entry specialist training.

#### **Case Study - G4S Training and Development**

We provide a comprehensive range of training and development to staff. Beyond pre-entry training, in house courses include operational team training, refresher training and management development.

This is supplemented with a wide range of external training. A key element of this is inter-agency training with local safeguarding boards covering a whole range of safeguarding practice. Many staff also undertake a range of qualifications in areas of professional practice (such as social work degrees) and formal management qualifications.

We are committed to developing leaders for the future and encourage staff to achieve degree level qualifications in social work. Since 2000 over 30 staff have gained a degree in social work.

It would be useful to see further work undertaken on developing career paths for staff that have gained experience in the secure estate and want to further their career in youth justice.

### **Placement Process**

The potential for a single remand order is not discussed in the placement process. This could provide more flexibility on placing remanded 17 year old girls outside of YOIs. If this change is likely to happen it is an issue that could be addressed within the placement process.

### **Mental and Physical Well-Being**

We recognise that a period in custody is an opportunity to address the physical and mental health issues of many young people in our care. Often those issues have not been identified prior to their admission to custody.

At each of the STCs we operate, there is a comprehensive assessment process for young people, which includes a series of screening interviews and consultation with external professionals. The process seeks to identify concerns ranging from drug and alcohol use through to hyperactivity, depression and psychotic behaviour. The outcome of the assessment is considered by a multi-disciplinary Specialist Intervention Service (SIS) that may seek further information about the young person or may begin interventions with one or more member of the team. There is further multi-disciplinary support for those young people that present with complex needs or behavioural difficulties.

The partnership with St Andrew's Healthcare, a mental health charity specialising in services for adolescents with mental health problems or learning disability, offers a variety of care pathways and the opportunity to access specialist consultant and clinical psychologists. Links have been established between the St Andrew's staff and each of the STCs we operate.

These services may complement the model at the Keppel Unit described in the strategy document. There may be some value in undertaking further work with the placements team to ensure that those young people that are identified as presenting with mental health issues are placed where they can access the most appropriate service. This may be on first admission or through a transfer once more is known about the young person. We would welcome discussions to identify ways of ensuring we take full advantage of the services available.

### **A Full and Purposeful Day**

We fully support the emphasis placed on a full and purposeful day for children and young people in custody. Our view is that there are a number of issues that require attention. These include:

- The substantial variation in the scope of the full and purposeful day depending on where a young person is placed. In STCs trainees are out of

their rooms for 14 hours per day and involved in education, sports, constructive activities and personal study throughout the day.

- The degree to which an activity programme can be tailored to the needs of an individual young person while meeting contractual requirements.
- The limited availability of effective programmes.

#### **Case Study – Rainsbrook STC Enhanced Unit for Girls**

Due to the nature of the enhanced unit accommodating young females that display positive behaviours and attitudes, a number of additional activities have been able to be completed with them that cannot be completed within other units. Recently they have been involved in a range of reparation activities to support local charities or good causes.

One of these programmes “Decrease” involved young people washing and ironing items of clothing, which were then donated to local charity shops. Posters were designed and displayed by the girls to encourage staff and visitors to bring any unwanted items of clothing into the centre. The girls would then wash and iron the cloths and donate them to a charity of their choice. They chose Barnardos. The project was successful and the girls engaged it in a mature and sensible manner. All girls understood that they were giving something back to the community and were happy to engage in the project.

We consider the move to outcome-based contracts to be a step towards enabling operators to meet the individual needs of young people in our care more effectively. We also support the priority the YJB is giving to promoting effective practice and reviewing the current system.

#### **Resettlement**

We fully support the importance placed on engagement with a young person’s family during the period in custody and believe that programmes of support and mediation are often important components of successful resettlement.

#### **Case Study – Parc YOI Working with Families**

R was 16 years old and sentenced to 32 months in custody for aggravated burglary. It was his first custodial sentence. Prior to entering custody R was homeless after a number of family disputes. His relationship with his mother had broken down completely.

R was keen to rebuild family ties and by undertaking interventions in custody had begun to recognise the impact of his offending on his family. At Rs request the family liaison officer contacted the family and a series of meetings were held to allow R to apologise and to explore the family’s thoughts. The mediation approach with the support of the family liaison officer allowed both R and his family to look to the future and the family bond strengthened.

Domestic visits began and R agreed for his family to become actively involved in his sentence planning meetings. R and his mother both took part in a six week Time for Families intervention programme to examine and rebuild their relationship.

As a result R returned to his family on release and has not reoffended.

Previous plans have identified the need for adequate resettlement planning. There remain issues about how local agencies are held to account where they fail to engage in the resettlement process. The local authority resettlement partnerships may form part of this solution but a consistent approach nationally would be welcome.



**Response to the 'Strategy for the  
secure estate for children and young  
people in England and Wales'**

**October 2011**

## **Introduction**

Gwalia Care and Support is one of the largest providers of social housing and care and support services in Wales. We accommodate and/or support many young offenders in our portfolio of services and are commissioned through a variety of contracts with local authorities, Welsh Government, health and other organisations to work with people who have experienced social exclusion as a result of their mental ill health, learning disabilities, substance misuse issues, physical disabilities, or as a result of their experience in the Looked After or criminal justice system.

Our mission is to support and care for people, where they live and in their community, to enable them to enhance their wellbeing and be more independent, empowered and included. We offer a holistic support service that engages with the whole person, rather than the presenting need and seek to build assets in those we support to maximise their potential and increase their independence.

Working across 15 Mid and South Wales authorities and with a wide variety of clients, our diversity is one of our greatest strengths and we consider ourselves experts in delivering services that achieve positive outcomes for people. We have significant experience of delivering accommodation based services that work with clients (including young people, young offenders and adult offenders) to address the four key areas of: personal and community safety, independence and control, health and wellbeing, and economic progress and financial control. It is our experience in delivering these holistic, person centred services that has prompted us to respond to this consultation alongside the need to represent the particular cultural and geographical complexities of working with young offenders in Wales.



We plan to represent our view throughout this response, several key aspects we believe are essential to achieve the kinds of successes we see in our services, these are:

- That services are part of the local fabric of the community
  - That clients are supported to re-integrate into the local community
  - That there is continuity of service from all the agencies involved (i.e. learning, health and wellbeing, mediation, etc.)
  - That the workforce is managed and developed in accordance with the organisations mission, vision and values
  - That services are smaller, with high staff to client ratio
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Gwalia Care and Support welcomes this consultation on the future of the secure estate and are pleased at the reductions of young people entering the estate and the subsequent reduction in units through decommissioning. However, we also share the concerns at the high levels of reoffending and are keen to see how changes to the current secure estate could achieve more positive outcomes for both the individual and the community.

We believe that integration, continuity of service delivery and a localised approach are the keys to success and that these principles are necessary to achieve more positive and sustainable outcomes for young people. Therefore, the optimum solution is to have a secure estate that is well integrated into the local community, involves multiple agencies to address health and wellbeing issues and facilitates access to education, training and employment opportunities. We believe that deprivation of liberty should be used as a last resort for certain offenders, as suggested by the Council of Ministers European Rules for juvenile offenders (Recommendation CM/Rec (2008)11). We welcome the consideration being given to 'open' custodial units and think the third sector has a

significant contribution to make to these both in terms of the way in which we manage and organise our services as well as the different models that are in operation. For instance, there is significant potential in adapting the 'step-down' model to resettling young offenders, a model adapted from mental health services to support transition from secure institutions to ease reintegration into local communities. We would also welcome the review of any potential to utilise existing supported housing provision for young people and establish a network of 'semi secure accommodation' as either an alternative to custody or to support resettlement back into local communities.

### **Current Secure Estate**

According to the Centre for Social Justice, local authorities are failing to prevent children in care becoming involved in criminality and it is more cost effective for the local authority to allow the child or young person to move into the criminal justice system.<sup>1</sup> We welcome the efforts of the YJB to address this perverse disincentive through various initiatives and consider this to be a key issue going forward. Research reveals that children and young people who have been in care account for 49% of the under-21 year olds in contact with the criminal justice system.<sup>2</sup> Moreover, 23% of those in prison have been in care.<sup>3</sup> The third sector is also able to offer continued support for care leavers and ex-offenders, offering an alternative within the community, helping to build bridges with families, and embarking on a multi-agency approach towards offering solutions with a more positive future.

There are currently three types of provision, Secure Children's Homes, Secure Training Centres and Young Offenders' Institutes but there has been little feedback or evidence into the relative effectiveness of each

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<sup>1</sup> Centre for Social Justice, *Breakthrough Britain: Couldn't Care Less*, 2008, p.7

<sup>2</sup> Goldson B., (ed.), *Dictionary of Youth Justice*, (Devon: Willan Publishing, 2008) p.64.

<sup>3</sup> Commission for Social Care Inspection (2007) *Social Services Performance Assessment Framework Indicators, Children 2005 – 2006*.

model. We would welcome a stronger evidence base describing which types of provision achieve the most positive outcomes. The consultation indicates that to date, decommissioning has focussed on YOI units but that this would change in the future to include STCs and SCHs. We feel that decommissioning should be based on the preferred model with the most positive outcomes – rather than attempting to equalise the proportion of decommissioned units.

The Keppel Unit, referenced in Box 3 has been highlighted as a successful unit and as containing successful custodial facilities.<sup>4</sup> We welcome stronger evidence on which types of provision have achieved the most effective and positive outcomes and also ask the following questions:

- What are the reoffending rates for this unit? How does this unit compare with other units?
- Why does the YYB believe there is a difference?
- What can we learn from this model of secure unit?
- How can this be replicated?

We would like to see more tangible outcomes for this unit, especially as it has been highlighted as an ‘impressive facility’. Further questions are:

- What is the preferred client: staff ratio?
- What are specific interventions work with children and young people?
- What specific training has been offered to staff and how effective has this been?

The reoffending rate for children and young people leaving custody stands at 71.9%.<sup>5</sup> In addition, according to figures from the International Centre for Prison Studies at King’s College London, Britain locks up a greater

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<sup>4</sup> Ministry of Justice, YJB, *Strategy for the Secure estate for Children and Young People in England and Wales*, paragraph 86, Box 3

<sup>5</sup> Youth Justice Statistics 2009/10, England and Wales, YJB and Ministry of Justice

proportion of its youth than anywhere else in the world.<sup>6</sup> According to Milton L. Barron, 'punishment is especially likely to be followed by recidivism, possibly because punishment does not reform and because it results in social ostracism of the punished.'<sup>7</sup> We believe the statistical evidence that locking up children and young people is not the solution for most crimes; however we do recognise that custody does remain an option for some crimes. In Spain for example, only more violent crimes receive custodial sentences.

We consider that part of the difficulty within the current secure estate is that it is founded on *risk aversion* instead of *risk management* which can be counterproductive to the development of young people and the principles of restorative justice. It also supports an increasingly fractured and dislocated experience for young people as they are forced to be moved around the country in order to 'manage' the risk they pose to themselves and others. We propose that there is a lot to be learned from Europe where alternative approaches to risk management are adopted. Examples of alternatives forms of justice can be found through the *European Forum for Restorative Justice*,<sup>8</sup> and also in *Out of Trouble: Reducing child imprisonment in England and Wales, lessons from abroad*.<sup>9</sup>

*The European Forum for Restorative Justice* has established creative opportunities for both victim and perpetrator to come together in mediation, arguing that restorative justice is more than a series of set techniques; rather, it is a philosophy which may result in different actions for different situations.<sup>10</sup> Another example comes from *Out of Trouble*; in Canada, 20% of custodial sentences were given to young people who were guilty of breaching the conditions of community sentences. An

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<sup>6</sup> See [www.prisonstudies.org](http://www.prisonstudies.org)

<sup>7</sup> Barron, Milton L., *The Juvenile in Delinquent society* (New York: Knopf, 1954) p. 319

<sup>8</sup> See [http://www.euforumrj.org/readingroom/Barcelona/workshop\\_2.pdf](http://www.euforumrj.org/readingroom/Barcelona/workshop_2.pdf)

<sup>9</sup> Solomon, Enver and Allen, Rob, *Out of trouble: reducing child imprisonment in England and Wales – lessons from abroad*.

<sup>10</sup> Kearney, Naill, *Restorative Justice and beyond – An agenda for Europe*, [http://www.euforumrj.org/readingroom/Barcelona/Plenary\\_5.pdf](http://www.euforumrj.org/readingroom/Barcelona/Plenary_5.pdf)

alternative was established that involved a review of the probation order in court in the presence of the young person and allowed reconsideration of the sentence, thereby reserving the system's more severe interventions for serious offences.<sup>11</sup> While we appreciate that the YJB is not involved in the sentencing of young offenders, we would support the reduction of custodial sentences for young offenders where there has been a breach of a community order and instead propose a third sector alternative to support and monitor compliance with a community order. This would give the young offender the opportunity to still receive support from the local community, a priority already established by the YJB.

### **Welsh Perspective**

Gwalia Care and Support operates across Wales and is particularly interested in the government's perspective of the future of Wales and its treatment of young offenders.

The decommissioning of YOI units is of particular issue in Wales, where there is only one YOI to serve the entire custodial population. Whilst YOI Parc has the capacity to hold the vast majority of young Welsh offenders, this is not always the case as the young offenders population is just as capable of going up as going down. In addition, travelling across such a large rural geography represents significant challenges for the relevant professionals, families, friends and support networks of those in custody. This lies at the heart of the current inherent difficulties of delivering a centralised service to a localised population. Added to this are the cultural implications in Wales, where localism has been on the agenda long before the current administration in Westminster embraced it. It is our view that in order to achieve the best possible outcomes for Welsh young offenders, a network of 'semi-secure' services should be developed which can either offer an alternative to custody for some young offenders (potentially through Section 34 of the Offender Management Act) or to ease

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<sup>11</sup> Solomon and Allen, *Out of trouble*, p.9

reintegration and resettlement back into the local community (adopting a 'step-down' approach). The proposals outlined could facilitate improved outcomes for young people and would provide supported and supervised accommodation for those children who are required to reside with a suitable responsible adult and need to attend daily education, mental health and other support services.<sup>12</sup> The units would be based within the community which would be of particular benefit to young people who live in Wales. Travel time from North Wales to South Wales can take as many as seven to ten hours leaving some children and young people completely isolated from their own families and communities. This would serve the YJB's own principle,

*'...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.'*<sup>13</sup>

Further, Gwalia Care and Support are confident this would also address the specific needs of young people in Wales and,

*'...ensure that Welsh young people's distinct educational, vocational, health and cultural needs are addressed in the language of their choice no matter in which country they are held.'*<sup>14</sup>

This approach would require multiple smaller units across Wales and therefore would require the appropriate monitoring and governance arrangements to be in place to ensure quality standards and robust performance management. Integration into existing supported housing units, including Foyers, may present an opportunity for the YJB to tap into an existing pool of services with staff already trained to work with client's aspirations, goals and assets rather than adopting the deficit model of needs, problems and risks. The third sector has long been recognised as

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<sup>12</sup> *Secure Foundation: Young offenders academy - towards a pathfinder* (London: Foyer Federation, 2011) p. 6

<sup>13</sup> YJB, *Secure estates*, paragraph 29, Box 1

<sup>14</sup> YJB, *Secure estates*, paragraph 29, Box 1

having a more flexible approach; however we recognise that there can be a lack of consistency within the sector which would need to be addressed when working with young offenders.

We are confident that the implementation of this approach would offer the continuity of support from inside the units to rehabilitation outside, leading to a reduction in reoffending rates and to safer communities. This approach would ultimately offer benefits to the local community in terms of less crime, lead to more fulfilled lives for ex-offenders and to a reduction in the cost of imprisonment for the government and taxpayer.

We also welcome the YJB's commitment to ensure that Welsh young people's distinct educational, vocational and cultural needs will be addressed thereby allowing for appropriate services to be delivered.

### **Workforce Development**

Gwalia Care and Support believes that the current and future secure estate will need to embed a change in culture for those people who work with young offenders. We would promote a coaching focussed approach with young offenders, promoting social responsibility and engagement with the community, something that had previously lacked and increased their chances of offending. The change from risk aversion to risk management will lead to:

- reduction in institutional damage
- reduction in suicide, self-harm and anti-social behaviour
- shift from shared negative experiences, to shared positive experiences where young people are engaged in experiences focussed on education, training, employment and active engagement with the community rather than a deficit model of punishment for offenders that commit non-violent offences
- continuous proactive engagement with the local community

Staff training will require the development of skills which will engage young people in the following areas<sup>15</sup>:

**Well-being:** build support for the client's physical, emotional and mental health, including addressing addictive and compulsive behaviours that may have led to the offending; assisting with relationship building; supporting clients in their cultural choices, gender identities and sexualities.

**Respect:** engage young people in the more healthy attitudes to both themselves and the people around them. This will involve the development of skills in health and nutrition, socialisation with others sharing the accommodation and respecting the chosen language of the young person. Young people can expect to be treated with respect and be listened to.

**Assure:** staff would be out of a traditional uniform from those working in the statutory sector, with more effective results partly because they are viewed as working *for* young offenders rather than *against*. Staff would be trained to enforce clear boundaries without an over reliance on physical restraints. One outcome would be an understanding of the home and community they live in as place of growth and development, rather than viewing it as a place of restriction and confinement.

**Nurture:** Staff would be engaged in supporting, encouraging, listening and understanding the young people they work with and respond appropriately and sensitively to challenging behaviour. The goal would be that those offenders with negative social responses will move towards a more socially acceptable way of behaving in difficult situations.

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<sup>15</sup> Several of the following concepts were developed in *Young Offenders in East London: A new approach* (London: East Potential Publishers, 2008) p. 9



**Transform:** Staff would support young offenders in a move towards more socially acceptable behaviours by engaging young people with other local agencies; engaging with the local community; engage in the development of life skills including education, training and employment, as well as offer housing advice.

Members of staff would be '**Change Agents**' for those young offenders, dedicated to creating long term sustainable change and ensuring that a person centred approach is pursued. We believe the third sector has the staff and the skills to develop such units, evidenced in the work we are already delivering through ex-offender units managed *by* the third sector, *for* local authorities. It would however, need further investment and we believe this investment would have more positive results for young offenders as well as ensure a reduction in the current levels of recidivism.

## **Other considerations**

Gwalia Care and Support would also like to see an exploration of mixed gender units (with the exception of sleeping arrangements), as we believe that increasing the diversity of clients to replicate life on the outside has more benefits than deficits. There is evidence of success of mixed gender provision in Spanish young offender institutions although we acknowledge that further research may be necessary and a full consideration of risks is required.

Gwalia Care and Support welcomes the principles and priorities proposed by the government and believe they will lay a good foundation in protecting young people and reducing the recidivism rates. We also welcome the recent Ministry of Justice report, *The care and management of transsexual prisoners* and are concerned this has not been referenced within the Secure Estates report.

As gender assignment is a personal, social and only sometimes medical process by which a person's gender presentation is changed, we are

concerned that this may conflict with the YJB's proposal to ensure that there are appropriate placements for young people. We therefore have listed several questions for the YJB to consider:

- Will the policies and procedures referenced in, *The care and management of transsexual prisoners* also be applicable in secure estates?
- Will there be support for the young person in terms of counselling, access to medications and support groups?
- How will young people with a different gender assignment than that of birth be managed within secure estates?

NOMS has stated it is obliged to 'meet its moral and legal obligations to treat transsexual prisoners fairly'.<sup>16</sup> The YJB has recognised the importance of community and support for the long term success of rehabilitation and we would propose that this also needs to be taken into consideration for this particular group of people. Access to support from the family, community and chosen communities will be paramount to the successful rehabilitation of the young person. This is a complex issue and if this minority is going to be considered, *this* is the opportunity for the government to integrate the same policy and procedures within the general population and the young people's secure estates and make a difference in the future of young people undergoing complex gender decisions.

## **Future Secure Estates**

There is an opportunity for the Youth Justice Board to make a bold and profound difference to the approach that has been previously taken. Reform of the current secure estates has the opportunity to create a child-centred approach rather than an offender management approach

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<sup>16</sup> Ministry of Justice, National Offender Management Service, *The care and management of transsexual prisoner*, PSI 07/2011, March 2011, p. 22

that is designed to encourage values that support child development, build resilience, address emotional and physical health issues, focus on educational needs and family and victim mediation. We also accept that there are some instances where children and young people will need to be removed for their own safety and the safety of the community. There is strong evidence that community sentencing works, which can be effectively managed within the community that the young person lives, especially beneficial for young people from Wales or whose first language is Welsh.

Any future vision of the secure estate could adopt a radical, transformative agenda. Decisions were made in the late 1980s to close out-dated mental health institutions to establish principles of care in the community. This was seen as a radical approach but was more in line with progressive thinking and best practice research. We propose that a similar courageous decision needs to be made for children and young people to create alternatives to the existing models of custody. The current levels of imprisonment have proved to not only be ineffective, as evidenced by the reoffending rates, but are also expensive.

Gwalia Care and Support believes that the national policy should see young offenders as children first and their offender status and anti-social behaviour second. We recognise that a balance will need to be found between protecting the community and ensure that young people are still open to more positive influences. We believe that young people should be engaged in an environment that promotes well-being, education, training, and offers integration in a multi-agency approach, where continuity of service delivery is localised, ensuring engagement with families and the community. Gwalia Care and Support believes that a long term approach is necessary while reviewing secure estates, rather than implementing temporary measures to patch the system in its present form. The current system is costing millions of pounds in terms of expenses for locking up children and young people, costs to the victims, the communities and the

taxpayer. We believe investing now in a new approach that is person centred will realise financial benefits, reduce recidivism and create improved, productive communities for the future.

## **Response from Haringey Youth Offending Service**

### Consultation: Secure Estate Strategy for Children and Young People

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Response on behalf of Haringey Local Authority, Youth Offending Service Manager on behalf of Councillor Vanier, Cabinet Member for Communities. Haringey welcomes the opportunity to comment on this strategy for the Secure Estate for Children and Young People in England and Wales. This paper addresses the consultation questions outlined in the document.

#### **A Principles and Priorities**

The principles underpinning the development of the secure estate include:

##### Distinct Specialist Secure Estate for Children and Young People

This principle is a sound one as levels of maturity and vulnerability of young people vary and a service distinct from adults services is required. However, it would be useful to outline what training the staff in these establishments should receive before being able to work with these children and young people. Given the commitment to restorative justice/restorative approaches in other Government documents, all staff working with children and young people in the secure estate should be trained in this area of work. This is particularly relevant in the YOI's. This principle refers to 'living units should be relatively small (even within larger establishments)' but there is no definition of 'small' or ideas of how this can be achieved to avoid the institutionalisation of young people.

##### Recognising Diversity

This principle should underpin all work within the secure estate and should be an essential element in training of staff. It is interesting to note that the paper gives an example of the Welsh perspective and the fact that some Welsh young people are placed in the secure estate in England, but does not mention the fact that some English BME young people are placed in Wales.

##### Appropriate Placements

This principle is of paramount importance but, unfortunately 'matching' a young person to an establishment has proved difficult, particularly if there are limited places available. This also has to be balanced with the distance from home to ensure family/community links are maintained.

##### Maintaining the Safety and Well Being of Children and Young People

Again, a staff training issue in relation to safeguarding but also involves easy access to specialist provision within the secure estate – e.g. Psychological Services.

##### Effective Assessment of Need

Although this is vital, it is also important to review the young person's needs as they develop physically and emotionally during their important teenage years.

##### Full and Purposeful Day

This is crucial for young people, but in reality in the past, has not been provided, especially in the YOI's where security issues tend to dominate. It will be important to identify how this will be monitored and what sanctions could be imposed should the establishment fail to provide this.

The principles do not refer to the importance of links with family and the local community which should be included despite the frequent geographical problems of placing young people some distance from their homes.

## **B. The Development of Enhanced Units**

This is welcomed but there needs to be some concrete proposals as to **how** this could be achieved, particularly in the YOI's where the emphasis is on security. The needs of young people should be re-assessed as they enter the secure estate with full emotional and mental assessments being completed, including speech, language and communication difficulties which may not have been identified beforehand. Given all the past research findings of those young people in custody, it should be possible to identify needs and commission service to address those with a view to reducing re-offending on release (e.g. bereavement, post traumatic stress disorder). It would then be necessary to monitor that the needs are being met and introduce mechanisms to de-commission services quickly if they do not do so.

A further issue in relation to the needs of young people in custody relates to the importance of family and/or community ties. Too often young people are placed where there are vacancies in the secure estate rather than geographically close to home or matched to the establishment which could best meet their needs. Given the differing costs of secure provision, it would be a concern, when the budgets are devolved to Local Authorities, that a local authority may be restricted financially and thus opt for the cheapest provision which may not be the most suitable placement.

The possibility of spot purchasing particular specialist provision for the most complex young people is welcomed.

## **C Responding to Decreasing Demand**

The risks of decommissioning custodial places are clearly defined in paragraph 47 and the issue of geographical proximity could be further adversely affected by this. It would be helpful to have data relating to rehabilitation and re-offending outcomes for each establishment before deciding on where to decommission spaces.

## **D A Distinctive Secure Estate**

Given the requirements of the Children's Acts and Human Rights Legislation, a distinct secure estate for children and young people is welcomed. However, within financial constraints, it is difficult to see how it could be developed, particularly in the YOI sector. It is unlikely that new facilities will be built so making use of current provision by separating under and over 18's in smaller units should be investigated. Recruiting and training good quality staff is vital to ensure young people's welfare and progress.

## **E A Full and Purposeful Day**

It is clear that some young people do not have access to programmes, interventions and accredited qualifications which could assist with effective recruitment into the community – this is particularly the case in YOI's. The paper acknowledges the importance of good provision, including education provision, but needs to state exactly how this will be monitored and what sanctions can be used should an establishment fail to provide adequate interventions. The YJB must have a role in continuously monitoring and evaluating programmes and interventions provided in the secure estate.

## **F Effective Resettlement**

Haringey YOS has been fortunate that it has had Integrated Resettlement Support (IRS) funding for some years to provide additional support to young people re-settling into the

community. The amount allocated to IRS in 2011-2012 has been reduced and it is hoped there will be sufficient to maintain this service when the funding is re-distributed in 2012-2013.

Early planning and liaising with Children's Service and Housing with regard to accommodation issues are important to ensure smooth transition back into the community. For those young people without independent living and who do not have accommodation, the prospect of open or semi-independent living accommodation is welcomed.

In relation to education, training and employment, it would be useful for education services to provide 'taster' sessions/courses which are not linked to particular term-time start dates. Release dates rarely coincide with educational term start dates.

The use of Release on Temporary Income (ROTL) is rarely used in Haringey and it's use should be encouraged.

## **Healthcare Inspectorate Wales response to the YJB Secure Estate Consultation**

Healthcare Inspectorate Wales (HIW) welcomes the opportunity to contribute to the consultation on the secure estate strategy for children and young people.

Following the National Assembly elections in May some departments within the Government have been re-organised and their titles have been changed to reflect this; therefore references in the strategy to DCELLS should be DfES (Department for Education and Skills) and Department for Health and Social Services should be amended to Department for Health, Social Services and Children. Welsh Assembly Government should be amended to read Welsh Government.

### **Question: Principles and priorities**

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

#### **HIW response**

In relation to paragraph 24 “A full and purposeful day” it is not clear whether access to substance misuse services incorporates alcohol misuse services. Alcohol consumption by children and young people has become a major concern over recent years. Many studies have shown a significant association between alcohol misuse and offending and antisocial behaviour, particularly in relation to violent offending<sup>1</sup>.

HIW welcomes the commitment in the consultation to continue to recognise the distinct cultural needs of Welsh young people.

### **Responding to decreased demand paragraphs 43 – 48**

Whilst the strategy has noted many issues that could arise from decommissioning places, HIW is aware of a particular difficulty highlighted in a report published in March 2011<sup>2</sup>. This related to transport arrangements from YOIs to court. It was left to the contractor to plan how to manage collections and drops on a particular day in the most efficient way but they had to take into account the welfare of young people when making decisions. Concerns were raised that the decommissioning of some YOIs could lead to longer journey times resulting in an overnight stay in a police cell. HIW considers that this issue must be reflected in any changes or plans for decommissioning.

**A distinctive secure estate** – references in paragraph 53 should include Estyn and Healthcare Inspectorate Wales.

Paragraph 61 should refer to Health**care** Inspectorate Wales.

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<sup>1</sup> See “Message in a Bottle. A Joint inspection of Youth Alcohol Misuse and Offending” July 2010 by Care Quality Commission, HMI Probation, Healthcare Inspectorate Wales and Estyn

<sup>2</sup> Not Making Enough Difference: A Joint Inspection of Youth Offending Court Work and Reports, Independent inspection of Youth Offending Work, March 2011, Criminal Justice Joint Inspection



## **Safeguarding**, paragraphs 63 – 69

These paragraphs state that effective safeguarding is of paramount importance to reducing reoffending and that the starting point for successfully engaging young people is making them feel safe. One issue which has been highlighted in a recent report, and which affects safeguarding is transport of offenders to and from court and prisons/Youth Offending Institutions<sup>3</sup>. After court, adult prisons would only receive prisoners up to a certain time in the evening, but YOIs had no such restrictions; therefore priority was given to the delivery of adults rather than young people. Consequently, young people spent longer in transit and arrived later which affected the ability of YOI staff to properly settle them and deal with safeguarding issues before they were locked up. These are issues which need to be addressed when drafting and implementing safeguarding policies.

It was left to the contractor to plan how to manage collections and drops on a particular day in the most efficient way but they had to take into account the welfare of young people when making decisions. Concerns were raised that the decommissioning of some YOIs could lead to longer journey times resulting in an overnight stay in a police cell.

## **Placement process** paragraphs 75 – 77 and Assessment and sentence planning paragraphs 78 - 82

*75. The effective engagement of young people begins with the correct placement decision being taken.*

The CJI report (referenced above, footnote 2) found that the majority of reports produced by YOTs for courts in relation to sentencing and assessment were not of sufficient quality – they lacked analysis and did not always contain relevant information. It is the job of the report writer to help the sentencer to understand why the young person has committed an offence at that time and to give an opinion on the best way to reduce the likelihood of offending in the future; therefore we are pleased to see that these issues are being addressed in the strategy.

## **Mental and physical well-being** paragraphs 83 – 88

HIW has previously reported that there has been slow progress in establishing comprehensive services for children and young people with mental health problems who are at a high risk of offending. Despite funding being available, it has taken considerable time to put in place a Forensic Assessment and Consultation service in Wales. There are also shortfalls in the specialist mental health services provided in the two units housing young offenders in Wales, although action is in hand to address these<sup>4</sup>. Consequently we are pleased to note that work is planned to improve the provision of mental health services for young offenders.

We would be more able to comment on this section after the joint inspection with HMI Probation in the autumn of Transition to Adult Services.

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<sup>3</sup> Not Making Enough Difference: A Joint Inspection of Youth Offending Court Work and Reports, Independent inspection of Youth Offending Work, March 2011, Criminal Justice Joint Inspection

<sup>4</sup> Services for children and young people with emotional and mental health needs, a joint report by Wales Audit Office and Healthcare Inspectorate Wales (HIW), supported by Estyn and the Care and Social Services Inspectorate Wales (CSSIW) November 2009

# **CONSULTATION FEEDBACK FROM HILLSIDE SECURE CHILDREN'S HOME ON THE STRATEGY FOR THE SECURE ESTATE FOR CHILDREN AND YOUNG PEOPLE IN ENGLAND AND WALES**

## **1. Principles and Priorities:**

- Throughout the document there is little distinction or recognition of the fundamental and significant differences in all aspects of the strategy regarding the 3 different Secure Estate Sectors.
- The strategy document would be better communicated, understood and relevant if it separated Secure Children's Homes, Secure Training Centres and Young Offender Institutes. To identify the diversity, differences, qualities and specific relevant strategic issues of each one.
- Secure Children's Homes, under the governance of central government and local government have performed to very high standards and have met the majority of the requirements of this strategy for over 15 years under Children's Legislation, regulations, standards and inspections. This fact has not sufficiently been recognised and acknowledged.
- The principles stated within the strategy are very well met by Secure Children's Homes (S.C.Hs) which currently deliver on all of them and to a very high standard. Young Offender Institutes (Y.O.Is) however fall significantly short on most principles. Whilst we would agree with the principles, the strategy does not sufficiently identify the different requirements within the three different secure sectors and the majority of actions within the strategy apply to Y.O.Is, many to S.T.Cs and very few to S.C.Hs.
- A principle that should be an overriding principle in that children and young people within the Secure Estate (and within the whole Youth Justice System) should be seen and responded to as 'children first'. National Children's Legislation, regulations, standards and the U.N Convention on the Rights of the Child should be paramount.
- The arrangements for working with the Welsh Assembly Government are very much welcomed.

- A recent research report at Hillside evidenced a re-offending rate of 51% and a re-offending rate of 22% when children and young people were placed back into secure provision. This is clear evidence of value for money compared to the national re-offending rate of 71.9%. The placement contract variations that are currently being negotiated offer the opportunity for the Y.J.B to commission additional beds at Hillside which will maintain a higher number of Welsh children and young people in Wales in line with this strategy.

## **2. The Development of Enhanced Units:**

- Given the fundamental differences between the 3 different Secure Estate sectors it would be a major strategic error to continue to attempt to achieve a coherent, consistent service provision across the three sectors. The Y.J.B historical focus on this has in fact hampered the progress of some quality work within S.C.Hs.
- The suggested drivers for improvement should be identified in consultation with each of the three sectors as their ability to achieve different standards and outcomes should be recognised and addressed.
- The engagement of the Y.J.B in processes to better understand the complex needs of children and young people is welcomed. To further understand how this translates to the provision of cost effective services and outcomes is also welcomed and will evidence S.C.Hs as cost effective provision.
- Secure Children's Homes are very enhanced very specialist provisions. S.C.Hs accommodate and work with some of the most complex, difficult children and young people of all ages and gender who also have severe emotional and mental health needs. The Y.J.B need to fully recognise the value of S.C.Hs as part of the strategy for developing enhanced units in Y.O.Is.
- The view of our local C.A.M.H.S. is that the majority of children and young people within the Secure Estate have mental health needs that have been unaddressed in the community. Abuse, trauma, bereavement, attachment issues are common and often multi-layered. The proportion of young people with symptoms of post traumatic stress, depression and high anxiety is higher than community samples. The C.A.M.H.S. available within the

different Secure Estate sectors differ significantly as does the delivery and outcomes achieved. The S.C.H. model is again one that is currently providing for and managing the mental health needs of young people well and must be supported through the Secure Estate Strategy. The high level needs of children and young people must take precedent over spending review pressures.

- We fully support the development of enhanced units within Y.O.Is. The needs of children and young people are so diverse and all encompassing that an amalgamation of the 3 existing Y.O.Is enhanced regimes within every YOI is needed to work effectively to meet the needs of challenging children and young people.
- We would urge the Y.J.B within their strategy to recognise and configure the existing cost effective specialisms provided by S.C.Hs into the development of enhanced regimes. Decommissioning places within S.C.Hs is a move away from effectively meeting the needs of children and young people within the Secure Estate.
- The Secure Estate strategy should identify the ability of S.C.H's to work with 15, 16 and 17 year old young people as well as undertaking the preventative work with 10 – 14 year olds. The configuration of the Secure Estate would then be better achieved and would maintain the existing specialist provision within S.C.Hs that is essential to effectively reducing re-offending.
- There is no evidence to suggest payment by result Schemes improve service delivery and we would not therefore support these Schemes going forward. However, should they move forward they must be worked up with each of the 3 different Secure Estate sectors. Any P.B.R Scheme must be S.M.A.R.T and in the best interest of children and young people, not focussed on forced outcomes, driving down costs or enforcing penalties on providers. A P.B.R. Scheme within the secure sector could be very beneficial.

### **3. Responding to Decreased Demand:**

- We completely disagree with the decommissioning of places within the S.C.H sector. S.C.Hs provide very specialist, high

quality, high achieving placements for children and young people aged 10 – 17 years. The majority of placements are for 15 and 16 year old males and females, not 10 – 13 year olds.

- The observations of Local CAMHS are that the complexities or needs amongst young people have increased and there is a greater need for therapeutic interventions. In many cases the complexity of needs and severity of problems are such that intensive clinical input is required. Thus, whilst statistics may indicate that fewer young people are entering the Secure Estate this does not mean fewer resources are required to address their needs within a suitable, supportive environment.
- The strategy must recognise the value of S.C.Hs by maintaining and maximising every available bed. The 22% re-offending re-secure rate achieved at Hillside is evidence of the ability and cost effectiveness of Secure Children's Homes. Decommissioning would lose the very high quality of service and would be detrimental to children and young people if not against the U.N Convention on the rights of the child.
- The achievable low re-offending / re-secure rates within Secure Children's Homes also make them cost effective. The current cost of the S.C.H placement is 3 times higher than a YOI, but the re-offending / re-secured rate (22%) is less than a third of that achieved within YOI's (71.9%). Children and young people who re-offend are also likely to enter the adult secure estate continuing to be a financial burden on the Ministry of Justice.
- Secure Children's Homes are managed by Local Authorities and embedded within Children's Services. Youth Offender Services are also managed by Local Authorities and Children's Services. Much can be achieved through developing local and regional initiatives. Secure Children's homes are better placed to achieve this than prison sector Y.O.Is or private sector S.T.C provision.
- The risks identified within the strategy of decommissioning are significant. If and when demand is greater than provision more vulnerable, needy at risk children and young people will be inappropriately placed within the YOI sector. Decommissioned S.C.Hs are likely to close and will not reopen, as has been evidenced over the last five years. The geographical dispersement will make resettlement harder to achieve and improved resettlement is an essential part of preventing re-offending. Population management will require increased

specialist resources which are costly and could significantly drive up placement costs.

- In short, the value added by S.C.H's is that which targets the most damaged and needy children and young people in our society. If the cycle of their life experiences are to be broken, then S.C.H's offer the best and most appropriate opportunities and outcomes. The strategy must acknowledge and meet the requirements of the U.N Convention on the rights of the child and the national safeguarding agenda.

#### **4. A Distinctive Secure Estate:**

- As previously outlined we currently have 3 very distinctive sectors within the Secure Estate. S.C.H's operate under very effective Children's Services governance and provide a very good quality service. The lack of quality child focussed services within Y.O.Is is a major concern with private sector S.T.Cs falling somewhere in between.
- The reasons outlined in the strategy for a distinct estate for children and young people are already provided within S.C.Hs; with YOI falling considerably short in all areas. Young people in YOI do not have their entitlements met, are not adequately protected and safeguarded and the regimes and work undertaken does not focus on child development and human growth. Further to this young people in Y.O.Is require full time education and learning provision and the feasibility of effective family work being undertaken to achieve effective outcomes would be difficult to achieve in existing Y.O.Is.
- The existing tensions between the Y.J.B and N.O.M.S would exist between any two parties struggling to improve the quality of work on an inadequate budget. Y.O.Is are considerably less expensive than S.C.Hs due obviously to the significant difference in the quality of provision, and achievements gained with children and young people.
- A distinctive children's estate is essential if we are to adequately meet the development needs of children and to respond to children as 'Children First' not as labelled offenders.
- It is essential to maintain the current levels of quality provision evidenced at Hillside within all S.C.Hs. To decommission any

places within this distinct sector would be entirely contradictory to the strategy objectives and a detrimental disadvantage to children and young people.

- The Y.J.B throughout their term have continued their attempt to streamline and standardise services across the three Secure Sectors. This approach however has hampered and prevented the development of quality services in S.C.Hs which should not continue. The quality provision in S.C.Hs needs to be recognised and valued as an essential part of the whole Secure Estate strategy.
- The governance of any children's service should be placed clearly within Children's Service Sectors. These differ in England and Wales but none the less are able to provide the required governance to achieve the required outcomes for children in the Youth Justice System. Central and Welsh Government and/or Local Government Children's Services should undertake the governance role for all children and young people within the Youth Justice System as it was in the 1980's and 1990's.
- The YOI sector should be removed from within adult prisons. Y.O.Is should stand alone on a separate site. The distinct services as listed in the strategy would be better achieved and future links, networking and holistic planning would be better achieved across the continued three distinctive sectors.
- The enhanced regimes within Y.O.Is are essential to begin to work effectively to meet the development needs of children and young people. Available financing and multi agency planning should be focussed on this as the biggest priority throughout the Secure Estate.
- Hillside provides a range of specialist commissioned services inclusive of C.A.M.H that undertake assessments and through an integrated process, formulate a detailed Care Plan inclusive of full time education, a purposeful day and physical emotional and mental health interventions. This effective model focuses on the child development needs of every individual which achieves the 22% re-offending / re-secured rate achieved at Hillside.
- The role of the N.H.S in England Commissioning Health Services in Secure Children's Homes is a positive move although it also presents risks associated with the level of service to be continued or provided. Current levels of service need to be maintained.

- S.C.Hs are an integral part of Local Authority Children's Services and have always complied and linked into Child Protection and Safeguarding Policies, Procedures and Practice unlike S.T.Cs and Y.O.Is. The development of a rigorous performance management framework within S.T.Cs and Y.O.Is is fully supported. Engagement with children's services and more importantly S.C.Hs to set the framework is required to understand the range of key factors that link to safeguarding.
- The Y.J.B need to publish clearly their definition of 'adequate' when stating their intention to ensure custodial facilities are adequate for children and young people.
- The skills of staff working in S.C.Hs has developed over many years and has always focused on child care and child development as the key to successfully engaging with and providing a service to children and young people. The workforce development within S.C.Hs is again an area far in advance of the other two sectors and has progressed in line with the developed and developing role and function of the home.
- The workforce development challenges within Y.O.Is include the requirement for additional staff, not just training. The training of staff must link to the resources and ability to deliver the type and levels of inputs that training equips you for.
- A child centred focus, based and built on attachment, human growth and child development are an essential requirement. The models within the enhanced Y.O.Is need to be adopted within all Y.O.Is with trained staff delivering and supporting the work. Not to do this must raise the question of what is not currently being delivered and what negative impact does this have on children and young people.
- The additional initiatives listed that the Y.J.B are taking forward are again specific to the YOI Sector. This needs to be identified clearly and again the level of staff expertise within S.C.Hs should be acknowledged. The priority at this time is children and young people in Y.O.Is.
- The Asset referral, Assessment and Case Management System does not focus on child development and although it has moved towards the framework for the assessment of children in need it continues to fall short. With remanded children in future being



managed through Children's Services systems this is a good opportunity to link into children's services and respective integrated agencies and care planning systems.

- The benefits of adopting Children's Services Assessment and planning systems are that they have a child focus not offender focus, and are integrated across other agencies. They are a continuation into the Youth Justice System as many of these children are previously known to Social Services and will be a continuation back into Social Services, at the end of their experience in the Youth Justice System. The Youth Justice System should be integrated to Children's Services not divorced from it. The final key point is that Social Care Assessment and planning documentation and systems are far better and focus on child development which is an area the Y.J.B strategy is aiming towards.
- The revised planning framework should not be implemented and the e-Assett Case Management System is not fit for purpose. Both should be discussed and efforts put into adopting and developing Social Care documentation, systems and e-systems. If this is not feasible across the 3 distinct Secure Sectors then this action should be taken within Children's Services S.C.Hs and serious consideration given to S.T.Cs. This would significantly improve interagency working and resettlement.
- The Mental Health Services provided in custody should at least be equal to the provision in the community. It should in fact be greater due to the high levels of mental health associated with offending behaviour and children and young people in the Secure Estate.
- Mental Health Assessments along with Emotional Behavioural Assessments are key in identifying causes of behaviour which is where the work within the Secure Estate should be targeted to have the greatest effect. The integrated models of assessment and therapeutic work undertaken at Hillside have shaped the Care / Intervention Planning to target resources within the identified placement timeframe to have the greatest effect to support young people when they return to the community.
- Engagement with families is vital for most successful outcomes. Family support, engagement and the provision of a family placement on discharge is a key factor to achieve the intensive

support children and young people require on discharge to stop them re-offending.

- The enhanced provision at Wetherby YOI is a model that should be developed across most Y.O.Is due to the high level of emotional and mental health needs. S.C.Hs provide very enhanced, specialist health provisions that need to be an integral part of the whole secure estate provision and development of much needed enhanced provision.

## **5. A Full and Purposeful Day:**

- The environment a child / young person lives within is a key factor to engagement. S.C.Hs are able to provide homely, structured, safe, nurturing, supportive, caring environments that are child focussed within small units. High staffing ratios, good quality support services and full time education provision enable interaction with children and young people continuously. This continuous interaction enables staff to address many aspects of child development and need throughout the working day which has a major impact.
- At Hillside the Psychologist, Psychiatrist, Specialist Sex Offender Service, Parenting Service and Substance Misuse Service compliment the daily routine work through their own assessments and evidenced effective therapeutic work. Care and education staff are an integral part of delivering therapeutic interventions enabling a continued high level of awareness and management of children's development throughout the waking day.
- Specific programmes of work have their place but the need for a detailed individualised, tailored intervention plan is essential to focus and target the key areas of child need and development. It is often the case that recovery and repair work is needed first to enable children and young people to engage.
- Given the above, it is again imperative that the 3 diverse sectors of the secure estate are recognised and supported differently in respect to the development of programmes etc. in the context of providing a full and purposeful day.
- Within S.C.Hs children and young people attend a full education day. Education is a central service to the regime of the homes and provides a constant link to E.T.E within their communities.

Individualised assessments and learning plans enable learning difficulties and deficiencies to be addressed. Approximately 10 secondary School syllabus subjects are taught through a structured 29 hour education week with homework and additional out of School enrichment activities.

- There is much to be learned from S.C.Hs that could be used within S.T.Cs and YOIs. The significant differences within the 3 secure estate sectors makes it again imperative that S.C.Hs are recognised and valued for their significant achievements and that the provision within YOI's particularly needs to be addressed.

## **6. Resettlement:**

- The resettlement needs and planning for children and young people is addressed monthly at Hillside within multi agency Care Planning, Review and Progress Meetings. The engagement, links and planning undertaken within the community is the task of the Y.O.T. S.C.Hs keep the Y.O.T up-to-date with key information which the Y.O.T should be configuring into the provision of community services inclusive of the family.
- The identity of the Y.O.T within the Local Authority and the integrated working with Children's Services is a key to successful resettlement. The vast majority of children and young people within the Y.O.T have previously been known to Children's Services yet the links are often fragmented.
- One key development of any Youth Justice Board strategy should be to integrate all aspects of Y.O.S with Children's Services. Key to this is adopting and engaging in the development of the framework for assessment for children in need, the Looked After Care Planning documentation and the I.C.S electronic multi agency system.
- The current Assett and e-Assett system is not a child focussed assessment nor a case management system and are not the appropriate tools to achieve the integrated joint working required pre and post Y.O.S.
- The family assessment undertaken as part of the framework for the assessment of children in need is an essential element, often lost within the Assett and e-Assett documentation. S.C.Hs are fully attuned to Social Care Systems and should be working to them.

S.T.Cs and YOIs would need to adopt them in place of current Assett documentation and electronic systems.

- Successful resettlement is achievable for all medium and long term Sentenced children and young people. Effective Care Planning and Pre-Release Work and preparation undertaken by the Y.O.T. through working protocols and partnerships with Children's Services are key to achieving this.
- The most important key factor that enables successful resettlement is providing the required level of support on discharge which is often required to be intensive. Children and young people move from an intensive supportive environment back into the community with insufficient direct support. To better provide for this each secure facility should have resettlement officers based within them to undertake the key tasks from point of admission to the end of the intensive community support required. The Y.J.B need to focus resources in this way to achieve better cost effective outcomes. There is a need to place children and young people within a 50 mile radius of their resettlement Local Authority for this to be most effective.
- Should children and young people not be placed close to their resettlement Local Authority much can still be achieved through a Resettlement Officer based within the secure facility to liaise, chase up, organise, communicate, validate, etc.
- The Y.J.B again need to recognise the significant differences across the 3 sectors of the Secure Estate and work positively and differently with each one to achieve best resettlement outcomes and stop working to achieve consistency as this is not achievable given the very different regimes and resources within each one.

## **7. The Longer-Term Constitution and Vision for the Secure Estate**

- The Secure Estate beyond 2015 should be a distinct children's estate where Y.O.Is are stand alone units, sitting outside adult prisons. Y.O.Is and STCs should come under Central and Local Government Childrens Services thus moving them out of the Ministry of Justice and NOMS. This will enable the Secure Estate and more importantly the children within the Secure Estate to be an integral part of National, Regional and Local Strategic and Operational Planning for Children and Children's Services.

- Ideally (although not achievable by 2015), all children should be placed within Secure Children's Homes as these resources have proven to be the most appropriate and cost effective placements for children (Hillside Re-Offending Report 2010).
- The Secure Estate, whether divided or together under Children's Services Governance would need to set up commissioning arrangements that closely identified the purpose, function, services and outcomes available and achievable within each home / unit, which individual Children's Services would commission with directly. A bed bank service would need to be set up and managed, which could be provided on a National and / or Regional basis, as achieved in Wales for Looked After Children and by the Y.J.B for Youth Justice Children. Who sets up and manages this service will be driven by who has governance for it.
- If Y.O.Is are to continue accommodating children, there should be a strong drive to push the minimum age upwards from 15-years to 16-years at least and more appropriately to 17-years of age. There are 17-year olds who would benefit from being responded to as young adults rather than older children. The regimes in Y.O.Is would need to develop to better manage and meet the needs of these 17-year old young adults, whilst 15 and 16-year old children were accommodated in existing Secure Children's Homes and Remands and Short-Sentenced children placed in STCs. Some STCs should be invested in and converted to Secure Children's Homes to accommodate this.
- If Y.O.Is are to remain within the Prison sector and continue to accommodate 15-year old children, massive investment is required to significantly improve current YOI regimes.
- With the Secure Estate managed within Children's Services all Children's Legislations, Regulations, Standards and Inspections would apply, which would ensure the consisted delivery of high quality all encompassing child focused services.
- Competition Strategies do not meet and respond to the needs of children. The Governance and Commissioning arrangements must be improved to ensure the stated objectives and outcomes for children are achievable and achieved and Local Authority Commissioning should include a financial claw back when providers do not achieve the agreed objectives / targets. This will

improve commissioning by Local Authorities and maintain and develop standards by Secure Estate providers.

- The role of Local Authorities for all children in the Secure Estate apart possibly from 17-year old young adults should be consistent with their current responsibilities for Looked After Children. This will again recognise children as children first and children for whom the Local Authority is fully accountable for.
- The use of the term 'offending behaviour' detracts from children and children's needs being viewed and responded to as children first. Any child's behaviour is a result of many factors, all of which come under the heading of 'Human Growth and Development'. When the focus is changed to child development through assessment it identifies gaps that should be the focus of the intervention and therapeutic work.
- The 'Framework for Assessment of Children in Need and their Families' focuses more on child development alongside Education and Health Assessments. The resulting work is the most suitable to change children's behaviour for the better. An integrated multi agency approach to children is also therefore required to achieve this.
- The majority of children leaving the Secure Estate require intensive support during the initial weeks. This varies from child to child and the Care Planning Process should identify this and accommodate individual needs. The relationships that build with Secure Unit staff cannot be underestimated and their role should be extended into intensive community support during the initial weeks supported by other community based services and people who should have engaged in the process well before the release date. Additional funding will be required and due to the numbers involved, this service should initially be in place for all Sentenced children. A Resettlement Officer within Hillside and other secure facilities would, over time also develop the local links required to support resettlement success.
- There needs to be a greater emphasis on the role and provision of C.A.M.H.S within every sector of the Secure Estate. It is essential to invest in this to ensure the mental health and other significant health needs of children are identified through comprehensive assessment and responded to within an environment that has the resources and multi agency staffing required to deliver the level of

direct work required to prevent or reduce the likelihood of reoffending and achieve successful resettlement.

# STRATEGY FOR THE SECURE ESTATE FOR CHILDREN AND YOUNG PEOPLE IN ENGLAND AND WALES

## HMI PRISON'S RESPONSE TO THE CONSULTATION PAPER

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### HMI Prisons

1. HMI Prisons is an independent inspectorate and its responsibilities are set out in section 5A of the Prison Act 1952 as amended by section 57 of the Criminal Justice Act 1982. They are to:
  - inspect or arrange for the inspection of prisons in England and Wales and report to the Secretary of State on the results;
  - in particular, report to the Secretary of State on the treatment of prisoners and conditions in prisons;
  - report on matters connected with prisons in England and Wales and prisoners in them;
  - submit an annual report to be laid before Parliament.
2. In addition to prisons, HMI Prisons also inspects young offender institutions (YOIs), immigration detention and, jointly with HM Inspectorate of Constabulary (HMIC), police custody suites.
3. HMI Prisons is one of the bodies designated to deliver the UK's obligations arising from its signature to the United Nations Optional Protocol to the Convention against Torture (OPCAT). This requires the regular independent inspection of places of detention and enables the designated bodies (known as the National Preventative Mechanism or NPM) to make recommendations to the relevant authorities with the aim of improving the treatment and conditions of detainees and to submit proposals and observations concerning existing or draft legislation.
4. YOI inspections take place on a three year cycle for juvenile (15 -18 year olds) and on a five year cycle for young adult establishments (18 to 21 year olds). Follow-up inspections take place within each cycle to check progress. Additional inspections are undertaken at the request of the Youth Justice Board (YJB). Inspections are conducted jointly with Ofsted, CQC and specialist pharmacy inspectors.
5. We welcome the opportunity to respond to the strategy for the secure estate consultation. Our comments are informed by our inspection experience.

### Overview

6. We welcome the strategy and the greater level of detail it provides than its predecessor.



7. We have commented on each section of the consultation paper in our response. As requested, we have noted what we thought was missing in various sections of the strategy. Our comments in this regard indicate a theme that while risks are acknowledged, the strategy lacks a certain level of detail about how the risks will be managed.
8. We were pleased to see a stated intention to strengthen and increase existing specialist provision, such as the Keppel and Willow Units and to make other essential changes for the majority population, such as the creation of smaller units, which we have been advocating for several years.
9. We await with interest sight of the implementation plan to deliver the strategic objectives, some of which have been long standing but rarely achieved, such as placing young people in establishments that meet their individual needs rather than operational requirements.
10. We note the statement in para 53 that the YJB is working with us “to create a more coherent inspection regime”. It is not entirely clear to what this refers. We are working with Ofsted to develop a joint inspection process for Secure Training Centres (STCs) and hope this will lead to a consistent approach to the inspection of both YOIs and STCs. Our own revised inspection standards or ‘Expectations’ echo the Green Paper’s commitment to move away from centrally imposed standards and processes to a more outcome based approach that enables greater professional discretion and innovation and stronger local accountability whilst also recognising, as does the Green Paper that ‘It will remain critical to retain key standards around maintaining security and decency’.

### **Principles and priorities**

11. The first principle that there should be a distinct, specialist secure estate for children and young people is paramount. The reference to the ‘distinctive approach required’ (based on the reasons set out at para 49) needs some further explanation within the text in order to give the principle meaning.
12. The diversity principle should place more emphasis on recognising difference and promoting equality rather than simply eliminating disadvantage.
13. The principle of placing young people in establishments that are best able to meet their needs can only be achieved with the development of additional specialist provision. The factors to be taken into consideration when making placement decisions outlined in para 75 are ambitious and rely on significant changes to a number of related practices – some of which are the responsibility of other agencies. To that extent we question their viability. There is a need to state how this will be achieved within a climate of competing priorities.

14. Effective assessments are fundamental to meeting the needs of young people in custody. This principle has significant training implications and should be more clearly linked to para 52 which describes the critical requirement for a separate workforce development strategy.
15. The principle of providing a full and purposeful day refers to programmes designed to address offending behaviour. This is unlikely to be achieved in the absence of the development of a national programme of offending behaviour programmes suitable for children and young people in custody. Paras 91- 95 appear to rely on building a model which has not proved to be successful in the past (the dissemination of the key elements of effective practice) and on researching an evidence base which is described as limited. The prospects for success therefore as currently stated appear to us to be limited.

### **What is missing?**

16. There should be a principle that acknowledges the inherent vulnerability of children and young people in closed institutions.
17. There should be a principle that families and/or carers are involved appropriately with the care and management of their children while they are in custody.
18. Developing collaborative partnerships with local and national agencies (voluntary and statutory) should be a clear principle.
19. The principle aim stated for Welsh children

*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”*

should apply equally to all children in custody.

### **Reconfiguring the secure estate for children and young people**

20. In addition to maintaining a focus on achieving better value for money from existing provision (para 34), there should be a focus on continuous improvement and raising standards in existing provision.
21. In the light of research into the effect of communication difficulties for young people in prison, speech and language therapists should be in place in all YOIs – not just the specialist units (para 39).
22. The proposals to spot purchase alternative accommodation in individual cases, to place certain young people in secure children’s homes and to develop smaller satellite sites are admirable (paras 40

and 41). Clear criteria should be established and published alongside robust risk management procedures as part of the strategy.

23. The introduction of contract monitoring procedures which include more outcome based measures is a welcome development (para 42) as is the proposal to create a bespoke operating manual and policies for the YOI estate.
24. There is an obvious challenge in upholding the principle of placing young people in establishments that are best able to meet their needs and at the same time achieving the stated aim to effectively manage operational pressures.
25. Para 47, concerning safeguarding risks increasing following an influx of young people, has been demonstrated as a reality by the recent disturbances. The strategy should be explicit in this regard following a lessons learned exercise.

### **What is missing?**

26. Significantly, there is no mention of ongoing and/or future placement arrangements for young women in YOIs that ensures that their different and specific needs are met.
27. The strategy includes a section on how the YJB has responded to a decrease in the demand for custodial places but there is no similar section on plans to manage an increase in demand, which is particularly important in the light of the effects of the most recent civil disturbances.
28. The many risks in decommissioning outlined in para 47 are realistic. They undermine the stated principles and priorities which underpin the strategy but plans to manage those risks are not described.
29. The reasons set out to support the development of a distinctive estate for children and young people (para 49) are not exhaustive but indicative of a need to conduct a full needs analysis in order to develop the full range of accommodation, especially the alternatives for particularly challenging groups, suggested within the strategy.
30. Para 49 recognises that young people are still developing and their (offending) behaviour is different to adults. We would argue that most aspects of their behaviour are different from adults and it is important to recognise that that their ongoing development provides greater potential for change which needs to be maximised.
31. The difficulties associated with placing children and young people in combined sites with young adults or adult prisoners are well described in paras 50 and 51. The question posed within the text concerning the development of more distinctive governance arrangements should be a stated aim rather than a question and the proposal at para 52 which

describes the creation of a bespoke operating manual and policies for children and young people will be critical in this regard.

### **Improving rehabilitation and reducing re-offending**

32. The commitment to provide clear advice on cost effective interventions is welcome (para 58). This will be particularly important in relation to the delivery of a purposeful and active day and the provision of programmes to ensure that establishments are clear about what they are required to deliver to meet the needs of young people and to improve consistency across the secure estate.
33. We agree that the starting point for successfully engaging young people is making them feel safe (para 63). It would be more appropriate therefore to begin this section with the text on safeguarding.
34. The first three safeguarding arrangements described in para 66 are reactive. Having procedures in place to identify children and young people who require children in need assessments should be added to the protective arrangements of vetting and barring and workforce development.
35. Workforce development, described in the strategy as one of the most challenging programmes, is also one of the most important. The distinct initiatives outlined in para 74, if delivered well, will add significantly to staff development. The challenge to deliver adequate training and management support through professional supervision should be carefully considered. We question the adequacy of in-house cascade training in a number of specialist areas, such as child protection. In addition staff supervision requires a distinct skill set with significant training implications for managers.

### **What is missing?**

36. Para 82 describes existing guidance in relation to the sentence planning process which includes assessments for interventions. The strategy needs to include a clear model of dissemination of all practice guidance together with a robust system to ensure adherence to the guidance. Our observations through inspections are that frontline staff are rarely aware of good practice guidance or relevant research and it certainly does not influence long standing practices, particularly those which are prescribed by NOMS.
37. The findings and recommendations of our thematic review, '*Training planning for children and young people, May2010*' should be taken into account when considering any review of sentence planning and assessment processes.

38. Para 85 describes the need to address mental and physical well being and to promote health and mental health resilience. This should also include helping young people to develop essential life skills and social skills, not only to enable them to cope with custody but also to prepare them for leading responsible lives in the community and independent living.
39. The success of the Keppel Unit is stated although it is unclear whether there has been an evaluation of the provision. An evaluation of the Keppel Unit and the Willow Unit should be used to build on specific aspects of good practice identified in order to learn lessons and create more specialist units as proposed in the strategy.
40. In the light of the recent civil unrest and resulting challenges to the secure estate, findings from our thematic review on the management of young people involved in gangs should be taken into consideration and relevant recommendations should form part of the strategy.
41. Similarly, the findings and recommendations of our thematic reviews '*The care of looked after children in custody, May 2011*', and '*Resettlement provision for children and young people in custody, June 2011*', particularly with regard to accommodation on release, education, training and employment and the use of release on temporary license, should be fully incorporated within the strategy.

# STRATEGY FOR THE SECURE ESTATE FOR CHILDREN AND YOUNG PEOPLE IN ENGLAND AND WALES

AN IARS CONSULTATION RESPONSE

Response to the Ministry of Justice and Youth Justice Board

October 2011



**IARS**

Independent Academic Research Studies

Empowering young people to influence policy and practice



## 1. ABOUT INDEPENDENT ACADEMIC RESEARCH STUDIES (IARS)

IARS is an independent social policy think-tank with a charitable mission to enable young people from all walks of life to have a better future and participate equally and democratically in civic life. IARS young people inform and influence policies and practices affecting them particularly in the areas of citizenship and civic engagement, criminal justice, human rights, equality, restorative justice and education.

Through the provision of high quality volunteering opportunities, internships, work placements, training, skills-development programmes, accreditation, peer mentoring and research, IARS young people are given the tools to become active citizens. Through a youth-led structure, young people from various communities and backgrounds learn to influence decision making, policies and the law and as role models participate in society and support their peers and youth-led organisations and groups in creating a tolerant and equal society where young people are respected and valued.

IARS' objectives state that the charity "is set up to promote the development of young people as individuals and members of society by:

- providing training guidance and support to enable those young people to undertake research, study or other activities to investigate the issues which affect them and;
- encouraging young people to use the useful results of that research and learning to increase awareness and understanding of the issues which affect them amongst child and young people welfare professionals, service providers and the public" (IARS Memorandum of Association).

IARS services are youth-led in the sense that they are designed, delivered and scrutinised by [young people](#) and our [Youth Advisory Group](#).

## 2. ABOUT THIS CONSULTATION RESPONSE

IARS has written this evidence based response with the main aim of enabling the Youth Justice Board and the Ministry of Justice to hear the voices of young people when taking decisions regarding secure estates for children and young people. We have also contributed to the joint response of the National Council for Voluntary Youth Services and Clinks to this consultation which can be found here - <http://ncvys.org.uk/index.php?alias=youthjustice>

We would have liked to have had more time to respond in detail to this consultation. Unfortunately, however, due to operational priorities and limited organisational capacity this was not possible. We would be happy to give oral evidence if needed.

### AN EVIDENCE BASED RESPONSE

This consultation response draws on recent research undertaken by IARS into the role of restorative justice (RJ) processes within secure estates for children and young people. This research was carried out as part of a 3 year project entitled "Mediation and Restorative Justice in Prison Settings"

(MEREPS)<sup>1</sup>. This response, therefore, focuses on the specific role of RJ processes with regard to secure estates for children and young people in England and Wales. For more information about this research please see - <http://www.iars.org.uk/content/mediation-and-restorative-justice-prison-settings>

### **3. CURRENT PICTURE OF RJ PROCESSES AND THE SECURE ESTATE FOR CHILDREN AND YOUNG PEOPLE IN ENGLAND AND WALES.**

Over the last 20 years, we have seen several reforms, investment plans, partnerships and criminal justice policies targeting better solutions to youth crime. And yet, in 2010, in England and Wales alone over 10,111 young adults (18-21 yrs) and 1,637 young people (15-17yrs) were in the secure estate. We also locked up 433 children (below 15 yrs)<sup>2</sup>.

According to 2010 Ministry of Justice data, the reoffending rate post-custody is high compared with other disposals. While the overall reoffending rate across all disposals is 40%, the reoffending rate post-custody is almost 50%, meaning that approximately half of all offenders sentenced to prison will go on to commit a further offence<sup>3</sup>.

The overcrowded prisons and the inhumane conditions to which young people and children are subjected, the increasing number of suicides by young prisoners internationally, the high rates of reoffending and the rising costs of incapacitation as a policy and a philosophy for crime control are some of the factors that populists quote in their search for more attractive solutions. The current Government priority to cut down national deficits presents a unique opportunity to rethink existing strategies within the criminal justice system.

IARS' recent research into the use of RJ processes in the secure estate has shown that restorative justice in prison settings is widespread, but piecemeal, inconsistent and sometimes invisible. While there is thorough evaluation of restorative justice for certain offences, in others areas (including its application within prisons) the evidence is still accumulating. The limited data suggests, however, that restorative justice practice – and most importantly the values underlying its ethos – are able to provide answers that many psychologists, criminologists, social workers and prison staff have strived to find with regards to reducing reoffending.

### **4. RESPONSE**

#### **I. DO YOU AGREE WITH THE PRINCIPLES STATED IN THIS DOCUMENT? ARE THERE ANY SIGNIFICANT AREAS THAT ARE NOT COVERED?**

##### **a) PUNISHING AND REHABILITATING OFFENDERS**

IARS is pleased that the punishment, and more importantly, the rehabilitation of offenders has been identified as a key principle in the consultation document. The high rate of reoffending amongst those individuals leaving custody has already been noted. RJ processes play a crucial role in successfully rehabilitating offenders and reducing rates of reoffending; this has been highlighted by a

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<sup>1</sup> <http://www.iars.org.uk/content/mediation-and-restorative-justice-prison-settings>

<sup>2</sup> Gavrielides (2011) 'Restorative Justice in the Secure Estates: Alternatives for Young People in Custody', IARS

<sup>3</sup> Ministry of Justice (2010). 'Reoffending of adults: results from the 2008 cohort, England and Wales'.



number of RJ initiatives taking place across the globe. RJ processes provide offenders with the opportunity to understand and make amends for the harm they have caused. In this way it provides those involved in such processes with the opportunity to gain skills and understanding which discourages their future involvement in offending.

For example, encouraging results have been cited in findings from the Texas-based “Bridges to Life”<sup>4</sup> project involving 24 prisons. Of 9,267 prisoners completing the programme, 3,602 have been released, of whom only 587 (16.3%) returned to prison<sup>5</sup>. According to Bridges to Life their target to keep the re-conviction rate below 20% after three years’ release from prison is so far achieved.

The “Communities of Restoration Projects” (APAC) which create “prison communities” in which whole prisons are run along restorative lines<sup>6</sup> indicated a recidivism rate of 16% compared to the more usual 50-60%<sup>7</sup> (Liebmann 2007). The women’s prison in the Minnesota Correctional Facility also recorded a high level of awareness of offenders’ accountability for the harm they had caused and the need to repair it (Liebmann and Braithwaite 1999). The HMP Grendon in England project reported victim and offender satisfaction with restorative procedures and outcomes (Liebmann and Braithwaite 1999; Zehr 1994). Liebmann and Braithwaite (1999) also reported similar positive results from the Gratesford State Correctional Institution in Pennsylvania and the Washington State Reformatory.

Moreover, the Rochester Youth Custody Centre reported that victims felt less anxious and angry after meeting their offenders (Launay and Murray 1989). At the same time, the young offenders saw their victims in a more positive light while they reported having a better understanding of victims’ attitudes and of the impact of their crime (Launay and Murray 1989). Furthermore, Australian research with young prisoners demonstrated a “big drop in offending rates by violent offenders (by 38 crimes per 100 per year) and a very small increase in offending by drink drivers (by 6 crimes per 100 offenders per year)” (Sherman, Strang and Woods 2000: 3). Nugent et al (2001) also found that children and adolescents who participate in mediation programmes are likely to commit fewer further offences. An interesting quotation from Renshaw and Powell (2001) comes from a victim after taking part in face-to-face mediation with a young prisoner; “the process has been worthwhile as I can now put the incident behind me and get on with my life”.

Our survey<sup>8</sup> interviewees who had experienced RJ in prisons highlighted examples to show the unique benefits that can be gained. It is important to stress that the majority of them did not believe that these 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 them change their

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<sup>4</sup> Bridges to Life, Texas: [www.bridgestolife.org](http://www.bridgestolife.org)

<sup>5</sup> 10.2% of the 587 were returned based on new convictions and 6.1% on technical violations, 39% were returned for violent crimes.

<sup>6</sup> APAC uses a combination of methods including pro-social modelling, direct and indirect meetings and discussions, group work and learning experience of community living. APAC is the acronym for the Portuguese name.

<sup>7</sup> See Communities of Restoration [www.pficjr.org](http://www.pficjr.org)

<sup>8</sup> Gavrielides (2011) ‘Restorative Justice in the Secure Estates: Alternatives for Young People in Custody’, IARS

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".

Another practitioner commented, "RJ is not just about conflict and crime; it is also about psychological support, learning and personal development... that is why it works with young offenders. I am not saying that all young people in prisons are appropriate for RJ, but those who need that break through RJ can develop the empathy that they are lacking and that the world has deprived them of". Someone else said, "By developing an understanding, you also develop compassion and emotional maturity. Their lack leads to violent crime and it is not surprising that most young offenders in institutions have no emotional intelligence or the ability to sympathise and relate to the external environment. Dialogue and RJ has strong potential in changing this".

RJ processes must be much more broadly implemented within the secure estate for children and young people to ensure that rehabilitation, as described above, is successfully achieved across the board.

#### **b) COST EFFECTIVENESS OF RESTORATIVE JUSTICE PROCESSES WITHIN THE SECURE ESTATE FOR CHILDREN AND YOUNG PEOPLE**

Implementing RJ in a difficult financial climate instantly brings up the question of cost and benefit. It is important that the cost effectiveness of any policy shift around the secure estate is taken into careful consideration. Whilst data on the financial viability of RJ are extremely limited let alone in its use in prison settings (see Sherman and Strang 2007; Matrix Evidence 2009; Victim Support 2010) by contrast, the financial analysis of imprisonment is well developed (Justice Committee 2010).

The Ministry of Justice as a whole receives funding of £9.5bn per annum (as of 2010). Keeping each prisoner costs £41,000 annually (or £112.32 a day). This means that if there are 85,076 prisoners at the moment, prisons cost as much as £3.49bn. According to Home Office statistics, it costs £146,000 to put someone through court and keep them in prison for a year (Prison Reform Trust 2010).

Putting one young offender in prison costs as much as £140,000 per year (£100,000 in direct costs and £40,000 in indirect costs once they are released) (Knuutila 2010). Two thirds of the YJB budget, or about £300 million a year, is spent on prisons, while the money it uses for prevention is roughly one-tenth (Youth Justice Board 2009). More worryingly, according to the YJB, as a result of inflation and the rising costs of utilities and food, the costs of custody will keep rising even if prisoners' numbers stay the same.

Moreover, according to a 2010 report by the New Economics Foundation, "a person that is offending at 17 after being released from prison will commit on average about 145 crimes. Out of these crimes about 1.7 are serious crimes (homicides, sexual crimes or serious violent offences). Given that a prison sentence is estimated to increase the likelihood of continuing to offend by 3.9 per cent, this translates into an average of about 5.5 crimes caused, out of which about 0.06 are serious" (Knuutila 2010: 40).

It is clear that a more cost effective approach needs to be taken to using the secure estate for children and young people. Locking up young people is not only expensive in the short term, but is also damaging and costly in the long term. Recent research from the Howard League for Penal Reform further highlighted the negative long term impacts of putting young people in custody; their

findings indicated that 72% of young people released from secure estate are reconvicted within a year of their release (Howard League for Penal Reform, 2011). However, the introduction of restorative processes both within, and outside of, the secure estate enables young people to move away from a life of offending.

Despite, the overwhelming evidence highlighting the importance of RJ processes within the Secure Estate IARS' research raised concerns amongst RJ practitioners and policy makers of a lack of commitment from previous Governments to the funding and promotion of such processes. For example, all policy makers we spoke to during the fieldwork phase of our research and the majority of interviewees made reference to the government's past commitment for a national strategy on RJ. The discussions were made within a climate of disappointment and suspicion. Specific reference was made to the 2003 Home Office consultation document on the government's strategy on RJ (Home Office 2003). The debate and promises that were made at the time raised the RJ movement's expectations (Gavrielides 2003). Soon after the publication of the draft strategy, and despite the plethora of evidence it collected through submissions from the public and individuals, the flurry of activity and interest in RJ waned. The RJ unit that was set up within the Home Office was dismantled and the majority of the strategy's recommendations were left in draft format.

In 2010, the Justice Committee (2010: 12) said, "We are surprised by the cautious approach that the Government has taken towards RJ but we welcome its current commitment to revive the strategic direction in this area. We urge the Justice Secretary to take immediate action to promote the use of RJ and to ensure that he puts in place a fully funded strategy which facilitates national access to RJ for victims before the end of this Parliament".

IARS look to the new Government for assurance that the benefits of RJ – both in terms of impact and cost effectiveness – will be taken into account with regard to the secure estate for young people. The inclusion of a commitment to RJ in the Ministry of Justice's 'Breaking the Cycle' consultation was welcomed by IARS. This must be carried forward in policy development around the secure estate for young people.

## **5. WHAT MORE CAN BE DONE TO MEET THE NEEDS OF YOUNG PEOPLE IN CUSTODY?**

### **a) PROMOTE SERVICE USER INVOLVEMENT THROUGH RJ PROCESSES**

IARS believes in empowerment of young people to enable them to solve the problems that they face. RJ can be used as an important tool to empower young people in custody to improve their lives both whilst in the secure estate and afterwards. The promotion of service user involvement of young people in custody through RJ processes can be promoted in a number of ways.

At the *macro level* (i.e. public, the community) steps should be taken to aid victims and offenders to put the term 'RJ' in context, making it easier for them to decide the reasons they might want to participate in restorative processes. Another lever that was identified for the implementation of a successful RJ strategy is the public's support for it. Although it is a well-known fact that RJ awareness among the public is rather low, there is evidence to suggest that people support the general notion of compensation and restitution, focus on victims and mediation and conferencing (see Roberts and Hough 2005; Dhami et al 2009). The wider implementation of RJ in the secure estate as well as the

buy-in from families and victims is also key but very much dependent on people's support for it, and not just its perceived benefits.

To this end, more information and education is warranted. To achieve this, participants in IARS' research suggested the use of the media. It is true that, until today, the role of the press in offering contextualisation for RJ has not been particularly significant.

However, opening RJ up to the world of the media can be a very dangerous process especially in relation to its application in the secure estate. Many pitfalls seem to be associated with this step, particularly due to the intensely personal nature of restorative practices. The media tend to limit or refuse editorial control to the facilitators, and are most often interested in the gossipy side of the stories rather than the real effect of the events. Various other practical problems may arise such as location and choice of appropriate venues, adequate staff or staff and participants who are willing to participate in a restorative process that will be under the microscope of a camera.

Another practical difficulty in employing the media is confidentiality. The irony in increasing public awareness is that restorative practices are meant to be confidential. Restorative programmes are closed from public view and by invitation only. This is particularly relevant to young offenders whose defamation by the media is protected by basic legislation

Confidentiality is therefore an issue that should attract the more careful attention of both service and training providers. The key point to remember while engaging in restorative meetings is to avoid publicly naming a person. On the other hand, parties that wish for their name to be disclosed should be free to do so. Surprisingly enough, parties are often willing to share their experiences and invite others to choose restorative meetings. For instance, Andrew Jones, an offender who had agreed to participate in one of the VOM programmes that were filmed by the BBC said, "My first thoughts were 'oh my God', but after serious thinking to myself, I thought something good may come of it. My first concern about being filmed was being seen on TV as a burglar but hopefully I would be able to put across that I only stole to feed my habit and I am not an habitual thief..." (Caverly 2003).

## **6. WHAT MORE COULD BE DONE TO ENSURE THE DEVELOPMENT OF EFFECTIVE INTERVENTIONS IN SECURE ESTABLISHMENTS?**

### **a) FUNDING FOR RJ ACTIVITIES IN THE SECURE ESTATE**

To deliver a consistent and successful restorative justice strategy in the secure estate, significant, long-term investment needs to be made by preparing the ground both at the micro (experts and restorative justice movement) and macro levels (those affected by harm, the media, the public and communities). The buy-in from families and victims is dependent on people's support for restorative justice, and not just its perceived benefits. Although it is a well-known fact that awareness of restorative justice among the public is rather low, there is evidence to suggest that people support the general notions of compensation and restitution, the focus on victims, mediation and conferencing. It is crucial, therefore, that Government funding is made available for RJ processes to take place in the secure estate for children and young people.

## **b) JOINT UP WORKING**

Our research highlighted the need for joined up working between voluntary, private, community and public sector bodies in developing, delivering, and evaluating RJ practice, within the context of secure estates for children and young people.

There was a strong view that while awareness and capacity should be built within the secure estate and among prison staff, the commissioning of RJ practices will need to include all stakeholders in the RJ field.

Research drew 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 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.

According to the interviewees, criminal justice agencies do not always engage with the voluntary and community sector adequately. It was also pointed out by the research that prison staff and governors know very little about the voluntary sector's work, and there is suspicion about the role of volunteer mediators. Any strategy within the secure estate that incorporates RJ processes will also need to acknowledge that regional governance bodies and strategic structures are increasingly relying on the voluntary and community sector to help deliver on their crime reduction agendas. Statistics also show that the public trusts the voluntary and community sector more than other sectors, particularly in relation to crime work (Clinks 2009). It is crucial that these key point are considered in the development of any new policy around the secure estate for children and young people.

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Independent Academic Research Studies (IARS)

[contact@iars.org.uk](mailto:contact@iars.org.uk)

159 Clapham Road

London, SW9 0PU

020 8133 8317



<p style="text-align: center;"><b>Response from Kent County Council to the Youth Justice Board Consultation</b></p> <p style="text-align: center;"><b>On The</b></p> <p style="text-align: center;"><b>Strategy for the Secure Estate 2011/12 – 2014/15</b></p>
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Organisation: Kent county Council / Kent Youth Offending Service

Address: Invicta House  
County Hall  
Maidstone  
ME14 1XX

**Principles and Priorities**

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

**Question: Are there any significant areas which are not covered?**

(a) Whilst Kent broadly agrees with the principles underpinning the proposals, Kent feels that a major challenge will be achieving consistency of provision across the secure estate when there will be a variety of private providers being awarded contracts to manage what were previously publicly run YOIs.

(b) Reference, in Kent's view, should be made to the possible appropriateness in individual cases, as an alternative to the youth justice system, of Local Authorities applying to the Family Proceedings Court for a Section 25 (Children Act 1989) Secure Accommodation Order. This step would assist with addressing health and social care needs where they are strongly associated with the child / young person's offending behaviour while providing security for both the child / young person and for the public

(b) Kent would seek clarification with regard to the role of the YJB/MoJ in the tendering process for the award of these contracts. Kent are also concerned that the strategy maintains the current tri-partite structure (YOIs, STCs and LASCHs) and hope that in future consideration can be given to developing a more unified and flexible provision. Such an approach would also hopefully address some of the current disparities in bed pricing between the three sectors which will become more critical once responsibility for the payment of secure remands is transferred to local authorities in its' entirety.

(c) Given the development of regional resettlement consortia, Kent feels that there is a case for these consortia to be involved in commissioning places either singly for their own region or jointly with the YJB/MoJ, particularly given the proposals to transfer the full costs of remands to local authorities and introduce a payment by results regime. Kent further thinks that Regional Consortia would be better able to develop local provision for local need based on Kent's experience of building an effective Integrated

Resettlement Service involving Kent YOS staff and staff from Cookham Wood.

### **The development of enhanced units**

**Question: 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?**

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

(a) While the development of such units would be a positive move, Kent feels that such units should be commissioned regionally by the resettlement consortia and should be independent of mainstream custodial establishments in order to ensure: a consistency of resourcing; that young people are placed within close proximity to their home areas so as to maintain family ties; and that good contact and communication is maintained with local education, training and health providers to provide for a seamless transfer to the community and successful resettlement.

(b) While use of these units is likely to be limited Kent does feel there would be sufficient demand to justify at least one unit in each region – based upon the level of seriousness and gravity of the offence Kent would estimate that 4 – 6 young people would benefit from such provision each year.

(c) In terms of the wider needs of young people in custody, Kent feels that proximity of the placement to the young people's home areas is the key to effective and purposeful resettlement planning for release.

### **Responding to decreasing demand**

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

**Question: What role should market testing play in this process?**

(a) Kent are concerned that if the YJB/MoJ decommissions beds without the involvement of YOTs/Resettlement Consortia, such an approach could result in young people being placed in establishments very distant from their home addresses disrupting family links and involvement with local education, training and health provision which are essential for effective and successful resettlement outcomes. In Kent, resettlement planning has greatly improved as a result of many young people being placed at Cookham Wood or Medway STC. Kent recognises that the decrease in demand has been greatest amongst the 10 – 15 year old population and that future decommissioning will look at the STC and LASCH provision. Kent would be extremely concerned if this programme resulted in the closure of Medway STC which would result in young and often very vulnerable young people being placed a considerable distance from their home area.

(b) In relation to market testing, Kent does not have any fundamental objections provided that cost does not become the only determinant in the process. Kent would also wish to ensure that commissioners, whether they



are resettlement consortia or the YJB/MoJ, are involved in the process to ensure consistently high standards are integral to the tendering/commissioning process. However we do feel that the transfer of the full costs for remands to local authorities poses considerable risks and therefore feel that local authorities either singly or as part of resettlement consortia should be involved in the commissioning process.

### **A distinctive secure estate**

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

(a) Kent welcomes this proposal and the suggestion that the current prison service provision for young people would be separated from the adult estate to form a distinct young people's secure estate. Kent thinks that this could be further enhanced by establishing a regionally based commissioning framework involving Local Authorities and Regional Resettlement Consortia which breaks down the current tri-partite system (YOIs, STCs and LASCHs) allowing greater flexibility within the overall provision in order to better meet the diverse needs of young people.

### **A full and purposeful day**

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

**Question: What role should the YJB play?**

(a) Kent fully supports this proposal but feels that success in achieving better re-offending outcomes will only be achieved if young people are placed within close proximity of their home areas so that they are able to benefit from the input from their home YOT and partner agencies. Interventions could then be linked to resettlement plans making them both relevant and seamless. In Kent, the close working relationship with Cookham Wood has already resulted in the successful development of an Integrated Resettlement Service enabling young people to benefit from enhanced support with obtaining suitable accommodation on release. Additionally young people have benefited from being able to access the Rapid English and Exams on Demand programmes and the Vulnerable Apprentice Scheme on their release. Cookham Wood has also benefited from having a dedicated Youth Worker who provides a youth work service for young people in the evenings.

(b) In Kent's view the role of the YJB should be to ensure that high standards and regimes tailored to local need are integral to the tendering/commissioning process and are routinely monitored.

### **Effective resettlement**

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

(a) Kent has addressed this question in it's response to the earlier questions.

(b) For the future Kent feels that the YJB/MoJ should commit to devolving the commissioning/tendering process to the Resettlement Consortia and provide them with the full funding to enable good quality regional provision to be commissioned only retaining the placement service as a central function. Regional managers from the YJB/MoJ could sit on the consortia to ensure a consistency of approach and provide necessary advice, guidance and oversight. We do also recognise that such Consortia will present challenges to individual local authorities and potential financial risks in having to commit to a strategy which financially they may struggle to support.

(c) Such an approach should guarantee access to locally based secure provision which is responsive and adaptive to the changing needs of the young people it serves.

**Consultation on the strategy for the secure estate for children and young people response**

<b>Full name</b> Amy Cave
<b>Job title</b> Development Support Officer
<b>Date</b> 04 <sup>th</sup> October
<b>Company name/organisation</b> (if applicable): Directorate of Children and Family Services- Knowsley Metropolitan Borough Council
<b>Address</b> Huyton Municipal Building, Archway road, Huyton
<b>Postcode</b> L36 9UX

**Question 1**

**Do you agree with the principles and priorities? What's missing?**

The group broadly agreed with all of the principles and priorities given. However there were several important areas that were not covered. These were:

- If efficiencies are a key goal of the strategy this should be included as a priority. It should also be a priority that children and young people are not negatively affected as a result.
- The effective assessments should lead to an individual tailored programme while in custody. This should be outcomes based and broader than resettlement and a full, purposeful day.
- Rehabilitation of offenders should be a priority on its own to make it 'stand out' rather than being grouped with other principles.
- Effective transitions should also be a priority.
- There was no mention of families in the principles and priorities. They should be as involved as possible, and where necessary receive parallel interventions. Many children and young people are placed far away from home, which makes keeping the family and community involved impossible. Reducing this should also be covered in the priorities.

**Question 2**

**Do you agree with the aim of developing enhanced units?**

There was a general agreement on the use of enhanced units. However there were concerns about the level of follow-on support available to young people when they returned to the mainstream population. Some also felt that an enhanced unit would not be able to be flexible enough, and that provision should follow need wherever it is in the institution rather than being based in particular units.

**Question 3**

**What more needs to be done to meet the needs of these young people?**

There were 2 reoccurring areas that came up on several questions. The first was a tailor made programme of interventions for every child or young person. This should be based on a comprehensive needs assessment and draw on any existing, pre custody assessments.

The second was that the child or young person's family needed to be as involved as possible in any interventions and plans. This would aid resettlement and help reduce reoffending. However in some cases the family may also need to be offered a programme of intervention to help them support the young person's return home.

#### **Question 4**

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

It was felt that careful commissioning was needed to adjust to decreasing demand. It could possibly be dangerous to decommission based on past trends, given the current changing landscape, for example youth unemployment is increasing and this can often lead to a rise in offending.

Secure children's homes maybe the best option for many children, would removing capacity remove this option or mean they have to be placed further from home

There were some reservations and uncertainty about the use of the private sector in the secure estate. There were concerns about the possible difficulties that could arise as a result of allowing the market place to dictate how the needs of children and young people should be met. However the market could also be used to deliver a greater geographical spread of places.

#### **Question 5**

**What further work could be undertaken to contribute to the establishment of a completely distinct secure estate?**

All the steps mentioned in the strategy were agreed with.

#### **Question 6**

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

Institutions should not be relied upon to develop interventions. This should be done in partnership with LA's and experts. There is a worry that a reliance on interventions with a proven evidence base could lead to too small a menu of interventions to meet the diversity of need. This could stifle innovation and the development of new interventions. The amount of research and evidence in

this area, as well as access to it, is an area that needs to be further developed.

The possibility of budgets that follow each young person, based on their level of need, was debated. The idea had support but there would need to be safeguard to ensure that institutions did not refuse to admit high need people.

Good access to a CAHMS service was thought it be an essential.

### **Question 7**

#### **What role should the YJB play?**

The YJB should be responsible for offering a wide range of interventions and ensuring that the secure estate is responsive to the needs of children and young people. It should also monitor the range of interventions to ensure that they are appropriate and are able to meet the full range of needs.

### **Question 8**

#### **What are the most effective ways the YJB to support providers to ensure that services in custody and in the community are better connected and complement each other?**

As mentioned previously family involvement is key to this and a vital area of co-operation between the 'home' LA and the institution. Resettlement needs to be kept in mind from the start of contact with the young person rather than towards the end.

For resettlement to be effective there needs to be co-ordination across all partners. A sharing of responsibility via payment by results was discussed but it was unclear how this could be managed.

**Strategy for the Secure Estate for Children and Young People in England and Wales**  
**Plans for 2011/12 – 2014/15**  
**Consultation Response from Leap Confronting Conflict**

Leap Confronting Conflict (Leap) helps young people aged 11-25 manage and reduce conflict in their lives to prevent it from escalating to violence. We target areas with high levels of youth violence and crime; to transform young people, whose lives have often become chaotic and volatile, to become role models and leaders of change within their communities. In the last three years, we have worked with over 25,000 young people and almost 7,000 professionals through our partnerships with schools, community groups, the police, youth offending teams and other agencies.

### **Principles and priorities**

Leap widely welcomes the principles and priorities set out in the consultation document, in particular appropriate placements and improving rehabilitation for young people in custody and reducing the risk of re-offending by commissioning services that ensure young people have access to effective regimes. We also welcome the recognition that the success of these priorities depends on strong multi-agency working between statutory agencies, as well as with the voluntary sector.

One area for further development is the development of young people in the secure estate, for example the development of individual responsibility and emotional maturity.

### **The development of enhanced units**

Leap welcomes enhanced units that focus on a particular group of young people who have specific needs, such as the Willow Unit in Hindley YOI for young people with mental health needs. By training specialist staff and working with smaller groups of young people, there is the opportunity for staff and young people to build up strong and trusting relationships. Strong key working and a more holistic approach to addressing complex needs is the way forward. It is also important to have a process so young people with complex needs can be easily referred to specialist treatment in a unit with smaller operational capacity.

The system needs to be clear about what an “enhanced unit” is; its role, function and setup.

### **Responding to decreasing demand**

Whilst Leap welcomes the fall in the number of children and young people in custody, we would be cautious about reducing the number of commissioned places as it may cause young people to be placed further away from home than they previously would have been. There is significant evidence that successful rehabilitation, which thereby reduces the risk of re-offending, relies on each young person having a continuous relationship with their family whilst they are in the secure setting (Reducing Re-offending Children and Families Pathway, Ministry of Justice).

There also needs to be continuity between the YOT, the secure estate setting and any other agencies throughout the process. If places are decommissioned and the young person needs to be placed further from home, it could hinder their effective rehabilitation back into their community at the end as the young person won't have built up strong relationships with members of each of those teams. The overall aim of a secure estate should be a one-stop shop, where all teams such as Prisons, re-housing units are working closely together. It is essential that these are resourced sufficiently to make the process smoother.

We would also urge caution about placing a young person in a setting that may not address their needs i.e. having the opportunity to address their offending behaviour and be engaged through opportunities to in education and training. As decommissioning places could affect the staff to young people in custody ratio, there could also be an impact on the services and relationships within the secure setting.

### **A distinctive secure estate**

Leap welcomes that if a distinct secure estate is established, it will adhere to the principles set out in the consultation paper. We also welcome that the YJB and NOMS will work closely together towards this aim.

Emotionally vulnerable young people need support around learning boundaries and developing their behaviour. Therefore it's important to have separate policies and procedures for young people's secure estate, as well as a specially trained workforce. It would be easier to carry out specific, targeted training for each secure setting if it was distinct from adults, as young people and adult offenders often have very different needs.

With regards to managing transitions into the young adult secure estate, Leap welcomes the proposal to develop more effective process and support. However, we have some anxiety around those young people moving into adult systems that are less emotionally mature, for example a drug user.

### **A full and purposeful day**

Leap welcomes the review the YJB will undertake as outlined in the consultation document, in particular tailoring provision to reflect young people's emotional development to date and working with other departments such as the Department for Education to develop long term approaches to commissioning education and training in custody.

Leap believes it's important to develop programmes and interventions that focus on building young people's emotional resilience, maturity and responsibility and have a proven evidence-based track record. For example, from Leap's work in HMP Chelmsford, staff were trained to develop and practice communication and conflict resolution techniques when working with young men. Alongside this, young men were trained to explore the consequences of their life choices as well as their patterns of behaviour in order so that they could make more informed decisions about their lives in the future. Within this training, young people have the opportunity to become mentors themselves; the opportunity to put their new skills in practice supported by the Officers.

As a result, there were stronger, healthier relationships between staff and young people and an increase in the number of young people accessing education and training opportunities whilst in prison. Furthermore, the severity of violent incidences dropped and there was a 61% drop in adjudications. It is essential that programmes should be designed around young people rather than prison timetables. It is also essential that conflict resolution and behaviour management training should become a routine part of prison staff training.

Furthermore, Leap would encourage the YJB and NOMS to think about developing mentoring programmes that start within the secure estate setting, which not only build on young people's skills within the secure estate, but then allow them to build on employability and training skills once they leave. Further detail about this 'Through the Gates' work is later in this response.

### ***What role should the YJB play?***

Leap welcomes the role the YJB has in placing the needs of the young person first. Therefore, the role of the YJB, or another responsible body, should be a well resourced function with a distinct focus on children and young people in secure estate. This body should also have expertise in the development of young people, as this is crucial to safeguarding and their emotional development. Therefore, it's important to consider developing the workforce with individuals from a variety of backgrounds – both practitioners and policy makers.

### **Effective resettlement**

Leap recognises how essential it is for resettlement issues to be discussed as soon as the young person enters the secure estate, to ensure an effective programme is established whilst in the setting, and relationships are built with the relevant people in the local area when they leave the setting.

When young people are moved around in the secure estate, there is less effective support for rehabilitation. Furthermore, when young people leave secure estates, they can often be switched and moved around between teams. Therefore it is essential that more attention is given to linking YOTs and NOMS to ensure a smoother transition. The voluntary sector could have a commissioned role in this. There needs to be better coordination between YOIs and those who look after young people on license.

There should also be a stronger role for the voluntary sector to link up young offenders with opportunities in the outside world, for example through training programmes that develop employability skills, or mentoring programmes that link up young people inside the secure estate with individuals in work. This 'Through the Gate' work would allow for strong, consistent relationships to form between young people and positive role models outside the system. It would also provide young people with the opportunity to be mentored, thereby increasing their chances of employment or training when they leave and provide a supportive base.



We welcome the document and broadly agree with the principles stated. This is an strategy document and we look forward to hearing more about implementation.

Two significant areas are not covered in our view.

**Girls.** The needs of girls and young women are different to those of boys and young men. This should be explicitly recognised in the document and a strategy for responding to their needs identified. Specifically, the adverse impact of a reduction of the size of the estate on girls should be addressed (we assume this featured in an equality impact assessment).

**Transitions.** This is one of the biggest issues for YOTs on a day to day basis when dealing with the secure estate. The expectation that when a young person turns 18 (regardless of looked-after status, learning needs or maturity levels) they leave the youth secure estate is in our view inappropriate. The lack of flexibility in the current system compounds existing disadvantage and does nothing to promote resettlement. We believe it would make sense to move towards a system where young people at the point of transition are kept in the young people's estate if sentenced to a young people's sentence (Detention and Training Order). The inability of the adult estate to effectively manage or facilitate youth sentences is widespread and well known. We anticipate this issue featuring heavily in the ongoing transitions thematic inspection being conducted by HMIP.

#### **Development of enhanced units**

Leeds YOS has benefited greatly from the creation of the Kepple Unit at Wetherby YOI and we welcome the expansion of further such units. The proposal to spot purchase alternative accommodation outside the secure estate when the need arises is also very welcome.

The needs of young people in custody can be met further by improved workforce development systems, with better links and overlap between sectors, joint training and effective oversight of these programmes by the YJB/MoJ.

#### **Responding to decreasing demand**

We recognise the conflicting priorities here, but do not think that the document puts enough emphasis on the potential risks. For example, increased distances between home and custodial settings reduces the demand for ROTL and impacts on resettlement opportunities. This will have a particularly detrimental impact on girls. The reduction in commissioned places being proportionally higher in STC and secure children's home sector will have a disproportionate impact on those very vulnerable 15 year olds who may not meet the criteria for (for example) the Kepple Unit and who formerly would have stayed within the STC or LASCH sector.

It should also be recognised that decommissioning will inevitably have an adverse impact on the stated aim of working with families and parents to affect positive long-term behavioural change.

#### **A full and purposeful day**

We welcome the emphasis on this issue. In our view, the current system is more systems and service led and not needs led. Young people on remand, subject to shorter sentences or on recall are particularly poorly served with little or no choice about objectives or focused offending behaviour programmes. There is in our experience often an unhelpful wait for suitable programmes and a tendency to generalise in sentence planning rather deliver a genuinely child orientated, individualised plan.

**Effective resettlement**

YOTs and secure estate staff still operate with little reference to or understanding of each other and with separate organisational cultures. Structuring in more opportunities for shared learning and training must be a key to moving this situation on. Secondment opportunities would also bring enormous benefits, on both sides.

An area which is outside the scope of this document but should nevertheless be referenced is the paucity of suitable accommodation for young people on release from custody. The plan to develop a number of smaller satellite sites to aid development is welcome in this context. We would also be very interested to hear more about the Brent Knoll halfway house pilot and wonder where the funding came from. There is an urgent need for similar provision in Leeds.

## Consultation process

When responding, please provide the following information.

<b>Company name/organisation</b> (if applicable): Leicestershire County Council	
<b>Address</b>	County Hall Glenfield Leicester
<b>Postcode</b>	LE3 8RA

This is the response of the Leicestershire Youth Offending Service Management Board. Representatives on the Board include the statutory partners (Health, Probation, Police, Children and Young People's Services), the Courts, Districts, Connexions and the voluntary sector.

## Consultation Questions

### ***Principles and priorities***

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

*Yes, we broadly agree with the principles stated in the document. We welcome the development of a more distinctive estate for children and young people. Children and young people's offending behaviour, developmental needs, healthcare needs, education needs and family needs are different from those of adults. There is a need to maintain their safety and well-being. The current system, where there is potential for tensions to arise between the YJB's requirements as a commissioner and the operational pressures on NOMS, which can result in a lack of governance and leverage for change, should be replaced as quickly as possible by an estate that is separate from the adult system. There is also a need to improve rehabilitation and reduce re-offending through more effective commissioning between the specialist services in custody and more effective transitions between the secure estate and the community. However, the "appropriate placement" principle indicates that children and young people should be placed in the establishment that is best able to meet their needs and address their offending behaviour. Whilst this is an important principle, we are dismayed that the YJB has dropped its commitment to placing young people as near to home as possible. We would expect that most establishments should have the capacity to meet the needs of most young people requiring custody and only those with the most complex needs should require specialist provision. There are some young people (e.g. those serving short sentences or those with less complex needs) who would benefit more from remaining near to home, in order to maintain links with their family, their YOS worker and their community, although it must be said that young people from Leicestershire are routinely placed significant distances from home as there is no local provision available.*

- Are there any significant areas that are not covered?

*We consider that there should be an over-arching principle: to reduce re-offending. This would set an explicit expectation that all of the work completed in the secure estate should have a clear focus on effective resettlement and would ensure more effective join up of services in custody and in the community. The 6 principles outlined should all contribute to reducing re-offending.*

### ***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, although it is important to achieve this without transferring resources from other placement types where this would reduce the quality of provision elsewhere.*

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

*An overarching focus on reducing re-offending. It is important that all*

*commissioning of services is undertaken in a coherent and cohesive way so that all services, in and out of custody, complement and support each other.*

### **Responding to decreasing demand**

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

*Yes, it is important that financial savings are made by de-commissioning excess places. This would also provide an incentive to reduce the use of custody further.*

- 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?

*All staff who work in the secure estate for children and young people should be recruited on the basis of their commitment to, and skills in, working with this client group. Comprehensive training on working with children and young people, including safeguarding, should be provided to all staff.*

### **A full and purposeful day**

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

*All interventions should be able to demonstrate clear outcomes in relation to reduced levels of re-offending.*

- What role should the YJB play?

*The YJB should ensure effective commissioning of services, using the principles of co-commissioning wherever possible.*

### **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?

*Shared performance requirements should ensure that services in custody connect with services in the community. The provider specifications should include a requirement that the services in custody and in the community are connected and complement each other and the various provider specifications should also be connected and complement each other. All custodial providers should work together to reduce re-offending, so there is a need for a multi-agency approach to working in custody. Co-commissioning should be*

*considered. There is potential to create a national agreement between custodial and community services that requires closer collaborative working. The YJB has a role in facilitating activities and events specifically to improve levels of collaboration between the sectors.*

**Response from Lincolnshire County Council**

**STRATEGY FOR THE SECURE ESTATE FOR CHILDREN  
AND YOUNG PEOPLE IN ENGLAND AND WALES**

**Plans for 2011/12 – 2014/15**

**1. Principles and Priorities:**

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

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

- 1.1 Throughout the document there is little distinction or recognition of the fundamental and significant differences in all aspects of the strategy regarding the 3 different Secure Estate Sectors.
- 1.2 The strategy document would be better communicated, understood and relevant if it separated Secure Children's Homes, Secure Training Centres and Young Offender Institutes. To identify the diversity, differences, qualities and specific relevant strategic issues of each one.
- 1.3 Secure Children's Homes, under the governance of central and local government and, with the Youth Justice Board, have and continue to perform to very high standards and have met the majority of the requirements of this strategy for over 15 years under Children's Legislation, regulations, standards and inspections. This fact has not sufficiently been recognised and acknowledged. Secure Childrens' Homes do address young peoples offending both through accredited programmes, along with a structured routine, with opportunities to engage in purposeful days which is generally 12 hours being unsecured, a minimum of 30 hours education a week, a full wide range of differing health services, to address every aspect of physical and mental health.
- 1.4 The principles stated within the strategy are and continue to be very well met by Secure Children's Homes (Secure Childrens' Homes) which currently deliver on the majority of them and to a very high standard. Whilst we would agree with the principles, the strategy does not sufficiently identify the different requirements within the three different secure sectors and the majority of actions within the strategy apply to Y.O.I's, many to S.T.C's and very few to Secure Childrens' Homes, despite the fact Secure Childrens' Homes meet the principles and priorities stated in the strategies.
- 1.5 A principle that should be overriding, is that children and young people within the Secure Estate (and within the whole Youth Justice System) should be seen and responded to as 'children first'. National Children's Legislation, regulations, standards and the U.N Convention on the Rights of the Child should be paramount. It is encouraging

that the Youth Justice Board have stated that Secure Childrens' Homes are a provision for young people between the ages of 10 – 17 years. As so often identified a young person's chronological age does not match their level of cognitive and emotional development and functioning, thus leaving older young people equally as vulnerable as their younger peers.

- 1.6 A concern would be de-centralisation. If this happens there will not be a consistency across the secure estate as different local authorities have different priorities
- 1.7 Already finding that YOT workers are unable to attend reviews for young people due to spending cuts – what will happen if de-centralised?

## **2. 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?**

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

- 2.1 The suggested drivers for improvement need to be identified in consultation with each of the three sectors as their ability to achieve different standards and outcomes should be recognised and addressed.
- 2.2 The engagement of the Youth Justice Board in processes to better understand the complex needs of children and young people is welcomed. To further understand how this translates to the provision of cost effective targeted services and outcomes is also welcomed and will evidence Secure Childrens' Homes as cost effective provision.
- 2.3 Secure Children's Homes are very enhanced, very specialist provisions. Secure Childrens' Homes accommodate and work with some of the most complex, difficult children and young people of all ages and gender who also have severe emotional and mental health needs.
- 2.4 Secure Childrens' Homes already have thorough, rigorous recruitment, extensive induction and training for all staff. Over 80% of staff are qualified at NVQ level 3 or above in care, all staff have ongoing training in restraint and safeguarding.
- 2.5 Secure Childrens' Homes all have a high staffing ratio which enables the environment to be safe, secure and allowing staff to deal with the challenges this group of young people brings. The question has to be asked; are Secure Children's Homes not already enhanced units?
- 2.6 We would urge the Youth Justice Board within their strategy to recognise and configure the existing cost effective specialisms



provided by Secure Childrens' Homes into the development of enhanced regimes. Decommissioning places within Secure Childrens' Homes is a move away from effectively meeting the needs of children and young people within the Secure Estate.

- 2.7 The Secure Estate strategy does identify the ability of Secure Childrens' Homes to work with 15, 16 and 17 year old young people as well as undertaking the preventative work with 10 – 14 year olds. The configuration of the Secure Estate would then be better achieved and would maintain the existing specialist provision within Secure Childrens' Homes that is essential to effectively reducing re-offending.
- 2.8 It is unclear what an 'enhanced unit' would comprise of, and why they have to be part of a larger establishment, to what benefit is this? Are Secure Childrens' Homes not enhanced units in themselves, already meeting the majority of principles and priorities as stated in this strategy, providing all that is necessary and required for young people with complex needs?
- 2.9 It must be noted that Secure Childrens' Homes house the most vulnerable young people in the country and they have by far the lower suicide rate than the rest of the secure estate. This year has seen seven suicides in Y.O.I's alone. It cannot be ignored that there has not been one death in the past 10 years in Secure Childrens' Homes.
- 2.10 Secure Childrens' Homes are small homely units ensuring safety and security with the ability to provide bespoke intervention, resettlement programmes for each young person. It should be noted that the DfE has recently recognised and amended regulations to permit that secure children's homes are not now considered as a "last resort" but a positive option.

### **3. Responding to Decreased Demand:**

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

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

- 3.1 We completely disagree with the decommissioning of places within the Secure Children's Homes sector. Secure Childrens' Homes provide very specialist, high quality, high achieving placements for children and young people aged 10 – 17 years.
- 3.2 The strategy must recognise the value of Secure Childrens' Homes by maintaining and maximising every available bed. Decommissioning would lose the very high quality of service and would be detrimental to children and young people if not against the U.N Convention on the rights of the child.
- 3.3 The achievable low re-offending / re-secure rates within Secure Children's Homes also make them cost effective. Children and young

people who re-offend are also likely to enter the adult secure estate continuing to be a financial burden on the Ministry of Justice.

A report published by Rainer in 2007 put the cost of crime per young offender at £46,000 per head –well over £50,000 at today's rates. With the established success rates of 50%+ that can be proven by statistics collated by Secure Children's homes applied to the estimated annual turnover of 570 young people per annum, this represents an annual saving to the Ministry of Justice and other associated Agencies of £13m. Reduction in secure beds will drastically reduce this saving.

Whilst acknowledging the significantly higher costs of places in secure children's homes, much of this cost is due to the enhanced regimes together with the lack of economies of scale applicable with the much larger YOI numbers. However, two key facts must be borne in mind:

1. A significant number of young people are placed in Secure Children's homes because they could not cope in larger YOIs, therefore the economy of scale issue is a necessity.
2. A significant number of young people are placed in Secure Children's homes because they require the enhanced – and consequently more expensive – regimes
3. The cost of places in secure children's homes will reduce, as the costs of medical and other specialist health facilities are taken over by the relevant authorities
4. Since education provision costs are much higher in secure children's homes due largely to the breadth of curriculum and much smaller learning groups, this cost will also significantly reduce to the Ministry of Justice if/when the responsibility for funding education transfers to the LEAS

- 3.4 Secure Children's Homes are managed by Local Authorities and embedded within Children's Services. Youth Offender Services are also managed by Local Authorities and Children's Services. Much can be achieved through developing local and regional initiatives.
- 3.5 The risks identified within the strategy of decommissioning are significant. If and when demand is greater than provision more vulnerable, needy at risk children and young people will be inappropriately placed. Decommissioned Secure Children's Homes are likely to close and will not reopen, as has been evidenced over the last five years. The geographical dispersment will make resettlement harder to achieve and improved resettlement is an essential part of preventing re-offending. Population management will require increased specialist resources which are costly and could significantly drive up placement costs.
- 3.6 There is no process in terms of market testing and while market forces cannot dictate a service, it is recognised that market testing is already in place, it needs to be quality led whilst recognising best value. It is difficult to compare and contrast against establishments who provide a different service to that of a Secure Children's Home.

#### **4. A Distinctive Secure Estate:**

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

- 4.1 As previously outlined we currently have 3 very distinctive sectors within the Secure Estate. Secure Childrens' Homes operate under very effective Children's Services governance and provide a very good quality service. For example:
- a minimum of 30 hours education following the national curriculum
  - a minimum of 7 hours of intervention programme work
  - 12 hours of enriching activities with safe staffing ratios of 2:1
  - Average 80% of workers qualified and managers qualified in care and management
  - Work in partnership with DoE
  - Teaching staff ratio 3:1
  - Safeguarding board / LADO involvement
- 4.2 A distinctive children's estate is essential if we are to adequately meet the development needs of children and to respond to children as 'Children First' not as labelled offenders.
- 4.3 To decommission any places within this distinct sector would be completely contradictory to the strategy objectives and a detrimental disadvantage to children and young people.
- 4.4 A strategic initiative made by the Youth Justice Board throughout their term has been their continued attempt to streamline and standardise services across the three Secure Sectors. The quality provision in Secure Childrens' Homes needs to be recognised and valued as an essential part of the whole Secure Estate strategy, and thought needs to be given to whether Secure Children's Homes are "enhanced units".
- 4.5 The governance of any children's service should be placed clearly within Children's Service Sectors. In order to provide the required governance to achieve the required outcomes for children in the Youth Justice System.
- 4.6 Secure Children's Homes provide a range of specialist commissioned services that undertake assessments and through an integrated process, formulate a detailed Care Plan inclusive of full time education, a purposeful day and physical emotional and mental health interventions. Therefore are Secure Childrens' Homes specialist units within the secure estate?
- 4.7 The role of the N.H.S in England Commissioning Health Services in Secure Children's Homes is a positive move although it also presents

risks associated with the level of service to be continued or provided. Current levels of service need to be maintained.

- 4.8 Secure Childrens' Homes are an integral part of Local Authority Children's Services and have always complied and linked into Child Protection and Safeguarding Policies, Procedures and Practice. Engagement with children's services and more importantly Secure Childrens' Homes to set the framework is required to understand the range of key factors that link to safeguarding.
- 4.9 The Youth Justice Board need to publish clearly their definition of 'adequate' when stating their intention to ensure custodial facilities are adequate for children and young people.
- 4.10 The additional initiatives listed that the Youth Justice Board are taking forward are again specific to the Y.O.I Sector. This needs to be identified clearly and again the level of staff expertise within Secure Childrens' Homes should be acknowledged.
- 4.11 Engagement with families provided by Secure Children's Homes is vital for most successful outcomes. Family support, engagement and the provision of a family placement on discharge is a key factor to achieve the intensive support children and young people require on discharge to stop them re-offending.

## **5. A Full and Purposeful Day:**

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

**What role should the Youth Justice Board play?**

- 5.1 The environment a child / young person lives within is the key factor to engagement. Secure Childrens' Homes are able to provide homely, structured, safe, nurturing, supportive, caring environments that are child focussed within small units. High staffing ratios, good quality support services and full time education provision enable interaction with children and young people continuously. Secure Childrens' Homes have qualified people to deliver intervention work such as CAMHS, psychologists etc. and outcomes are assessed and this then feeds into bespoke individual plans. This continuous interaction enables staff to address many aspects of child development and need throughout the working day which has a major impact.
- 5.2 Specific programmes of work have their place but the need for a detailed individualised, tailored intervention plan is essential to focus and target the key areas of child need and development. It is often the case that recovery and repair work is needed first to enable children and young people to engage. The Youth Justice Board could provide more specific expectations and move from quantitative to qualitative results setting clearer outcomes and give set expectations giving more freedom to provide this in the best way for each young person.

- 5.3 There is much to be learned from Secure Childrens' Homes that could be used within S.T.C's and Y.O.I's. The significant differences within the 3 secure estate sectors make it again, imperative that Secure Children's Homes are recognised and valued for their significant achievements. The Youth Justice Board could do more research and dissemination of findings to enhance service provided to young people across the estate.
- 5.4 The Youth Justice Boards role could define effective interventions incorporating positive behaviour, child focused plans.
- 5.5 Consideration needs to be given for the YJB to work along side the DfE  
to integrate some of the legislation and requirements in terms of care,  
safeguarding and interventions for young people that offend. As DfE now  
consider secure children's homes as a positive option, no longer a "last resort".

## **6. Effective Resettlement:**

**What are the most effective ways for the Youth Justice Board to support providers so that services in custody and services in the community are better connected and complement each other?**

- 6.1 The resettlement needs and planning for children and young people is addressed monthly in Secure Childrens' Homes within multi agency Care Planning, Review and Progress Meetings. The engagement, links and planning undertaken within the community is the task of the Y.O.T. Secure Childrens' Homes keep the Y.O.T up-to-date with key information which the Y.O.T should be configuring into the provision of community services inclusive of the family.
- 6.2 The identity of the Y.O.T within the Local Authority and the integrated working with Children's Services is a key to successful resettlement.
- 6.3 The most important key factor that enables successful resettlement is providing the required level of support on discharge which is often required to be intensive. Children and young people move from an intensive supportive environment back into the community with insufficient direct support. To better provide for this each secure facility should have resettlement officers based within them to undertake the key tasks from point of admission to the end of the intensive community support required. The Youth Justice Board need to focus resources in this way to achieve better cost effective outcomes.
- 6.4 Should children and young people not be placed close to their resettlement Local Authority much can still be achieved through a Resettlement Officer based within the secure facility to liaise, chase up, organise, communicate, validate, etc.

- 6.5 The Youth Justice Board could support providers in having further powers to place more pressure on YOT / SW / Education to impress upon them their roles and responsibilities during resettlement planning and on discharge.
- 6.6 Placements need to be identified much sooner so that work can be done for the specific area on resettlement. Earlier identification of placement would also enable other services to be put in place prior to discharge
- 6.7 Could the Youth Justice Board assist Secure Childrens' Homes along with YOT's to explore how a payment by results approach to increase joint accountability and improved outcomes.



## CONSULTATION RESPONSE

### STRATEGY FOR THE SECURE ESTATE FOR CHILDREN AND YOUNG PEOPLE IN ENGLAND AND WALES

Lord Ramsbotham

This short contribution is in addition to the response submitted by the Independent Steering Group of the Young Offenders Academy Project, of which I am a member.

1. In October 1997, as HM Chief Inspector of Prisons, I published a thematic review entitled *Young Prisoners*, in which I made a number of recommendations to the then Home Secretary including:

#### Children

- a. Some children need custody for their own and the public's protection but it should be used as a last resort and custodial institutions for children should serve identifiable geographical communities.
- b. The bringing together of all Criminal Justice and community agencies who are concerned with children involved in crime should be organised within a single unified framework.
- c. The Prison Service should relinquish responsibility for all children under the age of 18.
- d. Staff who work with young people in custody should be specially selected, trained and supported; their professional conduct regulated by a code of practice.
- e. Custodial institutions for young people should provide:
  - (1) A safe environment
  - (2) A culture which promotes social responsibility
  - (3) Opportunities to grow up and to change
  - (4) Opportunities for education and work skills
  - (5) Continuing care involving families
  - (6) Preparation for a life free from offending.
- f. Local authorities should pay the costs of all children in custody.



- g. Agencies in the community, including the NHS, should work together with custodial authorities to develop their input to establishments holding children, who may be in need of a range of services more appropriately provided by community organisations.
- h. Mental health problems among young people in trouble with the law should be acknowledged and addressed.

#### Young Adults

- i. The Young Offender Institution Rules 1988 should be revised to provide instructions and operating standards for the running of regimes for all young people in custody, whether on remand or sentenced. They should address the particular problems of adolescence. The Rules should be renamed accordingly.
  - j. Units holding young adult prisoners should have performance criteria related to specific outcomes for young prisoners, some of which should be shared with other Criminal Justice and community agencies.
2. In the same thematic review I recommended to the Director General of the Prison Service that a Director of Young Prisoners should be appointed, whose duties should include responsibility for the quality and delivery of consistent regimes for young prisoners. The formation of a Youth Justice Board was being considered at the time, but its Chairman is only responsible for the quality and delivery of consistent regimes for children – one of the success stories of recent years. The continued poor standards of regimes for young adults, reported on time and again by me and my two successors as Chief Inspector, are, I believe, more than partly due to the continued absence of any named person responsible and accountable for consistent provision. I therefore repeat my recommendation, with the added proviso that the Chairman of the Youth Justice Board must be retained.
  3. Since then I have repeated some or all of these recommendations, verbally and in writing, on many occasions. It has been a matter of supreme regret that so many remain unimplemented, because that explains why exactly the same faults and problems on which my teams and I identified and on which we reported 14 years ago, are still – avoidably – present.
  4. Throughout the work of the Steering Group of the Young Offenders Academy, three themes in particular stood out:
    - a. The crucial importance of providing young people with long term contact with a responsible adult.



- b. The importance and value of local ownership of and involvement in the solution to local problems, including the development – and, where necessary, disciplining – of its young people.
  - c. The importance of sustainability, which is put at risk by not having anyone responsible for consistency, by frequent movement of staff and by the uncertainty generated by awarding short term contracts to providers of activities.
5. I fear that, without a named person, responsible and accountable to Ministers for delivery, nothing will happen, as nothing - other than short term palliatives, in individual establishments - has happened for far too long. This has not been helped by uncertainty over Ministerial responsibility, particularly when there was a Minister for Children in the Department of Children, Schools and Families, who insisted on being involved with the administration of custody. Staff in custodial institutions need to know to whom they are accountable and responsible, and for what, and the system by which this is achieved needs to be simple. The present system is too uncertain, too complicated and too inconsistent, to give anyone any feeling of confidence.
6. The riots in August lend speed to the need to resolve this, once and for all, and long term. The problem of the numbers of uneducated, unskilled, demoralised, unmotivated, ill-disciplined, ill-parented - and without either hope or apparent prospects - young people is not going to go away. Every country in the world has to resolve this problem, which is not done by punishment, particularly if this involves locking them up, with nothing constructive to do, which is the fate of too many today. The Criminal Justice System should not be looked at as apart from mainstream activity, but a part of it, a part that it should be called upon to exercise only when circumstances dictate. But the way it plays its part should, again, not be apart from but in line with the delivery of mainstream activities, which emphasises the importance of linking in custodial establishments with other local arrangements. This is the only way of ensuring that whatever is done with and for young people, either in or out of custody, is continuous and consistent, and therefore not wasted. This is why I support and recommend a pilot of the Secure Foundation proposal, which is designed to do just what I recommend, based on a thorough analysis of what is not working now, and why. The present system patently does not work, and needs radical surgery, not patching up.



27 September 2011

Lord Ramsbotham  
Crossbench peer and HM Chief Inspector of Prisons 1995-2001

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

## **THE LUCY FAITHFULL FOUNDATION**

The Lucy Faithfull Foundation (LFF) is a child protection charity committed to reducing the risk of children being sexually abused. LFF works with adult male and female sexual abusers, young people with inappropriate sexual behaviours, victims of abuse and other family members. More information about LFF can be found on the following websites, [www.lucyfaithfull.org](http://www.lucyfaithfull.org) and [www.stopitnow.org](http://www.stopitnow.org).

The Lucy Faithfull Foundation holds the contract with the YJB to provide an assessment and intervention service for young people with convictions for sexually harmful behaviour. The service is provided to 39 young people over 4 YOIs in the young people's secure estate, HMYOI Ashfield, HMYOI Hindley, HMYOI Wetherby (including the Keppel Unit) and the Carlford Unit at HMYOI Warren Hill.

This response is based on LFF's experience of providing services to young people with convictions for sexually harmful behaviour in the young people's secure estate and LFF's general interest in improving outcomes for children and young people.

### **Principles and Priorities**

LFF agree that a clear set of principles and priorities should underpin the development of the secure estate. The principles and priorities outlined in the strategy document present a number of challenges to the secure estate as currently configured given the difference in resources and organisational culture between the secure estate provision managed by the Prison Service and that provided by STC and SCHs. The commissioning arrangements will need to enable the ethos and aims of the strategy to be achievable across the estate with opportunities for sharing and developing good practice across sectors.

### **Reconfiguring the Secure Estate**

LFF welcome the proposals covering use of commissioning powers and suggest that consideration is given to commissioning services that are able to work from custody to community and support the resettlement process, enabling more alignment between custodial and community provision. Our experience in providing up to a total of 3 post release contacts through our current contract indicates that additional follow up contact by specialist providers may be necessary especially where the YOT has little experience of work with young people who have committed sexual offences and where the young person has committed a serious sexual offence and/or has complex needs.

While payment by results may be able to increase local accountability and improve resettlement outcomes it is difficult to see how this approach to funding could apply where young people have complex needs and are at high risk of re-offending.

LFF support the exploration of the potential for commissioning a small number of places outside of the secure estate so long as the long term placement needs of young people, including their resettlement needs, are considered.

LFF has been supportive of the development of Long Term Units (LTUs) within the YOI estate but would like to see a clearer role for the YJB in strategic assessment of need within the estate and working with NOMS to develop provision that is appropriate to that need and is underpinned by a clear treatment model. LFF also considers that it is important that the LTUs consider the 'move on' needs of young people in a more explicit way. For young people who will be released from LTUs more focus is needed on the practical aspects of resettlement such as development of independent living skills. For young people who are to be transferred to the young adult estate, consideration should be given to their transition needs (see comments in relation to a distinctive estate).

As demand reduces within the estate it is possible that the proportion of young people with complex needs will increase. Rather than replicate provision such as the Keppel Unit, it may be more cost effective to consider the development of small units within establishments with a treatment model similar to that of the Willow Unit which enables young people to move between normal location and more supportive provision within the same establishment.

LFF note that there is no change proposed in provision for young women aged 17 years. Our experience in attempting to engage with young women with sexual convictions placed within special YOI units through a spot funding arrangement with the YJB indicates that there are a number of practical difficulties in providing specialist interventions to a unit where the length of stay is a year or less. Consideration could be given to being flexible to the needs of young women aged 17-21 with placement decisions based on their needs rather than age.

### **Responding to Decreased Demand**

LFF consider that the reduction in sites that follows decommissioning will impact upon the young person's closeness to home and therefore on links with families and the resettlement process. It also gives rise to challenges in managing a diverse population. Work will need to be undertaken within the estate to ensure that family links are retained and positive relationships between the young person and resettlement providers can be developed.

### **A distinctive estate for children and young people**

LFF agree that the lack of a distinct secure estate for children and young people has led to significant differences in the way children and young people across the estate are managed. This leads to difficulties in managing transitions, especially in the case of young people serving long sentences where they will transfer at age 18 to the young adult estate. Any moves to create a more distinct estate for young people under the age of 18 should be accompanied by a focus on the needs of young people who will move on to the over 18 estate and how they can be prepared for both the practical and emotional changes that are inherent in transfer.

While LFF support a more distinctive estate for children and young people, consideration should be given to enabling young people serving lengthy sentences to experience open conditions and more creative use of Release on Temporary Licence in the same way that they would in the young adult estate.

## **Improving rehabilitation and reducing offending**

LFF support the commitment to improving rehabilitation as outlined in the strategy document. LFF has observed that the opportunities for young people to access offending related programmes that are research and evidence based and meet their offending related needs are extremely limited. The YJB could be more involved in translating KEEP documents into practice guidance for establishments, being more specific about the standards required in delivery of offending related programmes in commissioning in the secure estate and encouraging and supporting the development of good practice through involving secure estate managers and staff in identifying and sharing good practice.

LFF fully support the emphasis on working restoratively but consider that more guidance is needed to inform this process, especially where young people have complex needs and/or have committed serious offences. LFF has committed to developing restorative interventions for the young people we work with in custody in the Business Plan for our YJB contract 2011-12.

LFF would like to see the development of the strategy to include a specific emphasis on young people who present the most significant challenges within the estate. Our experience indicates that there is a lack of support for establishments in managing this small group of young people with the most complex needs. LFF do not consider that the current method managing some of these young people through a 'Disruptive Prisoner Protocol' is the most appropriate way of addressing their needs. Managers and staff in establishments should receive training and support in understanding and managing difficult and challenging behaviour, with protocols developed for use where the young person's needs are best addressed by a transfer.

## **Safeguarding**

LFF is in agreement with the safeguarding proposals contained in the strategy. We suggest that the performance management framework includes a focus on how young people with sexual convictions (and those who have committed high profile offences) are managed in the estate from a safeguarding perspective. Our experience indicates that establishments are poorly equipped to deal with offence disclosures by young people with sexual convictions with disclosures often being managed by a move to another establishment or encouragement to create a 'cover story' that includes a different index offence such as robbery. These practices do nothing to ensure the emotional and physical safety of young people and often reinforce the shame and fear they experience as a consequence of their sexually harmful behaviour. LFF would be prepared to work with the YJB on this issue.

LFF recognise that restraint is necessary in certain circumstances but would like an increased emphasis on behaviour management systems that include a response that incorporates an understanding of issues such as trauma (including experience of abuse), attachment disorders and emerging mental health problems.

## **Workforce Development**

LFF welcome the vision for workforce development outlined in the strategy document and suggest that much could be learned from the development of the Willow Unit

where the training strategy is central to the development of the treatment model for the Unit.

The workforce development plan should include opportunities for staff to develop their skills through structured and supported opportunities in establishments. For example a renewed emphasis on personal officer or key worker schemes that support the sentence plan and regime development. The plan should also include awareness training covering areas such as Attention Deficit Hyperactivity Disorder (ADHD), Autistic Spectrum Disorder (ASD) learning and speech and language difficulties.

LFF's experience of providing training to a wide range of staff working in the secure estate indicates that the majority of staff are poorly supported in managing the emotional impact of working with young people who have sexual offences or who present challenges as a consequence of their complex needs. LFF would be interested in providing training to support staff and managers in developing ways of managing the impact of work with young people who have caused sexual harm to others.

### **Placement Process**

LFF currently provide specialist support and advice to the YJB Placement Service in placing young people with convictions for sexual offences or who engage in sexually harmful behaviour within the secure estate. Our experience of providing this service indicates that the Placement Service could be assisted through being able to access a broader range of specialist support and advice.

LFF would like to see the strategy including a wider role for the Placement Service, such as strategic case management of young people serving long sentences who will transfer to the young adult estate and young people who are placed on the Disruptive Prisoner Protocol.

### **Assessment and Sentence Planning**

LFF support the proposal for a new assessment and planning intervention framework and have been working with the project team on how the framework will address the needs of young people who engage in sexually harmful behaviour.

### **Mental and physical well – being**

LFF's experience of work with young people in YOIs indicates that the extent to which their mental and physical well being is addressed varies by establishment and by the degree to which specialist provision such as CAMHS is integrated within the regime.

Our staff have observed YOI staff attempting to manage young people with extremely challenging behaviours working without access to appropriate support.

The strategy must address the commissioning of mental health services for young people in the secure estate to ensure integration of services and the prompt and effective assessment of young people with emerging mental health problems. The strategy must also address protocols for quick and effective transfer of young people to specialist provision outside of the secure estate where transfer is necessary to meet their needs.

### **Full and purposeful day**

LFF note that there is limited emphasis on education within this section of the strategy. Our experience in working within the YOI estate and especially within the LTUs suggests that while education provision is often a priority within the regime, the quality of provision and emphasis on meeting the educational needs of young people serving long sentences, including the opportunity to work towards GCSE and Advanced level qualifications, has reduced in recent years. LFF would like to see the commissioning arrangements for education and vocational training to include particular provision for young people serving long sentences.

LFF is disappointed that the 'Sex and Relationships' element of the core curriculum is no longer delivered in the majority of establishments. Given the age of young people within the secure estate it is important that they receive appropriate sex education and that this is accompanied by an emphasis on consent and relationship skills.

LFF welcome the comments in relation to development of speech and language services within establishments.

### **Resettlement**

LFF support the plans for development of resettlement contained in the strategy and the emphasis on resettlement beginning on the young person's entry to custody.

LFF consider that work undertaken with local authorities in relation to resettlement should include a focus on young adults who have spent a large part of their adolescence in custody. There needs to be more investment in providing appropriate accommodation such as 'half-way' houses and supported lodgings to provide young people with appropriate help in integrating into their community post release.

LFF is concerned that the resettlement process for young people transferring between YOT and NOMS supervision post release often fails to meet the needs of the young person. For example, accommodation in NOMS Approved Premises being the only accommodation option offered to a young person. This inevitably places the young person in contact with older offenders with more entrenched offending patterns. It also potentially places young people with experience of being sexually abused at risk of being victimised again.

LFF would like to see the development of a distinct secure estate for young people supported by the development of a more distinct focus on young people in the processes that link to resettlement such as Parole and Multi Agency Public Protection Panel Arrangements.