

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

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.

- Magistrates Association
- Manchester City Council
- Mayor of London
- Medway Youth Offending Team
- Member of the public: Liz Hill
- Members of the public: Robin Giles and Kay Brown
- Mencap
- National Children's Bureau (NCB)
- National Council of Independent Monitoring Boards
- National Offender Management Service (NOMS)
- National Secure Forensic Mental Health Service for Young People
- National Treatment Agency for Substance Misuse (NTA)
- Newcastle University
- Newport Youth Offending Service
- Norfolk Youth Offending Team
- Nottinghamshire Youth Justice Partnership
- Office of the Children's Commissioner (OCC)
- Ofsted
- Oxfordshire Youth Offending Service
- Prince's Trust
- Probation Chiefs' Association (PCA)
- Public and Commercial Services Union (PCS)



Principles and Priorities

Do you agree with the principles stated in this document?

Yes. We are particularly pleased to see (paragraph 24) that a distinct, specialist secure estate for children and young people is recommended. We view this as a fundamental requirement. In the same paragraph, we fully agree that staff should receive appropriate training and we feel that this should apply to every single member of staff. We have placed great emphasis on this requirement for some years. On the same theme (paragraph 52) we agree with the implementation of a workforce development strategy which attracts, recruits, trains **and retains** staff who want to work with some of the most challenging young people in our society.

We fully agree (paragraph 31) that commissioning of secure accommodation and the placement of young people should remain a national function.

We were very concerned to read (paragraph 72) that there are “fewer resources than in the other sectors of the secure estate” and we regard this as extremely short-sighted. We hope this will be addressed robustly.

Some magistrates are unconvinced that youth crime is decreasing and that out-of-court disposals are being used appropriately. There appears to be an increase in the level of seriousness of the offences they are seeing, even if overall figures are falling.

Are there any significant areas that are not covered?

We feel that there are a number of areas that are not covered to an appropriate degree.

The geographical distribution of the various institutions is largely glossed over in this document. To an extent, this is “the elephant in the room”. As the number of young people in custody thankfully decreases and beds are decommissioned, the appropriate geographical placement of these young people could well become increasingly difficult. It is obvious that they should be as close as possible to their families and it is accepted that they will sometimes, unfortunately, be placed at a considerable distance from their homes. We appreciate the difficulties but feel they should be addressed directly, whereas this document largely skirts around the problem.

Reintegration into family and community, education and employment will be assisted by geographical proximity. We are concerned at the apparent frequency with which young people are moved between establishments. This will have an obvious negative impact on their education, training, relationships etc.

We feel that the terms of the licence on release from a DTO should be discussed in this document. Every encouragement should be provided to the young person to be fully integrated into society on release, ideally with appropriate employment. We believe that this is sometimes severely hampered by the terms of their licence. Perhaps youth magistrates could be involved in deciding the terms of the licence?

The role of the YJB in monitoring provision and arrangements within the secure estate should be emphasized, and also in ensuring continuity with YOTs on release from custody.

We feel that “looked after children” deserve much greater emphasis and consideration, as they are particularly vulnerable.

The development of enhanced units

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

Yes. We have visited the Keppel Unit at Wetherby YOI and were extremely impressed with this establishment, particularly the dedication of the staff and also the environment, which is far more impressive than most YOIs. However, similar units must not be developed at the expense of the remainder of the secure estate for children and young people.

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

Staffing levels, training of staff and the physical environment could all be improved if the resources were available. Maintaining staffing levels and avoiding a constant change of staff would help young people to build trusting relationships.

Responding to decreasing demand

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

Broadly yes. But we are concerned with the geographical distribution of establishments. The long-term impact of the civil disturbances in August is as yet unknown.

What role should market testing play in this process?

Research should be commissioned in an attempt to minimize this geographical problem.

A distinctive secure estate

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

The value and importance of a distinct specialist secure estate for young people cannot be overemphasized. The eventual aim should be for all units to be modern and purpose-built and specifically not adjacent to adult prisons. We accept that this will require substantial resources which are unlikely to become available in the foreseeable future. All staff should be fully trained and retrained in this very specific and difficult area of custodial work.

A full and purposeful day

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

The young people should be encouraged to take national examinations to provide them with recognizable qualifications on release. They should be encouraged to learn trades such as bricklaying, plastering, plumbing etc, with a view to obtaining an NVQ. Maths, English and vocational qualifications are of particular importance. It is essential that every day is structured and includes educational, leisure and constructive periods.

What role should the YJB play?

The YJB should encourage such initiatives and provide the necessary resources. There is some concern on the impact of the transfer of funding to local authorities and whether this could result in pressures on local magistrates as a result of a potential conflict of interests.

Effective resettlement

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

The same people could work both in the secure estate and in the community, although it is acknowledged that different skills are required. Some continuity could be established towards the end of the detention period by the YOT officer who would be supervising the young person in the community while on licence. Mentors could be arranged to help with accommodation, finding a job, signing-on, providing support, and hopefully diverting young people from adverse influences. There is widespread concern regarding release from custody and a need for a stronger link between "inside" and "outside" to ensure that the

young person is able to cope on release from the security and structure of custody. The terms of the licence are of obvious importance.

Manchester City Council
Response to the YJB Consultation on the Strategy for the Secure Estate

1. Manchester City Council welcomes the opportunity to comment on this strategy.

Principles and priorities

2. The principles outlined in the consultation paper do not reflect the increasing localism agenda and should include:

- Maintain contact with family and support networks in their local community
- Joint working between the secure establishment and the local service providers to ensure effective resettlement of young people back into their community
- Where possible, to place young people close to home.
- Working to achieve a full-time school, college or work placement upon release.

3. The huge majority of young people return to the community they came from and most return to their family home or an address of a relative or family friend. This is not reflected in the paper. Effective resettlement builds on these relationships and requires close working between the establishment and local agencies including the local authorities and the Youth Offending/Children's Services. Placing young people closer to home will enable such joint working and improve the understanding of local authorities of the needs of young people coming out of such establishments. A full and purposeful day is important but is only effective if it leads to a positive outcome for the young person when they are released. Keeping young people local to their community will enhance the chances of doing this.

4. The Resettlement Consortium Pilot in Manchester has demonstrated that the local authority, working with partners, can make an enhanced offer of resettlement to young people by working with the establishment from an early stage to address need and plan for release. Early indications are that this is a more effective and streamlined way of working and avoids unnecessary duplication of effort, providing a clear pathway for the young person to navigate.

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?

5. There is a danger that developing enhanced units within larger establishments will result in moving young people around the UK, taking them away from their local community. This is expensive and unnecessary in most cases. Instead, expertise could be built up within establishments by building relationships with local providers who could deliver interventions that could be continued upon release. For example, the Lucy Faithful Foundation can provide a specific type of expertise that can be delivered in custody and the community. Young people do not have to be moved across the country to receive this.

6. Having smaller secure establishments closer to the home areas of young people would be a better way to address the needs of young people and work in partnership

with agencies in the community who will be responsible for the young people on release. This would provide a more joined up and localised service that would enable the retention of family links, accommodation and possibly, a school/college/job placement.

Responding to decreasing demand

7. The decrease in demand provides a good opportunity to move from the traditional way of managing the secure estate to commission smaller, bespoke secure establishments in local communities. Market testing would offer a wider range of providers and would allow some local ones to provide a continuous service in custody and community.

A distinctive secure estate

8. We agree with paragraph 40 and would like to know more about this proposal. Individually tailored provision that is linked to local services and maintains family links is the ideal for most, if not all cases.

A full and purposeful day

9. There needs to be more emphasis on how what happens within the establishment fits with what is available when the young person is released. The Apprenticeships, Children and Learners Act now makes it a statutory obligation to share information on a young person's education as they move from the community to custody and back into the community again. There needs to be more consideration of the 'customer journey' and how a young person can be encouraged and supported to access education, training or employment on release from custody. This would include working with local Connexions Services to learn what opportunities are available in a young person's home area.

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?
10. The YJB can assist and support the secure estate to make the necessary links to the relevant Local Authorities in order to build relationships and share information about services. The Resettlement Consortium Pilot has facilitated this in Manchester and this way of working needs to be mainstreamed. Smaller establishments, closer to home would enable this to happen more easily.

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

Consultation Response from the Mayor of London

Introduction

1. The Mayor of London welcomes the opportunity to respond to the consultation on the strategy for the secure estate for children and young people in England and Wales.
2. The Mayor's Office for Policing and Crime (MOPC), which is being created under the Police Reform and Social Responsibility Act 2011, will be responsible for issuing a police and crime plan and determining the objectives across London. This will not only make the Mayor directly accountable to the public for policing performance in the capital, but also provide a greater role in determining how criminal justice is delivered.
3. The outcomes from the punishment and rehabilitation of offenders have an impact on many Londoners, not only those involved in crime (whether as a victim or perpetrator). The recent civil disturbances have been a particularly powerful example of how the actions of a minority can disproportionately affect the majority. Therefore, the Mayor calls on the government and its criminal justice agencies to work together with him and the MOPC to ensure that changes in the secure estate are right for London. This goes beyond the principles and broad ambitions as defined in this consultation document and should, moreover, involve decisions around future spending and local devolvement of criminal justice budgets.
4. Reducing reoffending should be at the heart of any secure estate strategy. The Mayor recognises that achieving sustained reductions is extremely challenging, which is reflected in the stubbornly high reoffending rate over recent times. To make real inroads, the link between custody and community is absolutely vital.
5. Criminal justice matters in the capital are unique, given its size as well as the political and statutory systems in place:
 - Co-ordination is complex - London has the largest number of local authorities of any region in the UK
 - London has separate agencies and different systems from the other regions
 - The Metropolitan Police Service has responsibilities that not only cover London, but the rest of the UK and overseas as well
 - It is estimated that there are roughly 10,000 third sector organisations working with children and young people across the capital
 - London has a higher youth crime rate than any other region
 - Our population is young, ethnically diverse and highly mobile
 - We have many pockets of extreme deprivation, often neighbouring very affluent areas
 - Crime and crime prevention within London cannot be seen as a single borough issue – there are more often than not cross border elements, whether intended or not.

6. Therefore, it is essential that there is regional coordination. The Mayor has made youth crime and violence a key priority for his administration. Following the publication of *Time for Action*, the Mayor's strategy to reduce serious youth violence and reoffending, he has taken an increasingly central role in response to demands for leadership on this issue across the capital, at the same time as many of the established institutions have been abolished or vastly reduced. The imminent creation of the MOPC and the recent establishment of the London Crime Reduction Board (chaired by the Mayor) provide the right conditions to strengthen, simplify and increase the accountability of the regional response to youth crime and violence which has in the past been overly complex, fragmented, dysfunctional and, ultimately, ineffective.

Response to specific consultation questions

Principles and priorities

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

7. Yes, the Mayor broadly agrees with these principles.
8. The Mayor would also like to see some more specific principles on education and training in order to prepare young offenders with the skills, attitude, ambition and readiness to take part in meaningful activity once they are released from custody.
9. 'Appropriate placements' should reflect geographical needs too. Placing young people far away from their home and their Youth Offending Team (YOT) can compromise the quality and quantity of any rehabilitative and resettlement support which they can meaningfully receive. The Mayor wants to see more openness with regard to placement rationale and operational policy in this area, and simply wants to see more young Londoners placed closer to home.
10. While there is a principle in relation to equalities there is no detail within the document on how equalities (for instance, gender) will be addressed. While young women continue to represent a minority of young people in custody, it is crucial that their specific needs are met if the youth justice system is to fulfil its goal of "preventing offending by children and young people between the ages of 10 and 17, while safeguarding their welfare", as set out in the government's Green Paper *Breaking the Cycle*.
11. The Mayor would encourage the MOJ and the YJB to ensure that the findings and recommendations of the independent inquiry on girls and the penal system (currently being conducted by the All-Party Parliamentary Group on Women in the Penal System) inform the development of the strategy for the Secure Estate for Children and Young People. A gender impact assessment should be undertaken to ensure that the whole system is designed to respond to the different needs of young women.

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?

12. The Mayor fully supports the development of enhanced units. Under 'Time for Action', the Mayor launched Project Daedalus which combines a specialist unit in Feltham Young Offenders Institute (the Heron Unit) with enhanced resettlement support. This project is set out as a case study within the consultation. The full evaluation is due next year but, already, there is much learning that can be taken forward.
13. In developing specialist units, consideration should not only be for those with the most complex and challenging needs. There should also be a significant effort to separate those with the most entrenched offending behaviour from those who have a greater willingness to address their problems. It is particularly important to identify those young people in custody who are motivated to address their offending behaviour and ensure that they are given sufficient support to be able to move forward positively. If delivered effectively (and we recognise there are lessons to be learned from Project Daedalus), this has the ability to dramatically drive down reoffending rates.

Responding to decreasing demand

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

14. We would welcome further detail on these specific proposals, especially in relation to London. London accounts for approximately a quarter of the youth offending population, however this is not reflected in the number of custodial places in London and the South East. Too many young Londoners are serving their sentence far from home. Extreme care should be taken not to widen this gap any further.

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?

15. In order to ensure that young people in custody get the best chances of successful rehabilitation, the Mayor strongly believes that more must be done to separate those who are motivated to change from more entrenched young offenders.
16. For the same reasons, he also wants to see 15-year-olds placed on different wings to older boys in custody and those remanded in custody placed elsewhere to those serving custodial sentences.
17. There is very little distinction within the consultation document around those sentenced and those remanded to custody. Clearly, the Mayor supports the government's vision to reduce the number of those remanded to custody, as set out in the MoJ Green Paper and subsequent Legal Aid, Sentencing and Punishment of Offenders Bill. However, he also recommends that more needs to be done within the secure estate to support those on remand. The average time young people spend on remand is six weeks but often very little is done with these young people during this time, with little to no resettlement work taking place once they are released back into the community.
18. The Mayor would welcome discussions around potential innovations in London with regard to alternative provision for young people on remand – more can be done than simply placing all remanded young Londoners in Feltham.

19. The Mayor agrees with the emphasis on working with families and parents, to affect positive long term behavioural change. This is especially important where the incarcerated young person has siblings at risk of following a similar path. Whilst the family will already be receiving currently available support, the Mayor feels that there is a real opportunity to provide a more innovative approach to engaging positively with families through this most difficult time. The GLA are currently testing parent advocacy in Pupil Referral Units, and there could be value in replicating this within custody, albeit given the different situation/context.

A full and purposeful day

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

20. Education for young offenders should be prioritised as an effective intervention in its own right. Better, formalised partnership working between local authorities, the courts, education providers and the secure estate will ensure the attendance and educational attainment of young offenders is central to all sentences.
21. The Mayor is particularly interested in ensuring seamless, uninterrupted educational provision for those entering and leaving custodial establishments. This is an area which has been highlighted on a number of occasions. More detail and discussion would be welcome around improving timely information sharing between schools and the secure estate, as well as measures to guarantee appropriate educational provision for young people immediately upon release.
22. The links between serious youth violence and violence against women are well established. Secure establishments provide an opportunity to educate young people on healthy relationships and to challenge negative attitudes towards women and girls. Even if young people are not in custody for a violence against women and girls (VAWG) offence this does not mean that they have not perpetrated acts of violence and abuse against women. Early identification of these issues is important to ensure that appropriate interventions are put in place.
23. It is also crucial that interventions in secure establishments address the specific needs of young women. Gender-specific interventions should be tailored around young women's experiences and the causes of their offending behaviour. In some instances a gendered approach is misinterpreted and results in young women being offered subjects that are deemed more "suitable" for girls such as hairdressing. Interventions should not perpetuate gender stereotypes and young women should have access to a broad range of subjects.
24. Young women who have experienced sexual or domestic violence or gang-related violence are likely to have additional support needs which should be identified and responded to through appropriate interventions.

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?

25. Commitment should be made to continue and improve resettlement support for all young people leaving custody. The Chief Inspector of Prisons reported recently that only one in three young

offenders was given suitable accommodation, training or employment on their release, thereby reducing their chances of successful rehabilitation.

26. The Mayor has made significant investment to resettlement support in London. Following the latest announcement on the European Structural Fund funding round 2011 to 2013, this is likely to continue. It is essential, therefore, that whatever provision/ support is provided by the YJB, it works alongside this investment. It is also important to ensure that, by virtue of this investment, London does not lose out on other opportunities. Recent reductions in YOT funding and Integrated Resettlement Support no longer being ring-fenced does provide some significant challenges in providing adequate resettlement (especially when current provision is not considered by the inspectorate of prisons as adequate).
27. In these times of financial cuts, it is vital that there is a commitment for all partners to work closely together to ensure any investment is not duplicated and provides the greatest benefit.

Planning for beyond the current spending review period (2011-15)

28. The Mayor invites the MoJ and YJB to have an early and detailed debate with the MOPC (once created) on the new spending proposals for the secure estate, in order to ensure that London's needs are properly reflected in the future.

**For more information, please contact Leigh Greenhalgh, Senior Government Relations Officer
on 020 7983 4147 or leigh.greenhalgh@london.gov.uk**



Please contact: Keith Gulvin

Your ref:

Our ref:

Date: 23/09/2011

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Dear Debbie

Re: Consultation on the future of the Juvenile Secure Estate

Please find enclosed Medway Youth Offending Team's Management Board submission as agreed at their meeting dated Wednesday 14 September 2011.

Yours sincerely

Keith Gulvin
Medway Youth Offending Team

Resettlement consultation Questions, Medway Youth Offending Team Management Board Responses:

Principles and priorities

The Medway YOT partnership broadly welcomes the principles and priorities as set out, in respect of the secure estate. For young people there should be dedicated specialist provision and in respect of YOI's these should be distant and separate from the prison service.

There should be a dedicated workforce throughout the secure estate that is recruited directly for that purpose. That training should be of a specialist nature for working with young people in custody and should be uniform and inter changeable across the secure estate for young people.

The built environment of the secure estate should reflect the needs of young people and should be based on smaller local facilities rather than large establishments where possible. We support the plans to rebuild Cookham Wood YOI so that it will meet the above principles.

Children and young people should be placed in the establishment that is best able to meet their assessed needs and should not be placed at great distances from home. Young people should not be moved from one establishment to another without the consent of the home YOT officer.

The safeguarding and welfare of young people in custody must be awarded the highest priority. Consultation with young people within the secure estate must be meaningful and mechanisms must be in place to ensure that concerns are reported and acted upon.

The development of enhanced units

The commitment to expand the provision of specialist units, building on the success of the Heron Unit at Feltham and Keppel Unit at Wetherby is welcomed. There should be specialist vulnerability and resettlement units within every YOI and STC. These units should be staffed with appropriately trained specialist staff and should be working in close cooperation with local specialist providers and also local YOT's in respect of partnership working.

Responding to decreasing demand

While welcoming the steady reduction in juvenile bed spaces across the secure estate as a result of falling use of custody we would wish to make the following points.

Decisions on the future reduction in provision should not have saving money as the prime mover. There should not be a reduction in STC bed spaces over those in YOI's. STC's were commissioned and built as specialist and dedicated provision, whereas YOI's up to this point have not been. STC's are in general able to offer a more child-focused regime than YOI's and meet many of the criteria, which YOI's still aspire to meet. They are a more flexible resource in that they can take young people of all ages and both genders, a flexibility, which YOI provision as currently configured cannot hope to match. Savings should be used to re-invest in bringing standards within the YOI's up to those of the other elements of the juvenile secure estate.

In respect of secure children's homes, the YJB should cease forthwith to commission beds in the same units as other placed vulnerable children. There can be no rationale

whatsoever for placing convicted young people within the same establishment that is also used to protect the most vulnerable children in the care system. If secure children's homes are to continue to be used as part of the secure estate they should be commissioned solely for that purpose.

Market testing may well be able to be used as a vehicle to drive up standards, but there needs to be a body of evidence to support the benefits of this approach before it is applied across the YOI estate.

A distinctive secure estate

As outlined above we believe that the juvenile secure estate should be entirely distinct, and separate from, adult provision, separately commissioned, staffed and managed. The YOI provision should be entirely separated from NOMS and come under the direct control of the Youth Justice Division of the Ministry of Justice. The creation of a "bespoke operating manual" will not achieve this alone. There should be an end to transferring staff between YOI's and the adult provision.

There should be one inspection regime for all sectors of the juvenile estate with total transparency of approach.

A full and purposeful day

We strongly believe that the education offered within all sectors of the secure estate for children should be of a comparable standard to that provided in state schools or further education establishments. That it should fully reflect ability and need, and it should be provided in partnership and supported by external providers, working with individuals prior to custody.

Physical health, mental health and substance misuse services provision should be of an equal standard to those found within community provision and that links should be maintained with these services while children are in custody. Providers within the secure estate should be under obligation to maintain links with community professionals during the resettlement period.

Physical training and recreational facilities should be of a comparable standard as to that provided for young people within the community.

Effective offending behaviour programmes should be delivered.

Effective resettlement

The Medway YOT partnership welcomes the commitment that in future all YOT's will have access to resettlement worker funding, correcting an anomaly that negatively impacted upon the Medway position.

We also fully support the extension of resettlement consortiums to include all areas where the juvenile secure estate is located.

We would ask that home YOT's have full access to eAsset information held by secure establishments by right to aid the creation and implementation of resettlement plans.

We would also urge that that staffing levels in resettlement teams within the secure estate be reviewed to allow them the space to attend community meetings.

We would strongly suggest that the resettlement team model currently in place at YOI Cookham Wood is replicated across the rest of the YOI estate, with dual staffed teams of YOI officers and seconded from the local YOT delivering the resettlement function

within the YOI, a model that fosters close working relationships between the YOI and the Medway YOT.

The provision of bespoke resettlement and interim accommodation, and or specialist units is fully supported. We would also fully support the idea that Release on Temporary License should become the rule rather than the exception when working towards release and resettlement.

Keith Gulvin
YOT Manager
Medway Youth Offending Team
On Behalf of the Medway YOT Management Board

Consultation process

When responding, please provide the following information.
Full name Liz Hill
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.) member of public
Date 26.7.11
Company name/organisation (if applicable):
Address 29A Northwood Road
Postcode N6 5TL

I am writing in a private capacity but I work in children's services.

2 Points:-

- (1) I see the need for reductions in the secure estate but I am worried about the intention to further reduce the beds in children's secure units. Despite the excessive cost of these placements, in my experience they do provide very good care for complex young people and can enable them to break the pattern of the damaging behaviour that they were pursuing in the community. There are not many units still available after the last round of cuts which means that placements are likely to be further away from the child's home environment creating difficulties for family to visit and staff to visit and plan the exit strategy.
- (2) The possibility of local authorities taking responsibility for custodial care has been raised, presumably to further decrease the number of young people in custody. A fine idea but, like many other central government ideas, unlikely to be funded adequately. My worry is that this measure would put pressure on other children's services which we are already in the process of cutting back further over the next 2 years.



Liz Hill
26.7 2011

Response from members of the public: Robin Giles and Kay Brown

Up to 2009 I was employed by The Manchester College as the Vocational Manager at HMYOI Hindley. In September of that year I retired but kept in contact with the HOLS Mr Peter Barry.

There had been a plan to introduce a new delivery of learning and skills that meant 15 hours per week per learner was to be delivered by The Manchester College and approx 10 hours per week per learner by the prison.

I was asked by the HOLS to introduce across a number of areas suitable courses that would meet the personal and social skills of learners attending the 10 per week programmes.

I consulted with the Business Manager from OCNNWR and put in place a range of courses and set up the required registration details and procedures.

There was a pause in delivery because there was no one to deliver the courses but Ms Kay Brown and hourly paid lecturer employed The Manchester College who had been seconded to Thorn Cross Open prison came back to Hindley and I recommended to the HOLS to consider her to deliver the set up courses.

This he did and since April 2010 the prison delivery of course has been delivered fairly successfully.

Having read through your consultation paper on 16 – 18 years old offenders I have not noticed any reference to this 10-hour per week delivery by the prison itself.

Is this area and area that need examining within your consultation period to reinforce and support across the main stated areas or headings within the recommendations.

It would be interesting to see how the various juvenile estates are delivering this 10-hour per week period and its effectiveness.

I hope this response is relevant and useful towards your consultation document.

Mencap Response to the Ministry of Justice Consultation: “Strategy for the Secure Estate for Children and Young People in England and Wales”

About Mencap

Mencap is the charity for people with a learning disability and retains a long standing interest in the operation of the criminal justice system and the needs of offenders and victims with a learning disability. Mencap is currently running a project called ‘Raising your game’ which is for young people aged between 14 and 25 who have a learning disability or communication difficulty and who have been in trouble with the police or are at risk of getting into trouble. More information on ‘Raising your game’ can be found in appendix 1 of this document.

Mencap also campaigns on the rights of victims of crime. The ‘Stand by me’ campaign was launched in June 2011 to challenge the police, the criminal justice system and the courts to end hate crime against people with a learning disability and to improve their experiences of reporting crime. The launch featured publication of the report, ‘Don’t stand by.’ This analysed the current police response to disability hate crime and included recommendations to improve. Mencap is currently encouraging police forces to sign up to a ‘policing promise’ of ten key points that we believe will support the police in tackling disability hate crime. (See appendix 2 for more information.)

Executive summary

People with a learning disability are vastly over-represented in the overall prison population. 23% of prisoners under 18 years old have a learning disability or difficulty.¹ Mencap is disappointed that the consultation did not mention learning disability at all in the document, despite the high prevalence.

Currently young people in YOI’s face difficulties in accessing the same opportunities as offenders without learning disabilities because information is not given in an accessible format and courses are not at the appropriate skill level. Mencap would like all YOIs to recognise the additional support needs of people with a learning disability and make ‘reasonable adjustments’ to the services which they provide to ensure that they are accessible to all groups in the young offender population.

Young offenders with a learning disability are also at increased risk of reoffending because of a lack of support when they have completed their sentence. Again, the additional support needs of this group are not currently being recognised which places

¹ Harrington and Bailey (2005), Mental Health Needs and Effectiveness of Provision for Young Offenders in Custody and in the Community, Youth Justice Board for England and Wales

offenders with a learning disability in a particularly vulnerable position and, therefore, increases the already high likelihood that they will re-offend. Mencap calls for increased cooperation between YOI staff and local authorities in identifying suitable housing and employment for offenders with a learning disability upon their release from the secure estate.

Summary of recommendations

- The LDSQ should be used to identify offenders with a learning disability who may require extra support.
- Services at all stages should record the number of people with a learning disability they come into contact with. This will enable services to be tailored to meet different support needs.
- Close relationships must be developed between police, courts, prosecutors and probation officers, to ensure information about a person's needs follows that person through the system.
- Placement decisions should take into consideration the proximity to family and other existing support networks
- Offenders should be placed in institutions that have sufficient facilities to meet any additional needs they may have.
- Transfers between YOIs and from YOI to adult prisons should include a handover of medical and support needs.
- ☐ All staff within the secure estate should receive learning disability awareness training
- ☐ All information given to offenders should be available in a variety of accessible formats including EasyRead.
- Support should be given to people to enable them to access and complete forms for aspects such as visitor applications and meal requests so they can be fully engaged with prison life.
- Arrangements should be made to ensure offenders have access to adjusted courses, appropriate to their level of ability, particularly when enrolment on such courses is a condition for early release.
- Provide clarification on the options for funding and management of resettlement partnerships.
- ☐ Continue to develop relationships with local authorities to ensure transition to housing and employment upon release is adequately supported.

- ☐ Consider alternatives to 'payment by results' and ensure sufficient support is given to programmes targeting difficult to reach groups.

Introduction

Mencap welcomes consultation on changes to the secure estate for young people. This response outlines both the limitations of the current system and the changes Mencap believes are necessary to ensure that the secure estate and wider criminal justice system effectively supports people with a learning disability.

The current Youth Justice System fails to identify people with a learning disability, recognise their needs or provide them with the right support at all stages of the process. This leaves people with a learning disability at a greater risk of reoffending. It also leaves them less likely to experience a positive outcome from their experience within the criminal justice system. Mencap believes that a modern secure estate, set against the backdrop of wider criminal justice reform, can provide young people with support to cut offending rates and prevent reoffending by offering post-release opportunities through targeted education and employment programmes.

Key issues and concerns

Effective commissioning to reduce reoffending via appropriate Data Collection

Without accurate data on the number of people with a learning disability within the population of the YOI secure estate, it will be difficult to ensure that appropriate services are commissioned which are tailored to the needs of people with a learning disability. This affects the support available to people with a learning disability to engage in prison life, access prison healthcare services and access courses that help them to address their offending behaviour and to gain skills which can improve prospects for employment upon their release.

The commissioning of these services is dependent on an accurate initial assessment. Practitioners have indicated that many existing screening methods are time intensive and therefore not practical. However new tools have been developed, including the Learning Disability Screening Questionnaire (LDSQ) – which has been successfully trialled in adult prisons.

The LDSQ is a simple set of questions that quickly allow practitioners to assess whether someone will be in need of extra support. This can then be followed up by a full assessment of needs.

Mencap would like to see use of the LDSQ as standard. This would help ensure that all offenders receive appropriate healthcare, appropriate rehabilitation and support to adapt to life in prison.

Furthermore, it is vital that the information gathered by the use of the LDSQ and subsequent detailed needs assessment is shared across agencies to ensure a consistent level of support. Currently information about needs identified at arrest may

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not be carried through to support in court, prison or probation. It is vital that knowledge about a person's needs that is gathered in these assessments follows that person through the system. This will save the time, effort and resources expended on continual reassessment and also ensure that people are supported at all stages of the justice system. This will require strong protocols for working between agencies and Mencap calls on consideration to be given to this as part of the reforms to the secure estate.

Recommendations:

- The LDSQ should be used to identify offenders with a learning disability who may require extra support.
- Close relationships must be developed to ensure information about a person's needs follows that person through the system.
- Ensure accurate data collection on the number of people with a learning disability at each stage of the criminal justice system and in YOIs specifically.

Placements

Ensuring that placement decisions are made on an individual basis and are always reflective of the needs of the young person being placed is of particular importance for offenders with a learning disability. Placements must be made considering the suitability of facilities that will be available to support the young person. It is also important to ensure contact with a family network is maintained to maintain support post-release.

Without receiving appropriate support, education opportunities and healthcare they face an increased risk of reoffending. In education for example, offenders with a learning disability are often unable to access courses that will benefit them after release, because of difficulties associated with their learning disability. The NVQ Level 1 in literacy, for example, requires a minimum IQ of 80. Although IQ is not the sole indicator of a person's learning disability, many people may fall below this threshold. People with a learning disability often struggle therefore to improve their literacy skills which will have a knock on effect on their ability to gain meaningful employment on release.²

Recommendations:

- Placement decisions should take into consideration the proximity to family and other existing support networks
- Offenders should be placed in institutions that have sufficient facilities to meet any additional needs they may have.

² See "Transition and resettlement" page 6 of this document

Transfer arrangements

It is important that, once an offender with a learning disability has been placed in a YOI with appropriate facilities, provision of similar services should they be transferred, for example on reaching the maximum age for the institution.

Transfer policies of YOIs must be developed to ensure that close working relationships with destination prisons are developed and an adequate handover is conducted to inform the target prison of all relevant needs.

Recommendations:

- Transfers between YOIs and from YOI to adult prisons should include a handover of medical and support needs.

Case study (taken from Coroners report 2010)

Death of William Walters at HMP Wymott 2005

William Walters was a young man with a learning disability convicted of a sexual offence and held initially at HMYOI Lancaster Farms. He later reached the maximum age for that institution and was transferred to HMP Wymott where a series of individual, institutional and procedural shortcomings contributed to him taking his own life at HMP Wymott. These included:

1- The lack of proper medical handover when he was transferred: The date of his transfer from HMYOI Lancaster Farms was changed meaning that a proper handover of his medical notes was not made. Neither was there an adequate assessment of his medical or other support needs when he arrived at HMP Wymott. This was further exacerbated as the time demands placed on personal officers restricted the amount of time they could spend with Mr Walters, this was seen by the coroner as a systemic failure which ultimately restricted Mr Walters' access to support.

2- Placement on an inappropriate wing, with inadequate support: The coroners report indicated that Mr Walters was placed on a general wing without a care plan. It is suggested that this may have been due to the vulnerable person's wing consisted of predominately older people and that Mr Walters would have had trouble adapting to this environment. Despite this, there is an indication that Mr Walter's may have experienced varying degrees of bullying and exploitation from other inmates. It is clear that there was no effective identification of Mr Walter's needs or coherent plan to ensure he received the support he required.

3- Involvement in a rehabilitation/ resettlement course that was inappropriate for his ability:

Mr Walters was enrolled on the regular sex offender treatment programme. Inmates on these programmes experience a high degree of stress. A forensic psychiatrist stated that in her view the regular treatment programme was not suitable for Mr Walters' ability

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but would have been able to partake in the adapted sex offender treatment programme with the usual adjustments being made in terms of complexity of language, length of sessions and additional support. As Mr Walters did not receive a proper assessment of his ability or support needs he was incorrectly placed on a course that was not suitable to his level of ability.

4- Lack of adequate record keeping about serious incidents, including self harming

Mr Walters informed prison officers on a number of occasions that he was self harming and also implied that he would take his own life if he received a lengthy prison sentence. Despite this, staff did not open a F2052SH (a self harm warning form) which would have resulted in closer monitoring and increased care and support where necessary. The signs of vulnerability may present differently for someone with a learning disability and the lack of staff preparedness for this is evident in their response.

It is Mencap's view on the basis of the evidence available that better staff understanding of learning disability, and better transfer procedures would have ensured Mr Walters had a proper needs assessment, placed on appropriate rehabilitation programmes and gained access to an increased level of support. It is possible that this support would have prevented the loss of Mr Walter's life. It is therefore essential to use these lessons to ensure that the future provision of care and support for people with a learning disability in prisons is vastly improved.

Knowledge of staff in the secure estate for young people

A study by the Prison Reform Trust showed that 94% of the prison officers which they interviewed were not aware of their prison's disability equality scheme. (Talbot, 2008) Disability (which includes learning disability) is considered a protected characteristic by the Equality Act 2010; therefore all prisons should have a policy and all staff made aware of that policy and the implications for their work.

Mencap welcomes the expectation that staff will have the opportunity to develop their skills and we particularly recommend (in light of the statistics on the prevalence of learning disability mentioned in the introduction to this document) that learning disability awareness training is an integral part of this.

Mencap also welcomes the continuation of the implementation of recommendations from the IRR as offenders with a learning disability are five times more likely than the non learning disabled offender population to have control and restraint techniques used on them and three times as likely to have spent time in segregation (Prison Reform Trust, 2011).

Comment [P1]: Define what we mean by this

Recommendations:

- All staff within the secure estate should receive learning disability awareness training

Access to information

A prisoner's induction is one of the most important parts of their time inside. It is then that prison rules should be explained to them and how to access services which aid them with day to day living. 80% of people with a learning disability in prison have reported that they have difficulties accessing information (Prison Reform Trust, 2011). This is because people with a learning disability can have difficulty in recalling information and, if they have difficulty reading, a standard booklet will not be adequate.

If, at this early and key stage offenders with a learning disability do not have the opportunity to engage with the services on offer they are at a great disadvantage in gaining the skills that will assist them in having a productive time in YOI's.

Recommendations:

- All information given to offenders should be available in a variety of accessible formats including EasyRead.

Family Contact

The consultation makes many references to the importance of the offender maintaining contact with their families in order to aid rehabilitation, something which Mencap agrees with. Offenders with a learning disability are less likely to receive visits than offenders without a learning disability, less likely to send and receive letters and less likely to make telephone calls than the general prison population. (Talbot 2008). Mencap is keen to emphasise that this is not because people with a learning disability do not want to access this contact, but often face inaccessible procedures that act as barriers to them obtaining services they want and need. For example, some offenders must fill in a form in order to receive visitors (something which people with a learning disability may struggle with).

Prison staff should be aware of the additional communication and support needs of people with a learning disability and adjust their services appropriately. Simple adjustments, such as a member of staff supporting the prisoner to fill out the required form, would allow the offender to see their family and maintain links.

When placing the offender the proximity of the YOI to the family home should also be taken into account in order to ensure that face to face meetings with family are as easy as possible as offenders with a learning disability may have difficulty in understanding written communication.

Recommendations:

- Support should be given to people to access visitor applications, meal requirement forms and other aspects to be fully engaged with prison life

Access to health care

People with a learning disability typically experience poorer health than the general population therefore healthcare is extremely important for this group. Prison and healthcare staff should be made aware that if a person has a learning disability they may have difficulty in filling out forms, therefore there should be a wide variety of routes to treatment which involve both verbal and written requests.

Mental health is also an area where offenders with a learning disability need additional support. Offenders with a learning disability are more likely to have clinically significant depression or anxiety than their non disabled inmates. People with a learning disability should also have access to appropriate courses to improve emotional wellbeing (e.g. anger management, talking and non talking therapies). Without this additional rehabilitation mental ill health and issues around anxiety or anger cannot sufficiently be dealt with, resulting in a high risk of reoffending.

Rehabilitation

Prisoners' access to courses can be restricted if they do not meet minimum requirements, such as the ability to read. People with a learning disability can have difficulty reading; therefore they are unable to access the very courses which can reduce their sentence. If offenders with a learning disability are serving indeterminate sentences they can find themselves in prison for longer than their non-disabled peers. This is because people with a learning disability have difficulties accessing the courses which they are required to complete their sentence. This situation has been described as "Kafkaesque" by the HM Inspectors of Prison and Probation (HM Inspector of Prisons, 2008).

The Prison Reform Trust found that prisoners with learning disabilities or difficulties are the more likely to be alone in their cell for between 1-6 hours a day (31%) than offenders without a learning disability (18%). This may be because offenders with a learning disability are less able to access appropriate courses and employment which gives them the opportunity to socialise with other prisoners.

Recommendations:

- Arrangements should be made to ensure offenders have access to adjusted courses, appropriate to their level of ability, particularly when enrolment on such courses is a condition for early release.

Transition and resettlement

Mencap is concerned that, with the absence of support for employment and housing, people with a learning disability will continue to re-offend. Mencap would like reassurance that, once released from prison, additional and appropriate support will be offered by the probation service and local authorities to people with a learning disability to assist them in finding employment and housing.

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It is recognised that if an offender has difficulties in finding employment or accommodation on release their risk of reoffending will be greatly increased. In both these areas people with a learning disability face additional difficulties in comparison to people without a learning disability.

Employment

Only 6.4% of people with a learning disability known to social services are in any form of paid employment (Information Centre for Health and Social Care, 2010). This is due to a number of factors such as employer prejudice, lack of accessible workplaces and flexible working hours and increased support needs. A separate survey found that people with a criminal record are part of the 'core jobless group' which 60% of potential employers refuse to consider. (Prison Reform Trust, 2011) This leads to double discrimination meaning that people with a learning disability and a criminal record face huge barriers in gaining meaningful employment.

Housing

Housing is also a key area which influences reoffending rates. People with a learning disability may need support in accessing appropriate housing as they possibly have a low level of literacy and have difficulties in completing the necessary forms and attending appointments.

Mencap is supportive of the *Local Authority Resettlement Partnerships* mentioned in the consultation document in conjunction with the commitment to formally escalate risks associated with individual resettlement plans. However there are questions about the funding of these projects after 2011/12 and the criteria by which funds are allocated to local authorities who wish to participate. Mencap would like to seek clarity about the long term funding for the projects.

Mencap agrees that without good quality case work there is a risk that offenders will continue to experience great difficulties in the resettlement process. This is particularly true of offenders with a learning disability. We are keen to find out more detail about the planned work to improve case management skills within the secure estate, particularly examples where information has effectively been passed from custody to community and back out again.

Recommendations:

- Provide clarification on the options for funding and management of resettlement partnerships.
- Continue to develop relationships with local authorities to ensure transition to housing and employment upon release is adequately supported.

Competition and Market Testing

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Mencap has some reservations about the use of competition which includes offenders with a learning disability. Although the criteria by which this will be measured is still under consideration, Mencap has concerns that people with a learning disability may fall be overlooked in any 'payment by results' system. People with a learning disability may require additional support to reduce reoffending rates. As such, programmes specifically aimed at them will require greater levels of investment and may not achieve the levels of success of mainstream programmes. This may encourage providers to invest in 'easy wins' and ignore the needs of people with a learning disability altogether.

However, the new performance management framework for public YOI's presents an opportunity to recognise the additional difficulties that this group faces in YOI's and adjust indicators accordingly. Mencap will be happy to help in suggesting appropriate adjustments which take learning disability into account.

Recommendations:

- Consider alternatives to 'payment by results' and ensure sufficient support is given to programmes targeting difficult to reach groups.

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



About the National Children's Bureau (NCB)

NCB's mission is to advance the well-being of all children and young people across every aspect of their lives. As the leading national charity which supports children, young people and families, and those who work with them, across England and Northern Ireland, we focus on identifying and communicating high impact, community and family-centred solutions. We work with organisations from across the voluntary, statutory and private sectors through our membership scheme, and through the sector-led specialist networks and partnership programmes that operate under our charitable status.

NCB is a member of the Standing Committee for Youth Justice, and endorses its response to this consultation.

Do you agree with the principles stated in this document?

While we do agree with the principles set out in paragraph 24, we are concerned that the strategy itself lacks in vision and ambition. We recognise that the strategy is in part driven by the economic and spending context and the proposed transfer of the Youth Justice Board's functions to the Ministry of Justice. However, we believe that this is a real opportunity to set out an ambitious and challenging long-term vision for the children and young people's secure estate, ensuring that the shorter-term actions proposed in the 2011/12-2014/15 strategy will take us some way towards meeting that vision. It is only in developing an ambitious vision at this stage that we can establish whether the Youth Justice Board and its local and national partners are taking the actions necessary to move us towards a safer and more effective youth justice system.

For NCB, the key aspects of an ambitious vision for the children and young people's secure estate would prioritise:

- the safety, welfare and well-being of children and young people in secure accommodation
- the reduction in re-offending among children and young people, rather than their punishment
- the commissioning of small, local establishments and a range of provision (e.g. semi-secure settings and accommodation to support resettlement)
- the integrated planning and commissioning of the secure estate and other specialist and mainstream services for children and young people
- involving children and young people in the secure estate in decisions about their own case management and the services they access and need.

NCB would also recommend that this vision be based on a consideration of what evidence and practice experience tells us works in supporting and nurturing children in residential child care.

Having established such a vision, in consultation with the sector, the Youth Justice Board and Ministry for Justice could then identify whether the actions set out in the proposed strategy will move us towards meeting the shared vision for the secure estate and where there are any gaps where further activity can be developed.

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

Yes. NCB would welcome a stronger focus on: relationships; and fulfilling the right of young offenders to have a say in decisions that affect them.

The importance of relationships

NCB is concerned by the omission in the strategy of a recognition of the importance of relationships in achieving change for children in and leaving secure settings. Although, the proposal in the strategy to move away from an assessment system based on risk factors towards the identification of positive factors that support desistance from offending, could mark a positive shift (paragraph 80). In September 2010, NCB hosted a seminar to explore the attachment needs of older and socially excluded young people, and identify recommendations for future practice¹. Attachment theory can help us (and practitioners) to understand children's and young people's behaviour. Attendees at the seminar heard that, unless attachment issues are made sense of, problems will persist as the child or young person moves through services. However, many providers and practitioners do not know how to recognise attachment difficulties in older young people or how to respond.

One of the key recommendations arising from the seminar was that relationships need to be at the heart of practice. Services – such as the secure estate – should examine how conducive their arrangements are to working with attachment needs and providing continuity of relationship, and adapt arrangements as necessary. Relationships developed through service interventions – e.g. mentoring support – should continue when the child is 'well', not just when they are in need of an intervention or service, because the young person needs to feel valued and held in mind. It was suggested that effective interventions should involve a contract with an individual rather than with a group, organisation or practice.

The value of relationships and ways of promoting resilience are central to good residential child care; the strategy should underpin the development of mechanisms for sharing these lessons with colleagues working within the secure estate.

Giving young offenders a voice

Like all children, young offenders have a right under the UN Convention on the Rights of the Child to have a say in decisions that affect them. NCB is concerned that there is little reference to ensuring children and young people involved in the youth justice system have

¹ NCB (2010) *The attachment needs of older and socially excluded young people: report of an invited seminar held at NCB on 27 September 2010* http://resources.ncb.org.uk/media/72503/seminar_report.pdf

the opportunity to influence the development of services and the management of their own cases.

In 2009, NCB undertook a study of young people's participation in the youth justice system². We found that young offenders would welcome the opportunity to have more of a say and that participative approaches can improve outcomes. If young people feel listened to, they value the experience and their behaviour is likely to improve and the job satisfaction of staff is increased. While some services are developing innovative consultation mechanisms or other participative approaches, there exist a number of barriers within the system to promoting young people's active participation, including:

- a lack of strategic direction as to how this should be implemented
- political ambivalence about whether young offenders 'deserve' a say
- staff culture and commitment
- knowledge and skills in effective methods
- the duality between the enforcement and enabling functions of the youth justice system which can inhibit young people's willingness to be open to opportunities to have an influence
- young offenders having low expectations about their ability to influence the plans that are made for them
- insufficient performance management frameworks to hold youth justice services to account for their ability to actively involve young offenders.

In particular, our study found that the involvement of young people in their own assessment is underdeveloped and, even where they provide useful information, this may not be used to inform the plans that are made by youth offending teams (YOT), courts or custodial settings. Furthermore, the involvement of parents is similarly underdeveloped.

Following the research, NCB recommended that the Youth Justice Board develop a participation strategy covering all aspects of the youth justice service with the aim of establishing mechanisms to support the development of a culture of participation throughout youth justice services. We would urge the Youth Justice Board to include this as a priority within its new strategy for the secure estate.

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

Yes, we very much welcome this priority.

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

No. We are concerned about the strategy's suggestion that decisions regarding the commissioning of custodial places will not be based on what is most effective in meeting the needs of young offenders and thereby preventing re-offending. Paragraph 44 states that

² Hart D and Thompson C (2009) *Young people's participation in the youth justice system* London: NCB
http://www.ncb.org.uk/resources/free_resources/participation_youth_justice.aspx

reductions in commissioned places are likely to be proportionately higher in secure training centres (STCs) and secure children's homes (SCHs), reflecting the fall in demand for places for ten to 14 year-olds.

This approach fails to challenge the 'status quo' whereby older young offenders are placed in larger settings while younger children are placed in smaller settings such as STCs and SCHs. When children were interviewed for a review of safeguarding, carried out by NCB and the Youth Justice Board, there was a strong message that the smaller the establishment, the safer they felt³. Decisions regarding the future commissioning of different types of custodial placements must start with what works in safeguarding children and promoting their welfare and well-being, rather than our current working assumptions regarding the placement of different types of young offender.

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

NCB welcomes the emphasis in the strategy on improving the mental and physical well-being of children in custody. These young people are amongst the most vulnerable in society, with many suffering from low self-esteem and poor emotional, mental and physical health. Their poor health is often linked to problems in their lives prior to custody such as family disruption, grief, being looked after by a local authority, school exclusion or having experienced physical, sexual or emotional abuse. NCB's Healthier Inside programme aims to improve the health and well-being of young people in secure settings, by providing a range of resources to support the secure estate and their partners to improve the health and wellbeing of children and young people in contact with the youth justice system (www.ncb.org.uk/resources/free_resources/healthier_inside.aspx).

We are concerned, however, that the strategy makes little mention of the potential impact of the wide-ranging reforms to NHS and public health services, through the Health and Social Care Bill (currently being debated in the House of Lords). We would urge the Youth Justice Board to include in its strategy actions to work with the emerging NHS Commissioning Board (which will be responsible for NHS services in prisons) and local authorities (which will be responsible for public health services) to ensure that the physical, mental and emotional health of young offenders is a priority in the transition to the new regime and as the reforms are bedded down.

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³ YJB and NCB (2008) *A Review of Safeguarding in the Secure Estate*



National Council of Independent Monitoring Boards response to the Ministry of Justice on the future of the Youth Justice Board

Independent Monitoring Boards (IMBs) are found in every prison and Immigration and Removal Centre in England and Wales. Members of Independent Monitoring Boards (IMB) are appointed by the Secretary of State from the community and their role is defined in Prison Rule 77(1) and YOI Rule 81(1) which states:

The role of the Board is to :

- Satisfy itself as to the humane and just treatment of those held in custody within its prison, and the range and adequacy of the programmes preparing them for release.*
- Inform the Secretary of State, or any official to whom he has delegated authority, where it judges appropriate, of any concern it has*
- report annually to the Secretary of State on how well the prison has met the standards and requirements placed on it and what impact these have on those in its custody.*

The National Council's primary purpose is to provide leadership, guidance, training and quality control to Boards and to help them fulfil their statutory duties.

1. The National Council (NC) welcomes the invitation of the Justice Committee to respond to its proposals for the abolition of the Youth Justice Board (YJB).
2. In 2008 there were 3000 children in prison in England and Wales. There are now around 2000. (The number of children entering the system for the first time has fallen from over 100,000 in 2008 to 61,000 over this period). At the same time there has been a rise in the adult prison population. The fall in the use of juvenile prison has not been accompanied by an increase in youth crime.
3. The YJB has provided leadership and context to youth justice policy, focusing on reducing the number of first time entrants to the justice system.
4. Youth Offending Teams (YOTs) have provided local expertise and worked effectively with police and the courts.
5. A knowledge base has been developed over the years as has a distinctive ethos which would be in danger of being lost in the event of the abolition of the YJB and its responsibilities absorbed within the general MOJ oversight.
6. Children in trouble should be treated as children and not as younger versions of adults and they should therefore be cared for differently.
7. Children have important and distinctive welfare needs and they are best recognised in a separate system.



8. Decisions on the type of custody appropriate for children should be made based on their specific needs, separate from decisions relating to adult custody.
9. Currently, responsibility for youth justice is properly shared with the Department of Education. This should not be lost.
10. Outcomes other than custodial sentences are best met by the oversight of one body.
11. It is not at all certain that there will be cost savings in the medium to long term since there would be a concern that without the overall leadership of a body such as the YJB, the use of custody might increase.

Some further comment:

12. Remand is used far more in the juvenile estate than in the adult system. Over 60% of children remanded subsequently receive a non-custodial sentence. This should be addressed.
13. There is inadequate dedicated provision for those young people aged 18-20 years old. This group should be brought into the responsibility of YOTs.
14. Robust non-custodial sentencing should be developed giving both sentencers and communities more confidence in the system.

John Weightman

Vice President and Juvenile Lead, National Council for Independent Monitoring Boards

30 September 2011

2nd Floor, 2 Monck Street, London SW19 2BQ

NOMS RESPONSE TO THE YJB CONSULTATION DOCUMENT: STRATEGY FOR THE SECURE ESTATE FOR CHILDREN AND YOUNG PEOPLE IN ENGLAND AND WALES

The National Offender Management Service (NOMS) welcomes the opportunity to contribute to the development of the Youth Justice Board's 2011 - 2015 Strategy for the Secure Estate for children and young people in England and Wales.

As the biggest provider of secure accommodation for children and young people in England and Wales, we are committed to playing a key role in their future care and management. To support our fulfilment of this commitment we have recently changed our organisational structure and made the Young People's Team a distinct Team within NOMS dedicated to ensuring the policies we operate and services we deliver fully reflect the specific needs of children and young people. We have also appointed a Deputy Director of Custody for Youth Justice and relocated the Team to our Directorate of Public Sector Prisons to ensure they sit right at the heart of public sector custodial provision.

The Team are passionate about ensuring the young people in our care have a positive experience in custody and can access regimes that enable them to make constructive progress towards a future free of offending. This means providing safe, secure and decent environments, programmes that address offending behaviour and a work force that is appropriately trained and skilled. These key objectives for the Young People's Team reflect the main principles and priorities of the Strategy.

We want public sector prisons to be the provider of choice in the young people's secure estate sector. The work we are doing around 'core day' delivery, cost evaluation and management structure design will ensure we become more efficient and can provide better value for money, but are still able to offer an excellent level of service delivery and achieve positive outcomes that change the lives of young people in custody and reduce re-offending.

We believe the strategy provides a strong vision for the future of the secure estate for children and young people and a solid base upon which we can all build. We look forward to working with the YJB to make these aims a reality.

NOMS response to the consultation questions

Do you agree with the principles stated in this document?

Yes. As stated above, we believe that the provision of safe, secure and decent environments, programmes that address offending behaviour and a workforce that is appropriately trained and skilled are key to ensuring custody is effective in reducing re-offending and has a positive influence on young people's lives.

Maintaining safety and well being is at the heart of all of our work, but specifically in regard to our development of a new approach to behaviour management, a new system of restraint and our review of the role of safeguarding managers. The work we are undertaking to examine 'core day' delivery in public sector YOIs will look to ensure all young people are able to benefit from a full and purposeful day, and that a consistent approach to this is taken across our estate. We are also scoping work to

review the way we approach resettlement and how this may be developed to deliver better outcomes for young people.

Furthermore, publication of our Young People's Workforce Strategy has enabled us to set out our vision for workforce development and demonstrate our commitment to employing a young people's workforce that is appropriately selected, trained, supported and motivated.

The principles and priorities set out in the strategy underpin all of these objectives, and we will continue to work with the YJB to develop our service delivery in these key areas.

Do you agree with the aim of developing enhanced units (within larger establishments) to address the needs of a smaller number of young people with particularly complex needs?

Yes. NOMS has played a significant role in the development and introduction of a number of specialist units across the YOI estate. These deliver a range of regimes specifically designed to support young people with specific needs, and are proving to be a successful addition to more mainstream provision.

As part of our work to standardise core day delivery we will look to identify any potential for efficiency savings within the public sector YOI estate that can be re-invested for the development of additional specialist provision. However, when developing further specialist units, and particularly the regimes they provide, it is essential that a detailed evaluation is completed that identifies need and takes account of current provision to ensure future provision is designed in line with these requirements. It is also important when doing so to ensure that those who remain in mainstream provision continue to receive a high level of service delivery and an appropriate regime.

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

We consider the priorities and work streams outlined above to be key to ensuring the needs of young people in custody are met and service delivery is improved. More specifically, an area where we feel there may be great potential for improvement is in the approach we take to resettlement provision, and specifically how we assess and address need. For example, we believe there could be benefits to be gained from making much wider use of ROTL for young people to participate in an increased and more challenging range of education and training initiatives and equip them with the skills they need to achieve a successful return to the community. The Young People's Team have recently added an objective to their business plan to scope a piece of work to consider this issue.

The work we are undertaking with the YJB to develop a new performance management framework is crucial to ensuring effective outcomes are achieved from the services we provide for the children and young people in our care. This will also help to ensure best practice can be recognised and shared, and resources can be more effectively targeted.

We also believe there is a need, alongside the work to develop additional specialist units, to ensure effective regimes, services and a wide range of age appropriate interventions are available to all young people across the YOI estate, and to ensure these are appropriately resourced.

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

We agree with the principle of decommissioning places where there is an unnecessary level of under occupancy. The strategy indicates that future decommissioning will be focused on the local authority sector, and acknowledges that decommissioning in recent years has mainly occurred in the YOI, and particularly public sector, estate. This has resulted in a much smaller and more concentrated public sector YOI estate for young people.

As a consequence it is ever more difficult to place young people close to their homes, supportive family members and the professionals and support networks in the communities to which they will be released. It is also a real challenge to manage and appropriately place particularly disruptive young people. Any decisions on future decommissioning must therefore take full account of the geographical spread of establishments and ensure these important priorities can still be met.

Furthermore, all areas of the custodial estate, including those outside of the children and young people's sector, are currently facing significant population pressures. Decisions on the decommissioning of custodial places for young people need to take account of the impact this may have on other custodial sectors and the implications this in turn may have for the young people's estate.

What role should market testing play in this process?

We are very willing to compete, and fully recognise the need to provide a cost effective service that meets the needs of young people in custody. Our skills, knowledge, and the capabilities we are developing mean we are confident of being able to provide innovative and compelling proposals in response to the requirements of any competition for provision of custodial places for children and young people.

We believe we are the provider with the greatest depth and breadth of expertise in this field, and are committed to developing our service provision and taking an innovative approach to doing so. We are also determined to offer best value for money. As evidence of this we have outlined above the work streams we will take forward to develop the key features of our service provision - 'core day' delivery, cost evaluation and management structure design. This will set our direction and ensure we are able to offer a service that delivers results at a very competitive price.

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

Significant progress has already been made towards achieving a distinct secure estate for children and young people, and enabled the United Kingdom to withdraw the reservation against Article 37(c) of the United Nations Convention on the Rights of the Child, which it entered when it ratified the Convention in 1991. We will continue to work with the YJB to consider how further progress can be made in this area.

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

We feel it is essential that young people's needs are continually assessed, and that academics and others with a knowledge of, and interest in, the issues that affect children and young people, and young people themselves, are fully involved in the development of effective interventions. Clearly defined outcomes are crucial to ensuring the effectiveness of interventions can be monitored and lessons can be

learned so that services can be continually adapted to meet both current and emerging need.

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

We believe the YJB has a crucial role to play in providing a link between providers of custodial and community services. At the forefront of any connected service is effective information sharing, and it is essential that improvements are made in this area, particularly in regard to connectivity between the various IT systems. The importance of the role performed by Local Authority Social Workers in YOLs cannot be underestimated, and has a positive impact in regards to safeguarding young people and enabling them to complete a successful return to the community.

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

***Response to Consultation by the National Secure Forensic Mental Health Service
for Young People (NSFMHSYP)***

Principles and priorities

1. Do you agree with the principles stated in this document?

- The NSFMHSYP are in broad agreement with the principles stated in the document
- However if priority is to be given to a subgroup of 'complex children' in the secure estate an attempt needs to be made on how to identify the subgroup. In our view, 'complex children' are likely to be a big group (the majority) in a contracting secure estate

2. Are there any significant areas that are not covered?

- Definition of 'complex subgroup'.
- The degree to which different tiers of CAMHS can be involved in the secure estate is not explored.
- The evidence base for drivers in assessment and sentence planning (paragraph 80) is not made apparent.
- We are of the view that it would be useful to dissociate outcome measures for different parts of the secure estate (LASCHs, STCs and YOIs). Our clinical experience is that LASCHs may have the best outcomes because the models used in the Willow and Keppel units (thought to be so useful in the document) are similar to those used in LASCHs.

The development of enhanced units

3. Do you agree with the aim of developing enhanced units (within larger establishments) to address the needs of a small number of young people with particularly complex needs?

- The population of the secure estate is large for ‘complex needs’. In our view, providing units for ‘particular complex needs’ presumes an ability to disentangle complexity. The models used at the Willow and Keppel are good models but they are models that should be applied across the secure estate.

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

- We recommend separating issues of security from issues of treatment/rehabilitation.

There is a subgroup of young people in the secure estate whose security needs seem to outweigh (or at best significantly challenge) current secure provisions. These young people may require particular management. There is however a greater proportion of young people who have “complex needs” which we would define as young people with social deprivation, emotional vulnerability, economic disadvantage, family adversity and mental health problems. These young people require experienced multi-professional systemic approaches to management. LASCHs have always attempted to provide psychologically informed environments and adolescents in all parts of the secure estate should be in environments that are informed by experts in adolescent development (social workers, clinical/forensic/developmental psychologists, teachers, speech and language therapists, occupational therapists and other mental health professionals)

Responding to decreasing demand

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

- There is a decrease in demand for beds in the secure estate as fewer young people are being given custodial sentences. The contraction in the secure estate may not however be accompanied by a decrease in ‘complex presentations’. In fact, we believe that there is likely to be an increase in the complexity of needs in this population.
- We do not agree that LASCHs and STC’s can be seen as broadly interchangeable (paragraph 45). They provide very different approaches to

adolescent care and their multi-professional approaches to intervention are also different.

- We are concerned that the number of young people in the community who would have received custodial sentences in the past has increased. These young people still have 'complex needs' which must be met but we are not aware of a simultaneous effective increase in community services. We would be concerned of a concomitant rise in the use of section 25 (secure accommodation) orders under the Children Act 1989 and recommend that this is closely monitored since the use of secure accommodation orders is intricately linked with how criminal orders are used.
- If there is a real decrease in demand for secure provision; there should be an attempt to describe the population not only by quantifying the number of young people in secure care but also by a qualitative analyses of the risk and complexity they present. Our view will be that decreasing numbers in the secure estate in the current climate is likely to have young people with increasing risk and complexity and the response to this population should be accompanied by an overall enhancement of the professional skill base of the entire secure estate.

6. What role should market testing play in this process?

- While it may become government policy to subject public sector services to market testing; we believe that the provision of a 'distinct, specialist secure estate for children and young people' has sufficient ethical dilemmas for it to remain wholly within the public sector.

A distinctive secure estate

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

- There is a group of young people in the secure estate who require transfer to hospitals. We strongly recommend that a team is created in the Mental Health Unit of the Ministry of Justice to gain expertise in the transfer of young people under the Mental Health Act 1983.

- A 'distinct, specialist secure estate for children and young people' should be able to integrate young people into adult services much more effectively than it does so now. We are of the view that the secure estate should incorporate greater flexibility in age boundaries. In other words, young people should not be moved into the adult secure estate purely on the basis of age.

A full and purposeful day

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

- We are of the view that we should seek to establish outcomes for each of the three secure estate providers (LASCHs, STCs and YOIs). Doing so might provide important lessons to learn about child and adolescent care.
- Efforts should be made to implement offender related interventions across the secure estate together with measures of training, evaluation and supervision.
- The NSFMHSYP would find it of great benefit to know what each secure unit actually provides so that we are able to make appropriate referrals between secure health provision and the juvenile secure estate.

9. What role should the YJB play?

- Monitoring and evaluation of programmes delivered by the secure units
- Monitoring and evaluation of offending programmes and how improvement in resilience of young people is being achieved
- Monitoring and evaluation of safeguarding issues
- Monitoring and evaluation of teaching
- Monitoring and evaluation of vocational activities

Effective resettlement

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

- We have some reservations about the creation of smaller satellite units to enable resettlement into the community. That is not to say that they should

not be thought of. We would recommend for instance that age flexibility is built into the operational specifications to allow for developmental needs to be taken into account. However, we would also be concerned that young people coming to the end of their sentence will be 'punished' to continue to stay in a penal establishment because the multi-agency community package they need cannot be put in place for whatever reason. In our view 'adolescent open prisons' may prevent the multiagency support most young people benefit from when leaving security. There is real danger that difficulties encountered in the transfer of young people to the community are simply resolved by transferring care to the smaller satellite unit (the 'adolescent open prison') caring for the young person.

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Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.): Programme Manager with lead responsibility for the juvenile Secure Estate within the Families and Young People's Team, National Treatment Agency for Substance Misuse
Date: 10 th October 2011
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NTA Response to the MOJ/YJB Consultation Document outlining the Strategy for the Secure Estate for Children and Young People in England and Wales 2011-2015

Principles and Priorities:

The NTA broadly welcomes the direction of travel and the priorities in the proposed strategy for the secure estate in particular the commitment to improving the opportunities for rehabilitation and the associated reduction to the risk of re-offending through the commissioning of a range of services (both education and health led) which will ensure access to effective regimes.

The NTA shares the YJB's commitment to improving the outcomes for children, young people and their communities through the offer of access to effective regimes. We agree that this goal can only be achieved if there are strong collaborative partnerships locally and nationally. These should ensure all delivery partners play their role in keeping children and young people safe and supporting a reduction in re-offending. A joined up approach to sentence and resettlement planning and a commitment to continuity of care at the points of transition should support the achievement of wider outcomes including addressing health inequalities and improving family relationships. However, the proposed strategy relies heavily on a national approach to commissioning which appears to be at odds with the current emphasis on local decision making and locally commissioned needs led services. Whilst there is real value in developing a national strategy the NTA suggests that the strategy would be strengthened if it included detail about how the YJB plan to discuss local priorities with the Directors of Children's Services, Health and Well-being Boards and commissioners within each of the Local Authority areas in England and Wales.

Responding to Decreasing Demand:

Whilst the need to reconfigure the secure estate is understood within the context of decreased demand for youth justice secure placements and the requirement for further cost savings this priority is not without risk. The strategy acknowledges some of the risks of decommissioning secure estate bed spaces in particular:

- Risks associated with having to place under 18s in YOIs which also care for young adults if demand for custodial places outstrips existing distinct under 18 provision which may subsequently impact upon re-offending rates. It is encouraging to note that reductions have been noted in recent years in both the number of young people entering the system and the number of young people in custody. This trend has coincided with a period during which the YJB has made significant progress in developing a distinct secure estate for under 18 year olds (in 2000 71% of secure placements for under 18s were commissioned within YOIs which also cared for young adults whereas currently only 10% of secure placements are within establishments with this range of responsibilities).
- Risks associated with a reduction in the volume and capacity of secure estate sites will make matching supply and demand on a geographical basis more difficult. A geographically dispersed estate could make resettlement activity and continuity of care more challenging.
- Risks associated with the fact there is not yet sufficient understanding of the positive outcomes specifically attributable to the different secure estate regimes in particular to STCs and SCHs. It is indicated that to date decommissioned bed spaces have come from YOIs and the decreased demand for secure placements for the younger age group has yet to be reflected in the STC and SCH sector. How this will impact upon the outcomes achieved within the youth justice system is not quantified within the strategy. Assurances within the consultation document indicating that research is underway to enhance understanding of whether the differences between the three sectors of the secure estate (including cost) are reflected in the rehabilitation and re-offending outcomes achieved are welcomed.
- Related to this, is there evidence that smaller units are more effective in promoting sustainable changes in behaviour? With the current focus on achieving better value for

money from existing provision are the costs higher for a placement within smaller units such as STCs and SCHs? In view of the fact that SCH contracts are at the point of renewal whereas the contracts commissioning secure places within the STCs have longer to run, contractually it may prove easier to decommission bed spaces within the SCH sector. Is there an associated risk that there may eventually be a dearth of placements in the smaller, potentially more individualised units with higher staff to resident ratios? This risk and/or factors mitigating against this have not been addressed within the consultation document.

The NTA understands the reasons for the YJB commitment to maintaining the commissioning of secure estate bed spaces and the placement of young people as a national function. It is recognised that this supports cost effectiveness and facilitates the matching of supply with demand. However a tension is apparent in that there is a greater risk of placement out of area if commissioning is undertaken on a national basis which may impact upon resettlement plans and may also undermine the continuity of care on reception into and on release from the secure estate. Consistency in case manager within the YOS could support the continuity of care on release as could the proposal for a new assessment and planning intervention framework.

What does not appear to have been addressed within the consultation document are the mechanisms by which the MOJ/YJB intends to ensure that there is appropriate consultation with children's services and other stakeholders at either a local authority or a national level in advance of any decisions being made about decommissioning secure estate places. Since April 2011 local authority areas have assumed responsibility for the commissioning of substance misuse services within individual juvenile secure estate establishments located in their geographical boundaries. Risk (in the form of contractual obligations for substance misuse services within the secure estate) is therefore held at a local level whilst the decision making about the secure estate bed spaces is to be taken at a national level. The MOJ/YJB will need to support the development of effective communication channels with the key stakeholders in the relevant local authority areas to ensure there is alignment between local developments and commissioning decisions and national developments in order to mitigate against these risks.

Within the consultation document mention is made of the need to explore how local authorities can have greater accountability for rehabilitation and resettlement outcomes and have closer involvement in the process of commissioning services in custody – this focus is welcomed by the NTA. There may be some learning to support this process coming out of the recent transfer of responsibility for the funding of substance misuse treatment services within the secure estate and associated change in commissioning arrangements. This requires the local authority to assume responsibility for the commissioning of substance misuse services within the establishment and presents an opportunity for the development of more integrated approaches to delivery across the community and the secure estate with associated improvements in the continuity of care offered on reception into and on release from custody. Local authorities are still in the process of this transition but the NTA anticipates that there will be more clarity about what this means in practice before the end of the financial year and would be happy to share any emerging findings or common next steps with the MOJ/YJB.

Improving Rehabilitation and Reducing Reoffending:

The NTA supports the YJB's commitment to making providers accountable for the delivery of effective interventions within the secure estate which address offending behaviour and support the successful resettlement of the young people on release. In view of the recognised link between substance misuse and crime it would be useful to specify the need for access to appropriate substance misuse services as well as mental health services in the final bullet point in paragraph 59.

Similarly it would be helpful to specify the role of substance misuse provision in improving mental and physical well-being (paragraphs 83 – 88).

The commitment to ensuring that all young people experience full and purposeful days during the time spent within the secure estate is supported by the NTA, as is the commitment to start preparing for resettlement at the point of reception into the secure estate. The NTA is keen to actively support developments around the local authority resettlement consortia and would encourage the membership of these to review and address inconsistencies in practice in respect of continuity of care around substance misuse need as well as ETE and accommodation need.

Secure Estate Strategy Consultation
Newcastle Law School
Newcastle University

General Comments

1. The nature of any strategy document (setting out the broad principles and direction of the secure estate rather than guidance or detail on how specific aspects of the secure estate will operate) makes it difficult to give a detailed response from the perspective of children's rights or law. This is the case for this document which in places is vague and lacks clarity.
2. Nonetheless, the Secure Estate Strategy is particularly important in light of the (likely) diminished role of the YJB, the current Government's agenda of devolution to local and voluntary providers, and the move towards measuring outcomes rather than processes. This approach may be advantageous in a number of ways. However, as discretion is increased so too is the possibility that the discretion may be abused. Structures must be in place to ensure that any increase in discretion at a local level is exercised legally, fairly and reasonably, and in a way which protects the rights of children as enshrined in domestic and international law. The strategy for the secure estate is one way in which discretionary power can be structured. It is crucial therefore that it properly reflects the UK's Government's obligations towards children.
3. This response will be structured around the issues identified at the end of the consultation paper.
4. When addressing the first question on the appropriateness of the principles underpinning the strategy, some issues raised in relation to the implementation of the principles (which arise later in the paper) will be addressed.

Principles and priorities

5. The six principles identified in the strategy are broadly to be welcomed.
6. However, an additional principle should be included. Reference is made to the UN Convention on the Rights of the Child (at para 25) and an assertion made that the principles will protect children's rights. However, compliance with the UNCRC should be a free-standing principle. The UK Government is bound in international law by the UNCRC and those providing services within the secure estate should comply with its provisions. Inclusion of 'Compliance with the UNCRC' as a free-standing principle demonstrates a commitment to creating a culture of human rights within the secure estate.
7. The following are comments on the identified principles (drawing on relevant issues discussed throughout the consultation document):
 - a. *Appropriate placements:*

- i. The strategy states that children will be placed in an institution that best meets their needs and enables them to address their offending behaviour. Meeting the needs of children is crucially important and this is a laudable principle. However, it is difficult to see how this will be fulfilled when the majority of children are placed in prison-type accommodation (YOIs) which is ill-suited to caring for highly disadvantaged children who have very complex needs.¹ A presumption away from the use of YOIs and towards STCs and LASCHs should underpin the strategy.
- ii. The placement of children according to their needs requires a full and comprehensive needs assessment that goes beyond assessing their criminogenic risk factors. The principle of appropriate placements can only be achieved if full needs assessments are carried out, recorded, and services provided in accordance with those needs.
- iii. Very little mention is made of the requirement to place children close to their families to facilitate visits, maintain familial relations, and enhance reintegration back into the family and the child's community upon release from custody. Although parents may choose not to visit their child whilst she is detained regardless of proximity, attempts should still be made to remove the structural barriers which inhibit family visits. It is acknowledged that placing a child in a specialist unit may require placement some distance from home. This may be justifiable in the child's best interests and thus in accordance with the UNCRC. But it is less justifiable where the institution is a (bog-standard) YOI or otherwise not a specialist unit. In such cases, locating the child close to home should be the aim. The Government and its providers of secure accommodation are bound by the European Convention on Human Rights, Article 8 of which requires respect for family and private life. This can be restricted but only where the restriction is proportionate. The UK Supreme Court is increasingly relying on the UNCRC to assess proportionality vis a vis Article 8 and in doing so have held that the child's best interests must be a primary consideration.² A failure to consider fully the requirement to place the child in an institution close to home may constitute a breach of Art 8 as well as a failure to take into account a relevant consideration under the principles of judicial review. The duty of the state not to interfere unnecessarily with the parent-child relationship (reflected too in obligations under the Children Act 1989) should be reflected in the secure estate strategy.

b. *Maintaining Safety*

¹ J Jacobson, B Bhadwa, T Gyateng, G Hunter and M Hough, *Punishing Disadvantage: a Profile of Children in Custody*, (London, Prison Reform Trust, 2010)

² *ZH (Tanzania) v Secretary of State for the Home Department* [2011] UKSC 4; [2011] 2 WLR 148

- i. Although the language of the Children Act 2004 requires only that ‘regard’ is had to the need to safeguard and promote the child’s welfare, the strategy should go further and remove the words ‘have regard to the need to’ and simply require that the providers safeguard and promote the child’s welfare. This would be in compliance with article 3 of the UNCRC.
- c. *Effective Assessment of Need*
 - i. Need assessment is crucial. A proper system of assessment which is comprehensive and addresses the child’s needs *qua* child and not *qua* offender must be in place. These should take place at regular intervals within set time frames. A record should be kept of the assessments.
 - ii. One way to ensure that children are fully assessed would be for all children to be referred to Children’s Services pursuant to section 17 of the Children Act 1989 in order that a child in need initial assessment can take place. Almost by definition, children removed from their families and placed in institutional care are vulnerable children for whom (at the least) there is sufficient reason to refer them to Children’s Services. Although there is no legal requirement for Children’s Services to carry out child in need assessments for all children in or leaving the secure estate, there is nothing to prohibit a policy adopted by providers (encouraged in this strategy) to refer all children (provided discretion continues to be exercised by considering individual cases where there is a clear reason not to refer the child). This would help to guarantee that children are not assessed only vis a vis their risk of offending and resulting needs.
- d. *Full and Purposeful day*
 - i. Reference should be made to the relevant provisions of the UNCRC regarding education, and also to the legal duties concerning the provision of education to children in the secure estate (under the Apprenticeships, Skills, Children and Learning Act 2009).

Development of enhanced units

- 8. Developing enhanced units to meet specialist needs is to be welcomed (with the caveat re location as set out above). However, the strategy should set out a commitment to ensure that specialist units are available to girls as well as to boys (eg if they are developed within YOIs that house boys then girls do not have the same access to the specialist units).
- 9. The needs of young people outside of specialised units could be better met with better assessment and more involvement of children’s services. Child in need assessments should be carried out pursuant to section 17 of the Children Act and the relevant guidance – this is more comprehensive and specific than the Common Assessment Framework. This obligation is placed on local authorities but can be encouraged

centrally by a policy of referrals (as suggested above) and the placement of social workers in ALL custodial institutions.

Responding to decreasing demand

10. The recent riots and the increase in sentences to custody highlight the dangers of reducing the numbers of commissioned beds in the secure estate. However, on the basis that demand does drop, the strategy should set out a commitment to place children in the best institutions to meet the needs of children: ie LASCH and STCs and not YOIs. Children in custody are highly vulnerable and disadvantaged. It is likely that those who receive custodial sentences in a climate when the custody rate is dropping are the most vulnerable and damaged. Although the numbers of younger children in the secure estate may be dropping this does not justify de-commissioning LASCH/STC places. Age is not the only indicator of vulnerability. The drop in numbers should be treated as an opportunity to decrease reliance on the YOIs and maximise the proportion of children in smaller and more child-focused units.

A distinctive secure estate

11. This is crucial particularly in light of the challenges posed by the riots and the increase in custody figures. The abolition of the YJB should not diminish this principle.

Effective Resettlement

12. The YJB/Ministry of Justice should ensure that all institutions are aware of the legal obligations of local authorities to children leaving custody, particularly where those children have a legal care status under the Children Act 1989. They should also be aware of the significance to the long term support owed to the child when she is accommodated under section 20 and by Children's Services, rather than under Housing Act legislation.
13. Resettlement support should extend beyond six months after the completion of the sentence. Care-leavers under the Children Act 1989 are entitled to at least three years of support (until they are 21 and sometimes 25): although there is no legal obligation for resettlement support to extend this far, the YJB should explore how it can encourage longer term support to care-leavers and include this in the strategy.

Additional points

Effective commissioning to 'reduce offending' (para 30)

14. Although the principal aim of the YJS is to prevent reoffending, the institutions also have obligations to comply with UNCRC and to protect the rights of children, and so does the MoJ and the YJB. ‘Effective’ commissioning should encompass broader principles and factors than simply the reduction of offending; commissioning should also be directed towards best protecting vulnerable children. This is reflected partially in the text but should also be in the title as emphasis.
15. Similarly, the moves towards greater freedom for providers to allow innovation and delivery of services and towards measuring outcomes requires careful consideration of what those outcomes should be. They should not simply be measured against a (likely) reduction in offending but also against compliance with children’s rights (as set out in the UNCRC). (eg cf para 55 ‘we propose giving providers greater freedom to direct resources as they wish, while making them more directly accountable *for addressing offending behaviour*’).
16. **Para 69** states that you will continue to ensure that custodial facilities are adequate for children and young people’ – ‘adequate’ is very low standard. A higher standard should be sought.

NEWPORT YOS RESPONSE

Consultation questions

102. We encourage responses from anybody with an interest in youth justice – and specifically youth custody. We also encourage stakeholders to share their views as openly as possible on any aspect outlined. We have chosen, therefore, not to include specific questions throughout the document.
103. However, we are particularly keen to receive responses (see page 3 for details on how to respond) in a number of key areas and have therefore provided a limited number of questions below.

Principles and priorities

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

Yes, I welcome the commitment to a distinct, specialist secure estate for children and young people which recognises diversity, prioritises safeguarding and seeks to match children and young people to suitable placements. However, reducing the secure estate could make it more difficult to access appropriate placements. The principles and priorities would also appear to be aspirational at present as many young people in custody do not currently have a full and purposeful day or interventions to tackle their offending behaviour.

- Are there any significant areas that are not covered?

There is a need to ensure that children and young people from Wales are not disadvantaged as a result of any future policy differences over devolved matters. There is also a need to ensure physical health issues are dealt with promptly and healthy lifestyle information is backed up with a healthy diet in custody.

Will the needs of young people remanded overnight in police cells be covered within the Strategy?

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, I believe that more units are needed to specialise in addressing challenging behaviour, violence and attachment issues, if we are to reduce re-offending and enhance motivation to change. There is also a need for specialist interventions for children and young people who have committed sexual offences as currently they often have to wait until the community part of their sentence before these issues start to be addressed. From the Consultation Document, I would suggest that the example of units such as Willowbrook should be followed in the future.

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

The majority of young people in custody have very complex needs which need to be addressed in order for re-settlement plans to be effective. Mental health and substance misuse issues as well as challenging behaviour, if not addressed from the start of the sentence, will make it difficult for a young person to access and maintain suitable accommodation and training on release. For children of school age, these issues can make reintegration into the education system very difficult on release.

Responding to decreasing demand

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

Decreasing the secure estate could have the potential to lead to smaller, more specialised units, provided the resulting financial savings are re-directed into these smaller units. However, there is a danger that savings will be lost from the secure estate budget and decommissioning could lead to a lack of choice in relation to meeting the needs of children and young people. It is also not clear whether YOIs are to improve their capabilities in relation to vulnerable children and young people with a view to reducing places in Secure Children's Homes for older vulnerable children and young people.

There is, however, a potential for greater regional collaboration between YOTs and the secure estate which could lead to alternatives as mentioned in paragraph 40 which relates to powers under the Power of Criminal Courts (Sentencing) Act 2000, as amended by S.34 of the Offender Management Act 2007, to commission a small number of places as an alternative to secure accommodation.

- What role should market testing play in this process?

Further information regarding this question would be helpful, however, I would suggest that any market testing should be by way of structured pilots which trial various options and are fully evaluated before any decisions are taken. Some current supported housing providers may be suitable partners for such pilots.

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?

I welcome the proposals for a distinctive secure estate with a separate workforce development strategy aimed at recruiting and training appropriate staff to have the skills to work with challenging children and young people. It would be hoped that improved arrangements for the transition to the adult estate would also be introduced as the current system is not geared up to assist YOS Officers

attempting to supervise the custodial part of a Detention and Training Order once a young person has turned 18 years of age.

A full and purposeful day

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

Ongoing research into the effectiveness of different interventions is essential if we are to work effectively with young people and reduce re-offending rates. It is also imperative that there is a smooth educational transition from school to custodial establishment and back to school regarding curriculum, especially where young people are undertaking examinations and course work has to be completed. For young people who will be seeking employment or training on release, it is important that qualifications and training gained in custodial establishments is linked to realistic opportunities on release so young people are not being "set up to fail" in terms of future job opportunities. I am pleased to see that speech, language and communication awareness training is being suggested in the consultation document as I believe that gaining a better understanding of the communication needs of children and young people is crucial to improving their engagement and motivation.

- What role should the YJB play?

It would be helpful for the YJB/MOJ to continue to have a role in coordination of placements and ensuring the secure estate is distinctive. However, I am concerned that they will be able to choose the type of placement whilst, in the case of remands, the funding will come from local authorities. As there is such a vast difference in cost per bed between the different types of placement, this could lead have a negative impact on the relationship between YJB/MOJ and local authorities.

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?

For areas which have received Integrated Resettlement Support (IRS) funding, being able to provide children and young people with extra support on release has been very helpful. As this is to be redistributed in the future, a more cost effective option will need to be put in place and Resettlement Panels are being proposed as a means to this end. I agree that a Resettlement Panel type of model should provide an effective means of aiding re-integration back into the community and helping to reduce re-offending, however, this depends on the availability and willingness of partner agencies to attend resettlement panels. It might be helpful if guidance on multi-agency co-operation in the resettlement process was to be issued.

Secure Estate Strategy Consultation Response: Norfolk Youth Offending Team.

Principles and priorities

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

The strategy has high aspirations despite a background of reduced government spending. Norfolk Youth Offending Team would support any efforts to improve the secure estate and its ability to meet the needs of young people. The principles and priorities are welcomed and the strategy is very comprehensive. We offer the following comments:

A distinct, specialist secure estate for children and young people.

.NYOT agree with this principle and the priority to reconfigure the secure estate to provide more enhanced provision for under-eighteens. Perhaps consideration should be given to units with intensive support for those young people experiencing their first custodial sentence or remand, to help reduce the risk of re-offending at what might be a critical time for that young person.

There needs to be a balance between containment and control and the needs of the young people.

Recognising diversity

Agreed: Facilities for young people whose first language is not English or those who have physical or learning disabilities are not always prioritised in the prison type environment. Young people often do not ask for support.

Appropriate placements

Agreed: Perhaps all establishments should be able to meet the needs of young people given that we have detailed information of the kinds of needs that young people in the secure estate have, for example: learning disabilities, communication issues, mental health, experience of abuse, family relationship difficulties etc to name but a few. STCs are usually very effective in the management of young people with a variety of needs.

Comment from a practitioner “I know from experience that although things are improving the secure estate can view issues in isolation and tend to not involve families as much as they could. I feel this is an opportunity for more family / parental involvement in issues arising in custody - this needs to be formalised in secure estate operational standards or this will not happen”.

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

Agreed: This needs to be far more robust particularly in YOIs in relation to peer harm/bullying. Every effort should be made to maintain family and corporate parenting links to promote the welfare of young people. This is seriously affected

by reductions in agency resources and where young people are being placed in secure establishments far from home.

Effective assessment of need

Agreed: Youth Offending Teams and Local Authorities should play a greater part in establishing those needs together with specialist staff from the secure estate. The planning process can at times be prescriptive and meaningless for the young person therefore consideration should be given to reviewing the current T Form system.

Full and purposeful day

Agreed: The secure estate needs dedicated people who want to work with children and young people, who are appropriately trained in their needs and able to engage them in a full and purposeful day.

Priorities for 2011/12 to 2014/15

Reconfiguring the secure estate to provide more enhanced provision within a smaller estate and further movement towards distinctive provision for under 18-year-olds and

Improving the rehabilitation of young people in custody and reducing the risk of re-offending by commissioning services that ensure young people have access to effective regimes.

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?

Very much so, providing those who work with children and young people are specifically recruited for their expertise in dealing with the client group and are subject to an assessment process to test out their ability to engage.

We need to ensure that the enhanced units are 'distinctly' physically separated from the larger establishments'

We need to move away from the 'adult style prison regime'.

We should ensure a geographical spread of enhanced units across the country to enable family and community links to be maintained.

Given the often complex needs of young people we need to work with families of children and young people on a therapeutic basis.

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

Give young people a real incentive to support improvement in their behaviour such as reduction in time spent in custody beyond the current early release provisions and where appropriate dependent on risk of harm to others.

Ensure that the secure estate works closely with community based YOTs both strategically and operationally and ensure improved access for community based YOT staff to young people in the secure estate to support resettlement.

Ensure that young people's access to health services is comparable to the access available in the community.

Consider separating young people who have committed offences which have caused serious harm to others from those that have not and provide units which can focus on those behaviours.

Be sensitive to the needs of Looked after Children and those who have limited family support.

Ensure programmes of work are available regardless of the length of the sentence.

Consider a restorative approach to dealing with issues in the secure estate.

- **Responding to decreasing demand**

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

There are potential issues in decommissioning and increasing the size of catchments area in relation to maintaining links with families and the reduced resources of community based agencies. Young people who reach the age of eighteen and who are eligible for transfer to an adult YOI should be prepared for that change of regime rather than moved in response to increased demand.

- What role should market testing play in this process?

This depends on what this means in practice. If the aim is to drive down costs there may be a resulting reduction in quality e.g. staffing ratios, time spent in cells, reduction in health care, education, etc. If this encourages an increase in therapeutic regimes which seek to address the needs of young people then it is a positive move.

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?**

Ask the young people. Listen to their views about the secure estate.

Comment from a practitioner: “[Specific recruitment processes for staff, identification of child specific operating standards and the provision of resources to match these](#)”.

A full and purposeful day

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

Enable the secure estate to be more innovative and commission services externally to address offending behaviour and the needs of young people, particularly those who are on short-term sentences.

Remove the requirement to deliver one size fits all programmes such as JETS.

Have a greater focus on the physical and emotional needs of children and young people in the secure estate to support their engagement in positive activities.

Recognise and address the difficulties facing children and young people who have been absent from formal education for significant periods.

Recruit specialist staff to address issues of speech, language and communication.

Practitioner comment: “[Increase the provision of offending behaviour programmes \(this may be through the development of a range of pilot programmes delivered without accreditation\) - specifically the provision of dedicated units that can provide a young persons version of the sex offender treatment programme](#)”.

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

The YJB or any resulting body should be given more power to ensure that the needs of young people who offend remain a focus for government and the community.

Be able to act upon and address concerns raised about the secure estate quickly. The escalation process suggested in the strategy might support this.

Promote a positive attitude to young people.

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?

Support easier access for community based organisations to the secure estate.

Review the planning meeting process: Some young people find it incomprehensible and do not feel that actions follow or that their concerns are heard. The planning meeting can lead to box ticking and needs are not always addressed because of limited facilities.

Practitioner comments:

The revision of the strategy provides an opportunity to articulate wider ambitions beyond the spending review period. We would therefore welcome views from our stakeholders regarding the longer-term constitution of and vision for the secure estate including suggestions about:

- different types of provision
- alternative (co-) commissioning arrangements - a change of commissioning arrangements could present an opportunity for local authorities to have more say in the types of provision available to tackle individual problems (for example the gang related problems experienced by London local authorities are not experienced to anything like the same extent by other areas and unfortunately these problems are often dealt with by dispersal methods that impact on the rest of the secure estate)
- further developments to regimes - regimes need to include more offence focused work. The YJB should actively identify a strategy for introducing a young person friendly version of the SOTP into the secure estate
- the role of local authorities - local authorities should have a greater say in the type of provision offered both locally and nationally to ensure the secure estate is capable of meeting targeted individual needs.
- the development and delivery of offending behaviour and other programmes - The YJB should actively identify a strategy for introducing a young person friendly version of the SOTP into the secure estate as a priority. The YJB should also seek to identify more offence focused work and liaise with the prison service to streamline the accreditation process that at present restricts this.
- improving resettlement opportunities – The secure estate needs to identify a strategy to re-enforce the partnership approach with local authorities and increase involvement with families during the custodial period of the sentence.

Our Ref TSYJ/FDSEC030811

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Frances Done, Chair of the Youth Justice Board

03 August 2011

Dear Frances,

**Nottinghamshire Youth Justice Partnership Response to
Consultation: Secure Estate Strategy for Children and Young People**

Thank you for the opportunity to be involved in the consultation on this important area of youth justice work. Overall, the content of the proposed strategy is welcome and particularly the emphasis on diversity and the recognition on the high level of vulnerability of those in custody. We hope the following observations will be of use in finalising the strategy.

Principles and priorities

The principles appear to cover most areas well. However, the principle on "Maintaining the safety and well-being of children and young people" should include a reference to the importance of maintaining family contact and links in the home area as an important factor within wellbeing. In this and other parts of the strategy the contribution parents and carers make to safeguarding should be acknowledged. The core principle on effective assessment should make clear the need to plan and prepare for release from the first day in custody, although it is acknowledged that this is included in the dialogue in a later section in the document.

Responding to decreasing demand

The document does not address the potential issues of parental, family and professional contact in having a smaller amount of units. This inevitably leads to young people placed further from home with resulting increases in cost and difficulty with access. A commitment to change the regimes in establishments to increase access opportunities, particularly in the traditionally inflexible

prison estate, would be welcome.

A distinctive secure estate

The commitment to increasing the ability of staff to communicate effectively with young people and to improving young people's communications skills is timely, as is the review of an outdated and ineffective system of sentence planning. The proven effectiveness of prison based interventions is of course important but needs to be seen in the wider social context of desistance rather than based on adult-centric psychological measures which have permeated prison service, probation and NOMS thinking over the last decade.

Effective resettlement

With a growing localism agenda the need for flexibility needs to be emphasised recognising that different areas and services will adapt their practice to suit local needs and available resources. This requires a less rigid approach by custodial centres serving a number of different areas and would naturally place the YOTs as the drivers of sentence planning during the custodial phase.

If you require any further detail on these points please do not hesitate to contact us.

Yours Sincerely



Laurence Jones
Group Manager – Targeted Support
and Youth Justice



Anthony May
Corporate Director – Children,
Families and Culture

Chair of the Youth Justice Partnership
Board



Office of the Children's Commissioner:

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

September 2011

Office of the Children's Commissioner

The Office of the Children's Commissioner is a national organisation led by the Children's Commissioner for England, Dr Maggie Atkinson. The post of Children's Commissioner for England was established by the Children Act 2004. The United Nations Convention on the Rights of the Child (UNCRC) underpins and frames all of our work.

The Children's Commissioner has a duty to promote the views and interests of all children in England, in particular those whose voices are least likely to be heard, to the people who make decisions about their lives. She also has a duty to speak on behalf of all children in the UK on non-devolved issues which include immigration, for the whole of the UK, and youth justice, for England and Wales. One of the Children's Commissioner's key functions is encouraging organisations that provide services for children always to operate from the child's perspective.

Under the Children Act 2004 the Children's Commissioner is required both to publish what she finds from talking and listening to children and young people, and to draw national policymakers' and agencies' attention to the particular circumstances of a child or small group of children which should inform both policy and practice.

The Office of the Children's Commissioner has a statutory duty to highlight where we believe vulnerable children are not being treated appropriately in accordance with duties established under international and domestic legislation.

1. General comments

While the strategy sets out broadly admirable principles, it lacks specific details about the actual intentions for the size, configuration, geographical spread and nature of provision.

In order to plan an effective strategy for the future children's secure estate the following is required:

- Evidence regarding projections of likely numbers needing to be held in custody differentiated in relation to age, gender, region or local authority area.
- Evidence of effectiveness of the three current different types of provision in terms of ensuring that young people who are sent to custody address their offending behaviour and the likelihood of reoffending is reduced.
- A strategic plan for community based provision encompassing the following: early intervention and prevention, community-based disposals and alternatives to custody, resettlement and rehabilitation.
- International evidence-based research on the effectiveness of different custodial models.

There appears to be a pre-determined decision to retain Young Offender Institutions (YOIs) in their current form and to reduce the numbers of Local Authority Secure Children's Homes (LASCHs) and Secure Training Centres (STCs). The rationale seems to be on the grounds of cost and the basis that the latter two types of provision cater for the younger prison population which is falling faster than the older age group. This is worrying in the absence of evidence of effectiveness and without the context of vulnerability.

The Office of the Children's Commissioner (OCC) calls for a complete halt to any decommissioning of LASCHs and STCs until a full evaluation of effectiveness has been completed as well as a full breakdown of current and anticipated needs and vulnerabilities of all children within the system provided. The results of this evaluation should be fully transparent and the findings must be made public in their entirety.

Furthermore it is essential that the secure estate can cater comprehensively for the high levels of vulnerability of the children and young people in custody. This is especially important given that if children are only to be placed in custody as a last resort then those who are there will be very likely to have a mix of complex vulnerabilities and needs. It is a challenge to see how the YOIs, based on an adult prison model, can properly support and rehabilitate a population with the following characteristics:

- Three quarters of those in custody have lived with someone other than a parent¹
- 40 per cent have been homeless in the six months before entering custody²
- 24 per cent of boys and 49 per cent of girls have been in care³
- much higher rates of physical and sexual abuse and neglect than in the general population⁴
- almost 90 per cent have been excluded from school at some point⁵
- one quarter have identified special educational needs⁶
- almost 60 per cent have significant speech, language and communication needs⁷
- approximately 50 per cent have a learning difficulty⁸
- higher than average levels of anxiety, depression, PTSD and conduct disorder⁹
- young people in custody are 18 times more likely to kill themselves than others of the same age¹⁰

For a fuller account of the characteristics of children and young people in custody, please see the 2011 report published by the Office of the Children's Commissioner (OCC) ["I think I must have been born bad"](#) (Berelowitz, S and Hibbert, P).

This report, based on extensive visits across all parts of the secure estate for children, and discussions with children and young people in custody and post-custody, identified the following key findings, all of which are significant in the context of this consultation:

- While there are some areas of good practice, there is a lack of consistency and wide variation in the type, level and quality of measures put in place to support the emotional wellbeing and good mental health of children in the youth justice system and specifically, in the children and young people's secure estate.

¹ Youth Justice Board (2007) "Accommodation needs and experiences" London, Youth Justice board

² ibid

³ Tye, D (2009) "children and young people in custody 2008-2009: an analysis of the experiences of 15 to 18 year olds in prison. London: HM Inspectorate of Prisons

⁴ Cadman, S; Day, C and Hibbert, P (2008) "A literature review into children and young people abused and/or neglected prior to custody" London, Youth Justice Board

⁵ HM Inspectorate of Prisons/YJB (2009) "Children and young people in custody 2008 -2009)" London, HMPI

⁶ YJB (2006) "Barriers to engaging in education, training and employment" London, YJB

⁷ Bryan, KFJ (2007) "Language and communication difficulties in juvenile offenders" IJDLC, 42, 505-520

⁸ Department of Health (2009) "Healthy children, safer communities" London, Dept of Health

⁹ Chitsabesan et al (2006) "Mental health needs of young offenders in custody and in the community" British Journal of Psychiatry, Vol 188, 534-540

¹⁰ Fruhwald, S; and Fritier, P Suicide in prison, The Lancet, Vol 366, issue 9493, 8 October 2005, as cited in Legal Action, February 2008

- Commissioning arrangements for health services for children in the youth justice system were variable, complex and not always centred on ensuring effective outcomes for young people.
- There is wide variation in the understanding and recognition by staff of young people's emotional wellbeing and mental health problems and inconsistent levels of support and training in these areas for front line staff.
- There are wide variations in the ways in which the youth justice system provides services for young people with mental health needs, learning disabilities and speech, language and communication difficulties.
- There is limited understanding of child and adolescent development and limited recognition, understanding and management of developmental and neuro-developmental problems (including attention deficit hyperactivity disorder (ADHD) and autism spectrum disorders). Little attention is paid to the crucial importance of relationships in both supporting emotional wellbeing and managing challenging behaviour.
- There are committed professionals who do their best in isolation but systemic problems, including structural arrangements, demarcation lines, difficulties with obtaining health histories and information and poor communication between different disciplines, does not support a holistic approach to emotional wellbeing and good mental health.
- In some areas, there was an over-reliance on the commitment and drive of individuals in specific posts to ensure a good level and quality of service and a subsequent under-reliance on strong and transparent systemic approaches.
- Some managers, particularly in young offender institutions (YOIs) were remote from the day-to-day practice. They were unaware as to how the environment might be adapted, and staff supported and trained to improve the emotional wellbeing and mental health needs of children and young people.
- There is a tendency to focus on physical controls to manage risk and deal with challenging behaviour rather than through developing relationships and transparency.
- There is evidence of inconsistency and wide variation in the understanding of the impact of previous experiences, including abuse and care experiences on the young person's emotional wellbeing and mental health, by custodial and care staff.
- Children and young people in the specialist units within the secure estate (such as the Keppel Unit at HMYOI Wetherby and the Heron Unit at HMYOI Feltham and some local authority secure children's homes (LASCHs) were more positive about their experiences and their future plans than those in the more mainstream units. Young

people reported feeling safer in these units and felt that the staff were more able to support their needs.

- There was poor transition between services and in particular, a lack of support on leaving custody and transferring to adult services. Also, the separation between custodial establishments and external services hindered effective transitions back into the community. There appeared to be little knowledge of exemplars for planning transitions in non-secure services that might provide working models.
- Children and young people were defined by their criminality rather than their needs or vulnerability. This meant that they also defined themselves by their criminality which had a detrimental impact on their ability and willingness to acknowledge that they needed help.

The report made 19 recommendations, 18 of which are relevant for this consultation and are therefore reproduced below.

Recommendations from “I think I must have been born bad” OCC, 2011

Commissioning

1. Commissioning of health services for children and young people in detention should be regarded as a specialist function and be undertaken by the Department of Health through the management and governance of the National Commissioning Board. This should be with the proviso that membership of the National Commissioning Board includes representatives with specialist knowledge in child and adolescent health and child health commissioning. Provision must be predicated on the principle that every child in detention is entitled and has access to the same range and quality of services as children in the community. The aim must be to improve health outcomes for children who offend by addressing the key areas of public health, general physical health and wellbeing, and mental illness.
2. The Department of Health should ensure that there is an efficient and effective health screening process for all children entering custody. Children with identified risks regarding mental and physical health, learning disabilities, speech, language and communication difficulties and sexual health needs should be properly assessed and have access to services that are commensurate with the nature and needs of the problems presented.
3. Professionals from all disciplines working with children whether detained or in the community, should have a shared understanding, delivered through joint training, of key factors affecting child and adolescent health and wellbeing including child and adolescent development, attachment theory, resilience factors and children's rights so that they are competent to work with children in all settings. This would encourage and promote shared working between community-based mainstream services and those provided to children in custody and improve information sharing on admission, whilst in detention and when planning good transitions on exit.

Assessment and information sharing

4. The Government should continue with the review of the ASSET assessment used when children become known to a YOT and ensure that any new or amended assessment process focuses on emotional wellbeing as well as good mental health. Training should include understanding and awareness of how the screening information is used to ensure children's needs are appropriately met including identifying when referral for further assessment or specialist services is required.

5. A robust protocol should be developed and agreed between the Ministry of Justice, Department of Health, Department for Education and local government in relation to sharing health, education and social care information about children and young people in the youth justice system.

Placements and practices in the secure estate

6. The Ministry of Justice should make sure that the commissioning specification for the secure estate ensures that children are accommodated in small living units with a sufficient number of skilled and trained staff to meet their emotional and mental health needs. We recommend that no unit should hold more than a total of 150 children and young people and that their staff/child ratios should be at least equivalent to those currently in operation in secure training centres (STCs).

7. The Ministry of Justice and the Youth Justice Board for England and Wales (YJB) should ensure that the living environment for children and young people in custody is conducive to good emotional wellbeing.

8. Strip searching should only be used when there is a clear risk to safety and security identified by robust intelligence, and not as a routine procedure. This process should be standard across the secure estate.

9. There should be a review of catering arrangements in YOIs so that meals are well balanced and portion sizes increased. In general the quality and quantity of food in STCs and LASCHs is better than in YOIs and catering arrangements in YOIs should follow the models and funding of the smaller units. On-site kitchens are essential in ensuring food is of an acceptable quality and arrangements must recognise and make provision for the specific needs of developing adolescents. The practice of giving breakfast packs in the evening should cease.

Staff skills

10. The Department of Health should, as a matter of urgency, implement Lord Bradley's recommendation that all YOTs should include a qualified mental health worker.

11. The Ministry of Justice should ensure that the children's secure estate is staffed by dedicated staff selected for their suitability and commitment to working with troubled children and young people.

12. Training in mental health awareness and child and adolescent development should be mandatory for all staff working with children and young people in the youth justice system.
13. Commissioners should work with local workforce development personnel to ensure that they understand and commission the right skill mix of care and health staff in units.
14. Governors, directors and senior managers should undergo basic training in emotional health, wellbeing and mental health, and child and adolescent development in order that their understanding can inform the practice of their staff.
15. Governors and directors should ensure that all staff have access to online learning tools from:
 - a. Royal College of Nursing: www.rcn.org.uk/development/learning/learningzone
 - b. CHIMAT : www.chimat.org.uk/camhs
 - c. Royal College of Psychiatrists:
www.rcpsych.ac.uk/mentalhealthinformation/childrenandyoungpeople.aspx

Re-settlement

16. There should be a statutory duty on local authorities to provide support services for children and young people leaving custody over and above those dictated by criminal justice statute. We recommend that the support provided should be comparable to that for children leaving care under the Children (Leaving Care) Act 2000.
17. The YOT mental health professional should attend the pre-release sentence review meeting of any child with identified mental health or other complex needs and ensure that, where indicated, the release plan ensures timely input from external specialist services in the child's home locality. Full use should be made of technology to facilitate participation.
18. The Government should review and amend legislation to ensure that children who are accommodated under Section 20 of the 1989 Children Act immediately prior to a custodial sentence, continue to receive services from their local authority children's services, as if they were still accommodated.

2. Consultation questions

Principles and priorities

While we broadly support the principles, the key issue is the action taken to deliver against them. For example, the principle that "Staff should proactively engage with all young people to identify and meet the specific needs of all young people placed in custody" is an excellent one. However the test is in the interpretation and what it means in practice. "Meeting the specific needs of all young people placed in custody" requires there to be sufficient staff, in terms of staff:child ratios, as well as ensuring staff are properly trained to

meet the needs of this very vulnerable and complex population and with the expectation that senior officers will also understand the health needs of young people.

While there is a principle in relation to equalities there is no reference made to equalities in any other part of the document, for example on matters of gender and/or race. And yet the proportion of BME children in the secure estate compared to the whole is increasing rather than decreasing or staying static. In terms of recognition of the specific needs of girls, they need to wait until they enter a YOI to receive gendered intervention but then lose the age appropriate nature of an SCH or STC. Where provision such as education is mixed, there is little knowledge of the gendered needs of girls and young women. For example, girls who have been subjected to gang-associated abuse and exploitation may need specific protection in mixed education settings.

The strategy contains no information about proposed staff:child ratios and implies that the higher levels in the STCs and LASCHs are too expensive and therefore that the starting point will be the very low staff:child ratios currently in operation at YOIs. Without appropriate action, the principles will not be realised.

There is no principle regarding placement of children within reasonable distance from home in order to ensure contact with families and other significant relationships is maintained. This should be added together with some detail of what this would mean in practice.

We fully endorse the necessity for having distinctive provision for under 18 year olds. This should recognise the need for young people to form meaningful relationships with significant adults, particularly for those who have attachment disorders or difficulties – a characteristic of many youngsters in the secure estate. The children's estate should also recognise the importance of socialisation and establishing positive patterns of behaviour. Given the profile of those in custody, many will not be well socialised and the custom in YOIs of young people having to eat most of their meals in their cells and having little association time does not support the development of socialisation skills. Part of the distinctiveness of the secure estate for children should be that each unit or wing has an association area where the young people and staff eat together for all meals. Learning to live with others, to communicate effectively, to share and collaborate as part of a community are essential skills for living in harmony in families and communities.

Specific actions therefore need to be identified against each principle and priority to demonstrate how they will be realised in practice.

Development of enhanced units

The Keppel Unit at Wetherby YOI is impressive and the development of further such units would be welcomed. However it must be recognised (see evidence above and in the OCC report "I think I must have been born bad") that the vast majority of children and young people in custody have significant vulnerabilities and needs and therefore all provision

must recognise and cater for this high need population. The contrast between the Keppel Unit and Werrington YOI is stark and investment should be made in all units to ensure a more homely and personal environment with higher staff:child ratios so that the emotional, psychological, physical and social needs of all children in the secure estate are properly attended to and addressed. The presumption should be that all children should have the standards and levels of care provided at the Keppel Unit.

While there is no reason why enhanced units should not be established on the sites of larger establishments, the situation at Werrington is very uncomfortable and should not be replicated. Werrington is a grim and foreboding building and the contrast, all too evident to the children in the main prison many of whom have cells directly overlooking the Keppel Unit, is profound. This inevitably must build resentment, anger and envy which not surprisingly is demonstrated through the stigmatising of those in the Keppel Unit. We have also been told that children transferring back to mainstream YOIs from the Keppel Unit are subject to bullying. The disparate treatment is highly likely to be a factor in this.

The answer is both to build new enhanced units with sensitivity and to improve the environment and conditions for those in mainstream units.

Responding to decreased demand

The current situation arising from the recent civil disturbances, where magistrates have responded by remanding to custody at much higher rates than usual and the longer and more punitive sentences being handed down, have thrown this issue into sharp relief. A full assessment of likely demands is needed based upon the questions outlined under general comments above.

We remain concerned that decommissioning in response to decreased demand is being done on an ad hoc basis. The assessment of need on which a decommissioning plan should be based, should utilise the extensive research on the vulnerabilities of the custodial population and placement choice should be predicated on this evidence rather than simply on age. We have met children in YOIs, including some who have self-harmed and attempted suicide, who are clearly too vulnerable to be in such an environment and should be in either an STC or a LASCH.

We also do not accept the view that STCs and LASCHs are largely interchangeable. The youngest as well as the most psychologically fragile children in custody need the more personal and intimate environment of the best LASCHs. Unfortunately there are some LASCHs that operate too much like prisons and where the environment is insufficiently homelike. The priority should be to ensure these homes are brought up to the standards of the best eg Swanwick Lodge in Southampton.

We reiterate that no further LASCHs should be decommissioned in advance of the comparative research into differentiation of outcomes between the three types of secure accommodation.

A distinctive estate for children and young people

We agree with and support the rationale for a distinctive estate for children and young people. We particularly support the proposal to work with National Offender Management Service (NOMS) on the issues identified in paragraph 52 of the consultation. We would like to see these changes being addressed with some urgency.

We would like to see the following additional improvements taking place:

- It is essential that the emotional and psychological needs of the children are fully and properly attended to and addressed. See the recommendations above and the OCC report, “I think I must have been born bad”, for full details.
- Key worker arrangements operate in most establishments but many of the children with whom we have spoken did not know who their key worker is. Given that many of those in prison have significant attachment difficulties, the systematic implementation of effective key worker arrangements across the whole of the children’s secure estate is a priority. There are some places where this is working well and they should be acting as exemplars of best practice.
- Children's educational entitlement and access should be the same as for children in the community. Children in custody should therefore get 25 hours of education per week. Additional activities should be supplementary to this.
- Hairdressing seems to be a default offer for girls and some have told us that they would prefer to do more academic subjects but are given few alternatives. Hairdressing should not be seen as the natural or easy option for girls but every girl should be offered the full curriculum. Taking a gendered approach to working with girls does not mean offering them training such as hairdressing because they are girls. A gendered approach would mean exploring how the system responds to girls and whether interventions appropriately respond to girls’ gendered experiences of offending and wider social life – as was identified for adult women in the Corston report.
- An equality impact assessed approach should be developed so that the whole of the estate is evaluated against appropriate standards to ensure the specific characteristics of children and young people who are LGBT, BME, disabled etc are given full consideration in the planning and implementation of provision including staff training and physical layout.
- The environments, particularly in YOIs, need substantial modification and improvement. In some YOIs children do not even have anywhere to store their clothes and have to keep them in plastic bags. This is not acceptable.

- The majority of children come from troubled and disadvantaged backgrounds. They will have limited experience of eating at a table with others and too many will have spent their formative years in bleak environments. Replicating this in prison does not assist with bringing about change. Preferably all, but at least two meals per day should be eaten on association. Each wing should have a small kitchen where children can work with staff to prepare food which is then eaten communally. There should be soft furnishings in all association areas.
- There should be a reasonable geographical spread of secure establishments so that no child is held more than 50 miles from home unless under exceptional circumstances.
- Establishments should hold a maximum of 150, broken down into small family units to ensure personal and personalised care for every child.
- The model of staff working 12-hour shifts to ensure continuity of care is a good one.
- There should be sufficient staff on duty in weekends to enable a broad range of activities to take place so that children are out of cells and engaged in constructive activities for at least 10 hours per day.
- Each wing should have weekly meetings where children and staff discuss issues and address concerns.
- This should be replicated at a more strategic level with each wing nominating a representative to sit on a council which liaises with senior staff to represent the needs and wishes of the children. This is important for building trust, self-esteem, developing communication skills, helping children learn how to negotiate and deal with difficult issues by talking reaching agreement rather than acting with anger and aggression. In short, such arrangements are powerful tools in building resilience and enhancing the children's capacity to develop and maintain positive relationships. It is essential that children's councils are meaningful and are seen to have a real impact on prison conditions. UserVoice can advise on these developments.
- Every establishment should offer children regular opportunities to go outside in all seasons and engage in sporting and other outdoor activities such as gardening. Children and teenagers have lots of energy and this needs to be positively channelled; team sports can be highly effective in this regard and are also important for helping young people to develop interests that they could continue on release, discovering new areas of interest and competence and for helping in relationship building. Many establishments have large grounds yet much of this space is not accessible to the children who have cramped enclosed exercise areas eg Feltham YOI. It should not be difficult or unreasonably costly to bring more space into use by the children. It would be useful to measure whether an increase in physical activity led to a decrease in

instances of disorder.

- We support the proposal to develop small satellite sites to aid resettlement. This should be integral to distinctiveness of the children's secure estate. There should be timely access to appropriate health care and the sharing of information between health systems in the community and in the secure establishment in order to ensure that young people's health is properly assessed, existing treatment regimes are consistent, and that any new treatment is started and followed through in a timely way.
- In respect of young people who are or who have been looked after, including 'relevant' care leavers, it is essential that there is effective collaboration with the relevant local authority social work teams to ensure that their duties under legislation are met. The duties concerning social work visits, assessment and planning and the consideration of follow on support both to those who continue to be on care orders while in custody and to those formerly accommodated under Sec 20 of the Children Act 1989 are extremely important given the potential for additional vulnerability and lower level of support in the community for these young people

A full and purposeful day

- Every child should have access to the full curriculum and gender stereotyping on the nature of course subject offered should cease.
- There should be equity of educational provision between children in the community and those in custody i.e. children in custody should have 25 hours of education per week, tailored to their individual needs.
- A good range of NVQs should be on offer for those children who prefer to take a non-academic route and to support access to work.
- Work experience should be available utilising prison opportunities eg catering, gardening.
- There should be a full programme of activities in weekends with rotas organised to enable this.
- The sporting activities at Hassockfield STC have had a very positive impact on morale and behaviour and this option should be examined for all establishments. See above for the recommendation regarding use of grounds.
- See above for recommendations on children and young people's participation and eating on association. These should all be built into daily and weekly programmes and be part of a full and purposeful life while incarcerated.
- The YJB should specify these requirements when commissioning places and

monitors need to be proactive in assessing for compliance.

- Access to support for children's emotional and mental health needs should be a key component of a full and purposeful day.

Effective resettlement

- As stated above, we support the proposal to establish community-based resettlement units. It is important that these are locally based so that the children and young people can be located in or near their home communities. Local YOTs should be actively involved so that there is a smooth transition for young people on leaving.
- The enhanced resettlement pilots should be rolled out nationally and their approach and practice should be the norm i.e. what they are doing is simple good practice and should be happening everywhere.
- The YJB should identify and promote best practice by encouraging and facilitating shared learning including visits to establishments and projects that are exemplars of best practice.
- Young people leaving custody should never be placed in bed and breakfast accommodation. The YJB should work with the LGA to develop a protocol so that local authorities with housing responsibilities support and are compliant with this policy. Statutory guidance would be preferred.
- Resettlement arrangements are subject to significant local authority variations across the country. National minimum standards and expectations should be set with compliance inspected and assessed by Ofsted. These standards should specify that placement of 16 and 17 year olds in bed and breakfast accommodation on re-entry to the community is not permissible.
- If funding pressures are required in order to ensure local authorities comply with their obligations to children and young people in custody then we would support such a move.
- There needs to be greater support for families where children will be returning to the family home from custody with this work commencing during the child's time in the secure estate.
- The YJB should ensure that YOTs provide a full programme of support for young people leaving custody. We have seen resettlement plans that consist of little more than one YOT meeting per week. This is not good enough. YOTs should be issued with clear guidance on expectations and best practice examples. Ofsted should inspect against the guidance.

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September 2011

Ofsted Response

Principles and priorities

[Do you agree with the principles stated in this document?](#)

We agree with the principles and priorities stated in paragraph 24. We believe that the secure estate for children and young people should be recognised as specialist provision and it is appropriate for commissioned services to recognise the distinctive approach. A dedicated secure estate with clear objectives and appropriate resources, both in terms of the building, facilities and staffing, is an appropriate way to provide for children and young people in custody.

[Are there any significant areas that are not covered?](#)

The issue of how the mental health needs of children and young people should be addressed could be strengthened further, for example through clarity about how other specialist health services could be reflected in the strategy, such as services for young people involved in substance misuse.

The opportunities for young people to have training and learning vocational skills are limited. We are aware that there are a number of building developments in secure children's homes with grants provided by DfE to improve these facilities and our inspections would confirm the positive impact that this has.

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 particular complex needs?](#)

The proposition to develop enhanced units within larger establishments to address the needs of young people with particular complex needs represents a needs led approach which is appropriate. We think it is desirable to have as broad a range as possible of custodial resources to meet the needs of children and young people.

The proposals could be strengthened in the section on 'enhanced units' by further exploration of how and/or whether secure training centres and secure children's homes will contribute in addition to the clear role for Young Offender Institutions.

Inspection has shown that secure training centres (STCs), for example, could be well placed to develop enhanced units, as they have with the mother and baby unit and unit for older girls at Rainsbrook. STCs may also be able to contribute to the development of other types of resources within the existing centres, for example working with young people with learning disabilities, mental health issues and sex offenders.

From discussions inspectors have with young people during inspection they prefer to live in smaller groups, with sufficient staff to provide them with time and attention. They appreciate the one to one time and feel when this is part of their daily routines they feel they are important to the adults working with them.

Whenever possible the most appropriate placement should be allocated that can clearly meet the assessed needs of the young person, provide them with education and training, and reduce the risk of reoffending.

It is not clear what is meant by secure children's homes and secure training centre's being 'broadly interchangeable'. The services are commissioned differently, work to different service standards and are subject to different inspection regimes.

[What more can be done to meet the needs of young people in custody?](#)

Inspection has shown that ensuring appropriate assessment, including risk to self or others, the level and quality of education, and vocational opportunities are key in ensuring the most appropriate and effective provision.

(See above relating to training and vocational facilities, particularly in secure training centres).

The section on safeguarding does not reflect the very positive engagement of a number of secure establishments with their Local Safeguarding Children Board and the local safeguarding teams which we have reported on. This is particularly the case in the STCs where they routinely have monthly meetings to review safeguarding matters, including restraint and single separation, which are attended by external professionals. These meetings also involve advocates and the YJB monitors. We have reported that this is good practice and this perhaps be encouraged elsewhere in the children's secure estate.

Responding to decreasing demand

[Do you agree with the proposals for adjusting to decreasing demand?](#)

In evaluating the effectiveness of secure provision for children, Ofsted will continue to take into account young people's needs, the suitability of the

establishment to meet that need and the impact on outcomes for young people. We recognise that securing value for money presents a challenge for the Youth Justice Board while seeking to meet the needs of what is a diminishing population. Inspections have identified that the distance of the placement from home and issues with resettlement are key issues for young people in the secure estate, their parents and local authorities.

[What role should market testing play in this process?](#)

It is not for Ofsted to comment on how the estate is commissioned. We will continue to report without fear or favour for those parts of the children's secure estate we have to remit to inspect.

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?](#)

As the inspectorate and regulator of services for vulnerable children and young people, including many who are accommodated in a secure setting, we support the continued distinctive estate for children and young people detained as a result of offending behaviour. Many of these young people are vulnerable and have mental and emotional health needs which require an age appropriate placement.

The leadership and management of the secure estate for children and young people however configured must be able to demonstrate it is robust, accountable and have a good operational understanding of the needs of young people in custody and remanded to secure care.

In order to meet the wide and varying needs of children and young people placed in secure, it is crucial that there is a good geographical spread of secure establishments which between them provide an appropriate range of provision which can respond to the needs of individual young people.

A full and purposeful day

[What more could be done to ensure the development of effective interventions in secure establishments?](#)

It is important that young people are purposefully engaged in a wide range of activities, including educational, vocational and enrichment. The assessed needs of individual young people should be considered when planning effective interventions, including daily activities.

We believe a full and purposeful day should include young people:

- engaged fully in a programme of education and training that meets their individual needs
- benefiting from education, training and assessment that is of a high standard and supports young people's learning and development
- achieving learning goals that are sufficiently challenging, support personal development and enable them to progress to further education, training or employment on release
- have opportunities and support from staff to individual young people to inspire and challenge them to extend their knowledge, skills and understanding
- receive individualised offending behaviour and citizenship programmes are in place to enable young people to address their offending behaviour, or other behaviours that cause them or others distress
- cared for in accordance with their individualised plans. They are supported and challenged by the targets set in the plans, which identify and address their assessed needs and risks and minimise further offending behaviour

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?

Forward planning by YOTs and children's services authorities to enable young people and the people caring for them prepare for the next steps is critical.

Examples of the kind of issues that inspections consider when evaluating the effectiveness of resettlement include:

- Planning for a young person's release or transfer starts upon their arrival. Preparation for resettlement is outlined in training plans and progress is monitored as part of the young person's reviews. Good resettlement planning ensures a seamless transition to the community or to another establishment
- Young people are aware of clear and explicit discharge, transfer or resettlement plans which have been agreed and resourced by all the agencies involved with the young person

The regional partnership approach to resettlement has been very positive. Planning from the point of admission is very important and with advocates for successful resettlement planning can and do hold their authorities to account.

Escalating concerns about resettlement planning with appropriate managers within the local authority is crucial. As young people come to the end of their sentence, or are approved for early release, the time available to make arrangements is very restrictive.

We think the development of semi independent living units for older adolescents is also a positive option. Consideration will need to be given to the level of scrutiny for these provisions, particularly if they are working with young offenders who are also particularly vulnerable. The potential for risk and vulnerability of young people should be carefully considered as part of the referral and admission process for these establishments.

Reaching out to young people from the placement is also an important role for the secure setting, particularly for those young people who have been placed for some considerable time. Those units that have resettlement officers who track young people and support them in a practical way as well as providing emotional support are beginning to report some very positive results.

The role of the YOTs in supporting during the licence period is crucial to prevent reoffending or breach of licence, as is the continuity of placement or education and training. If potential problems or failure of some plans to materialise, are identified and addressed quickly there is more possibility the young person will remain stable and avoid reoffending.

Access to community based health services, including mental health, substance misuse, is an essential part of the resettlement package that needs to be arranged prior to discharge.



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

Principles and Priorities

- **“A distinct, specialist secure estate for children and young people”**

We support a distinct and specialist secure estate provision for children and young people and welcome that staff should be supervised and cared for by committed and trained staff.

The consultation document does not detail the “appropriate training” indicated and we encourage the Government to consider skilled multi-agency approach to the staffing of secure estate provision to encourage “holistic” approach, when delivering care for this disadvantaged group. We would encourage that “appropriate training” is considered an ongoing part of any staff group and not a “one-off” course. We support the principle of smaller units and a more conducive and appropriate build and environment.

- **Recognising Diversity**

We urge that “disability” be added to the list suggested in line with the legislation on all public authorities under the DDA. We also believe that when recognising issues of diversity for young people in secure settings, that some children face additional disadvantage as a result of their status as young and unaccompanied asylum seekers and that the range of diversity needs as children around immigration status should be recognised.

- **Appropriate Placements**

We support the principle that young people should be placed in an establishment that is best able to meet their needs and encourage that the range of provision is enhanced so that young people are not faced with additional disadvantage through extreme distance from “home” community: also that transfers between establishments subsequent to initial placement continue to reflect this principle.

- **Maintaining the Safety and Well Being of Children & Young People**

We urge the wording of this section to reflect the “duty” imposed via S11 of the 2004 Children Act and the wording in Working Together 2010 that requires Governors/Directors of secure settings to “ensure” that their functions are discharged with regard to the need to safeguard and promote “the welfare of children and young people”. We suggest that the following is added into this principle:-

Secure settings need to take into account and reflect the requirement of international law and guidance regarding the welfare of children denied their liberty.

Ensuring and supporting increased interface and integration between the management and understanding of a child./young persons, welfare, psychiatric and health needs especially in cases where there are multiple and complex needs and issues (sexual offending/victims, emerging personality disorders, extreme self harm etc,) both within the secure provision and linked to intervention and services in the community are necessary and essential to maintaining safety and well being.

- **Effective Assessment of Need**

An early and comprehensive assessment additionally needs to take account of the impact of the change from community to custody on a child. The assessment should take account of and be linked to assessments completed in the community about the child’s needs (CAF, LAC, Asset, etc).

This assessment needs to take into account the lack of stability that arises through “immigration” issues upon “stable resettlement arrangements”. This “early assessment” needs to include local authorities in the dialogue about accommodation provision post-release.

- **Full and Purposeful Day**

We agree in general with the detail under this principle. We suggest that consideration is also given to assist young people to acquire age appropriate independent living skills and includes well-designed resettlement programmes.

- **The Development of Enhanced Units**

We agree with the development of enhanced units for children and young people with particularly complex needs.

However, we urge that all accommodation for young people in the secure estate recognises the overwhelming vulnerabilities and needs of most of the population and that resourcing does not only recognise the needs of some. All provision should be of sufficient quality to deliver high quality care for children and young people in secure care on behalf of the state.

In recognising the complex additional needs of this vulnerable group, we believe more can be achieved through greater deployment of external agencies within secure settings. We believe that social workers (including specialists for looked after children and child protection), clinical psychologists, specialist emotional and behavioural education specialists, therapists, speech, communication and language therapists, would all contribute to better services.

There is a need for more provision for young women who are pregnant/young mothers.

There is a need for young people to have proper planning supporting their moves across the estate and also from a “juvenile” estate into the adult estate. This requires preparation and joint planning with the young person and their families/carers, the YOS, Probation (NOMS) and looked after children provision for those subject to care leaving status.

As stated previously, there remains a need for closer integration between services in the secure estate and the community regarding children with highly complex needs.

▪ **Response to Decreasing Demand**

We recognise the positive progress that national commissioning has brought to the secure estate and support its continuance.

At paragraph 35, there is no indication of either who or how or what will constitute the “regular analysis of needs”. We suggest this is not specific enough and believe that those who are neither purchasers nor providers, such as the Inspectorates, Penal Reform lobby groups, Children Royal Alliance for England (CRAE), Standing Committee for Youth Justice (SCYJ), NSPCC, Children’s Society, Barnardos, Association of Directors of Social Services (ADSS) should also be included in this process.

There is also no indication of what constitutes “greater efficiency” – this needs further explanation. The agreement of joint priorities and desired outcomes need to reflect the rights of young people held in such settings, the international law and its obligations and the “needs” led dialogue found elsewhere in the document.

The competition strategy is based on “adult” provision. Within the strategic approach in this document (MoJ – Competitive Strategy for Offender Services: July 2011), it suggests that the MoJ will “only provide new rehabilitation services directly if they have been tested to see if the voluntary of private sector can provide them more effectively and efficiently and that competition will be essential to the approach of commissioning”. We are concerned that “market testing” should have such a procurement role in the provision of public care for children deprived of their liberty.

We support the view of the SCYJ that the government should look to facilitate secondary legislation to allow SS of CDA to be implemented (para 40) – check this again post draft.

- **A Distinctive Secure Estate**

Should greater freedom of placement be realised by Section 34 of the Offender Management Act 2007 implementation. Smaller, localised units might be established enabling young people to engage in change “within” their communities rather than at distance and as currently with very little ROTL provision to assist rehabilitation and resettlement.

- **A Full and Purposeful Day**

We support the view that time spent in secure custody should be active, educational and purposeful for young people.

This provision, although currently technically available for those on “segregation”, needs to be better realised in some instances for those held separately to others “normal” locations.

We would support part of this time to include activities that relate to re-integration and resettlement into their communities by including, where possible, joint working with “home” area professionals linked to the young person and their family.

- **Effective Resettlement**

Greater use of ROTL.

Ensure resettlement projects to retain ring-fenced financing with Youth Offending Teams. There is some positive work taking place in these projects and this should be continued as a “specialism”.

There should be no reduction in National Standards for visiting young people in custody or ensuring that planning for release takes place in good time.

The entrance of a young person into custody should trigger a looked after review (as per placement changes) for those looked after. YOTs should be required to link into LAC reviews.

Provision should be commissioned for training and better links to be developed for NOMS (Probation) areas and the 18-25 year estate regarding the ongoing and legal obligations for looked after children who are in transitional years moving between juvenile and adult services.

There should be increased links with Public Health provision regarding children and young people with learning disabilities.

There is a need for close working between the secure estate, YOTs, children's services and the police in terms of intelligence, risk to children issues and gang management issues. The dialogue and interface set up under Prolific and Priority Offender Management (now not in place for juveniles) worked well and enabled timely and effective dialogue. Provisions similar to this could be revisited.



Prince's Trust

**A response from The Prince's Trust to the consultation document
'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?

In addition to our response, we support the response submitted by Clinks & NCVYS. We are also a member of the Transition to Adulthood Alliance. We support the idea of a distinct, specialist secure estate for children and young people with dedicated /trained staff. We believe that ensuring their safety and well-being is of the utmost importance along with embracing diversity.

At The Prince's Trust we are passionate about young people being involved in positive activities (education, training, employment, volunteering), so we support the idea that children and young people must have access to a full and purposeful day. The Prince's Trust helps change young lives. It gives practical and financial support, developing key workplace skills such as confidence and motivation. It works with 13 to 30 year-olds who have struggled at school, have been in care, are long-term unemployed or have been in trouble with the law. This year, The Trust will help 50,000 young people. More than the three in four of the young people we work with go on to a job, education or training.

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?

We agree with the idea of enhanced units with a strong focus on addressing health needs and engagement with families. In addition to providing support in these areas, we also feel these young people need support in raising their aspiration and turning away from crime. The Prince's Trust enables ex-offenders to deliver inspirational talks in prison to influence young people's attitude towards crime. We would encourage the use of positive role models to inspire young people that it is possible to turn their life around.

3 Responding to decreasing demand

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

N/A

4 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?

It is imperative to consult with young people and ex-service users to understand their needs. We recommend involving young people in the design of a distinct secure estate. We encourage the focus on healthcare, education and engaging with families. We agree with the need to recruit and train staff who want to work with young people in trouble with the law. We feel point 56 is very important – improve outcomes for children who are, or have been, looked after by local authorities. The voluntary sector has a role to play in improving rehabilitation and reducing reoffending. The voluntary sector is independent and many of the young people we work with respect the fact that the person supporting them is doing so in a voluntary capacity.

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 YJB play?

Effective interventions for young people need to include a variety of engagement tools such as arts, sports and drama. Activities should include personal development, emotional well-being, teamwork activities, challenging activities and leadership activities. The Prince's Trust delivers a range of programmes across the UK to help young people into education, training, employment and volunteering. The Prince's Trust works closely with the YJB and we believe they play a pivotal role in coordinating services within the secure estate.

Our programmes are an effective intervention for young people in the criminal justice system:

- **Team** - a 12-week personal development course, offering work experience, qualifications, practical skills, community projects and a residential week
- **Fairbridge** - drop-in centres where young people can engage in a range of courses
- **Get Into** - short vocational courses that develop young people's skills in a specific sector
- **Get Started** - short courses run by professional tutors in sport, music and creative arts
- **xl clubs** - a personal development programme aimed at young people at risk of underachievement or exclusion from school.
- **Enterprise** - supports unemployed young people to explore self-employment
- **Community Cash Awards** - awards up to £3,000 for young people to make a difference in their local community
- **Development Awards** - £50 - £500 for young people to access education, training or work
- **Leaving prison mentoring** - a 12 month mentoring programme to support young people through their transition from prison to community.

6 Effective resettlement

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

We would highlight the importance of mentors and positive role models especially during the difficult transition of leaving custody. Along with other providers, The Prince's Trust runs a 'leaving prison mentoring' project to support young offenders through their transition from prison to community. We believe that mentors should be available to all young people leaving custody. Mentors are often the central link between the young person and key support services. This is especially the case where a young person does not have a positive role model within their family.

We believe that former offenders are a considerable resource as mentors. Our 'leaving prison mentoring' project enables ex-prisoners to support young offenders for 6 months before /after release including meeting them at the gate on release. Young people respect the fact that their mentor has an understanding of what it feels like to be in prison.

The Prince's Trust has led a campaign called 'GateMate' in partnership with Clinks, Catch22, St Giles Trust and the Mentoring & Befriending Foundation. Our aim is to unite mentoring providers so that collectively we can mentor more young people through their transition from prison to community.

We are also supportive of young adults using ROTL to volunteer /work /attend courses at The Prince's Trust. Several young adults have done this and it has made their transition into the community easier.

7 The revision of the strategy provides an opportunity to articulate wider ambitions beyond the spending review period. We would therefore welcome views from our stakeholders regarding the longer-term constitution of and vision for the secure estate including suggestions about:

- different types of provision
- alternative (co-) commissioning arrangements
- further developments to regimes

- delivery mechanisms
- competition strategies
- the role of local authorities
- configuration of the estate
- the development and delivery of offending behaviour and other programmes
- improving resettlement opportunities

N/A

Probation Chiefs' Association

1) Introduction- The Probation Chiefs' Association

The **Probation Chiefs' Association (PCA)** is the independent professional organization that represents the voice of Probation leadership in England and Wales.

It exists to promote confidence in, and increase understanding of, the vital work that probation does to protect the public and reduce re-offending.

The Association provides a forum for the collective operational expertise of its members –chief executives and senior staff – whose experience is firmly rooted in local and regional partnerships and communities.

The Association is committed to:

- influencing and contributing to the development of criminal justice policy and practice nationally
- working strategically and positively at national, regional and local level to find practical and effective ways to reduce crime, encourage rehabilitation and support community cohesion

The Association is pleased to respond to this consultation on the basis of:

A) Probation Trusts being responsible for receiving the transfer of case supervision of young people at age 18 from their local YOSs and subsequently the case management of these young offenders

B) Many Probation Trusts continuing to second staff and offering senior management advice to local YOSs.

Thus the Probation Chiefs' Association has a strong interest, as a key stakeholder, in advocating that the Secure Estate for young offenders is the most appropriate possible, offering relevant rehabilitation opportunities and facilitating case transfer when the young person becomes 18.

2) Principles and priorities of the consultation

The PCA agrees that the secure estate for children and young people should be provided as a specialist resource. This group will have mental and emotional developmental needs that need to be tackled as part of the rehabilitation of young people whose offending is serious enough to warrant a custodial sentence. Although outside the scope of this exercise, the Association believes that consideration should also be given as to whether the custodial facilities offered to young people aged below 18 should also be extended to those aged 18-21. This group frequently has similar developmental needs in this transitional adulthood period. The PCA is committed to ensuring that interventions provided

tackle the specific needs of individuals, including taking account of a young person's background and identity.

The placement of the young person should take place as near their geographical home as possible, to help maintain positive links with their home area. However the Association recognises that, with a declining young prisoner population, this aim may not always be possible and difficult decisions will need to be made, balancing the relevance of a given institution's regime against its distance from the young person's home.

The group of young people sentenced to custody, group will have higher levels of deprivation and need compared to those found in the general community. The Association is committed to the provision of quality safeguarding procedures being implemented for both young persons and adults. In particular it considers that the welfare of young people is a critical priority for the young person's estate.

Assessment of need is a clear initial priority to determine what interventions should be provided and the Association agrees with the position taken by the consultation document. Similarly, the Association considers that it is essential that young people have access to custodial regimes that challenge their offending behaviours whilst also addressing educational and other problems

3) Development of enhanced units

The Association agrees with the suggested concept of enhanced units tackling the multiple and complex needs of young people who have experienced particularly difficult or deprived upbringings. It is the Association's experience that such interventions should be at the earliest possible opportunity. Probation Trusts often find that young adults being transferred to Probation require extensive intervention in areas where it would have been more effective, and would have led to potentially better outcomes, had they been provided earlier. The example given of the Willow Unit at Hindley YOI appears to be very impressive in terms of the provision of a specialist, tailored service for young people with significant mental health needs; this provision should be replicated elsewhere if the intervention is found to be effective.

The Association strongly supports the concept of the provision of satellite resettlement units located at sites close to young offenders' homes as the ideal final stage of a custodial sentence. This would facilitate the process of resettlement and developing independence of the young person when they return to the community. These satellite houses should establish good links with both the local YOS and Probation Trust; this would support effective compliance post-release and could be a useful strategy to reduce the poor re-offending rates for this group of offenders.

4) Responding to decreasing demand.

The Association notes the increased use of custody as a response to the recent civil disturbances across England. It agrees with the cautious approach to reducing further the number of custodial places until the impact of this change in sentencing practice is clearer. Past experience has shown increased levels of

offending across all age groups in times of economic recession and high unemployment, suggesting that the current reduction in demand for custodial places for young people may soon end.

As pointed out above, the Association advocates that young people should be located as close to their homes as possible. Any further reduction in the number of custodial facilities (of whatever type) should ensure a consistent level of access across England and Wales.

The Association believes that the custodial estate for young people should offer the public value for money; however this value should be measured against a range of criteria that include rates of offender reconviction, other outcomes achieved by young people whilst detained at their institution and not cost alone. Market testing could identify if new regimes could be provided by new potential suppliers which are more effective than current provision.

5) A distinctive secure estate.

The Association agrees with the view that young people for whom custody is appropriate should be detained in facilities that are tailored to their needs. As described above, the Association also believes that consideration should be given to tailoring such custodial provision to young adults aged 18-21, whose developmental needs would benefit from a more personalized regime. This approach might also be expected to achieve savings from economies of scale by aggregating such services in larger units in a distinctive secure estate.

The Association considers that the distinctive estate for young people should maintain a flexible approach to managing its young people, which can adapt to new knowledge, techniques and programmes that have been proven to assist successful rehabilitation. The Association supports the concept of separate governance arrangements being established for the young offender custodial estate to facilitate the provision of such flexible regimes, and the implementation of interventions that are proven to have successful outcomes.

The suggestions of aiming to recruit staff who are skilled at working with challenging young people and the drawing up of a specialist operating manual for the young person's secure estate both have considerable merit. The Association strongly endorses and supports the proposal to develop the best processes for managing any required transitions to the adult estate. Finally, the proposed framework of an inspection regime consisting of members from a variety of agencies should promote best practice being implemented across the estate.

6) A full and purposeful day

The Association considers that the implementation of interventions that are proven to be effective in terms of tackling young offender needs and reducing re-offending should be a key performance target for the young person estate.

It is essential that resources are provided to evaluate the effectiveness of existing interventions; such work would inform whether new programmes need to be developed or whether existing programmes should continue to be used or

modified. The accreditation of the programmes used would be a major advance in terms of ensuring the quality of such interventions.

The commissioning arrangements for the young persons' estate should ensure that learning and knowledge is actively shared between the providers of the custodial institutions. It is important that the governance agency of the estate monitors that knowledge sharing does occur. The Association agrees that addressing education deficits of young people in custody is a key priority as is the identification of providers that can demonstrate effectiveness in this area.

Whilst the YJB continues to exist, the Association considers that it should take a lead role in driving the achievement of the above goals, and should act as the informal governance for the estate, via its current commissioning role. The YJB possesses substantial knowledge of "what works" with young people, and organisations that have demonstrated effectiveness in this arena and should use this knowledge to encourage consistent delivery of quality interventions across the secure estate.

7) Effective Resettlement

The Association strongly agrees that the transition between custody and the return of the young person to the community is a key factor in determining the likelihood of the young person re-offending. Thus, resettlement should be a major priority for the secure estate, and the YOS and Probation Trusts that receive the young person on their release. Communication and information sharing between the agencies involved needs to be of a consistently good standard.

The YJB could undertake the role of monitoring whether such communication links are being established and maintained. The Association supports the YJB's aim of assisting the improvement of case management within the secure estate and of facilitating electronic communication of information between custody and YOS.

The concept of Resettlement consortia, involving several YOSs and local custodial institutions, again has substantial merit and encourages the development of a jointly planned approach to the young person's custodial sentence with hopefully a comparatively seamless transition between custody and return to the community. The Association would hope that local Probation Trusts could also be incorporated into such consortia.

As stated above, the Association supports the YJB's aims of establishing "half way house" resettlement units as an excellent strategy to facilitate the resettlement of some young people, either at the end of the custodial sentence or as part of a temporary release facility. Whilst the Heron Unit at Feltham YOI has undoubtedly been successful for its resident group, the Association considers that such "enhanced resettlement units" with increased resources, should be provided to all young people in custody, and not just a small minority, as such facilities would benefit the entire population of young people in custody.

8) Conclusion

The Probation Chiefs' Association hopes the worthy aims of improving the secure estate are achieved. Reductions in the reoffending rates of young people

released from custody would have substantial benefits for all of society, including victims, local communities and the young people themselves. The Association has appreciated the work of the YJB in its co-coordinating role of managing services for young offenders since its establishment and hopes that whatever structures of governance for young offenders are implemented in future following the abolition of the YJB that they carry out a similarly important regulatory and advisory role.

10 October 2011

Public and Commercial Services union's response to the MoJ consultation – Strategy for the Secure Estate for Children and Young People in England and Wales

Introduction

The Public and Commercial Services Union (PCS) is the largest trade union representing civil and public servants in central government. It has over 280,000 members in over 200 departments, agencies and non departmental public bodies.

PCS represents over 15,000 members working in the Ministry of Justice (MoJ) as well as over 5,000 in the National Offender Management Service (NOMS) and 2,800 in the Crown Prosecution Service (CPS). Our members undertake a wide variety of jobs in courts, prison establishments (including Young Offender Institutions), police stations and in headquarters. These range from legal advisers, instructional officers, associate prosecutors, prison governors, managerial, administrative and secretarial jobs to support tasks such as cleaners and office management.

PCS is a significant stakeholder in the criminal justice system and we welcome the opportunity to respond to this consultation.

PCS has always maintained that to have a world class criminal justice system requires proper resourcing including proper recognition, motivation and remuneration of the dedicated, skilled workers who deliver this public service. We are therefore unable to see how this can be reconciled with the comprehensive spending review (CSR) announcements of a 23% cut to the MoJ budget, not including money set aside for new prison capacity, and over the lifetime of CSR approximately £2bn of cuts from the MoJ budget; £1bn of which is to come from NOMS, coupled with a projected 15,000 job cuts and a three year public sector pay freeze.

PCS believes that any private profit derived from prisoners (and especially children) is morally wrong and indefensible and we are therefore extremely concerned about the increased 'marketisation' of the criminal justice system, particularly proposals to pilot 'payment by results'. We are concerned that criminal justice is complex and it is too simplistic to believe that the market can be used as a universal panacea to cure issues which are a reflection of wider problems in society such as lack of access to health, education, housing and employment, particularly as deep divisions have arisen and are exacerbated by the market itself.

PCS believes that this consultation presents the current government with an excellent opportunity to review the successes and failures of the last few years, to listen to criminal justice stakeholders and professionals and to build on what we know works best. However, if this consultation is motivated by an ideological purpose to drive down costs, to undermine public services and introduce the private sector supplemented by payment by results schemes predicated on the private sector raising capital from investors, then it will be a wasted opportunity and ultimately counter-productive.

PCS members in NOMS have agreed policy

that children (juveniles) should not be kept in prison and should be held in secure accommodation managed by local authorities. Children need special care and prisons are not the best place to provide this. The care of juveniles distracts staff and others from caring for young offenders and adult prisoners.

We have called for the Prison Service to stop bidding for work from the Youth Justice Board and have pressed for the Prison Service and Youth Justice Board to arrange for any and all juveniles to be transferred to secure local authority control.

PCS does not believe in or support the incarceration of children (10 – 17 year olds) in prisons including co-location within young offenders institutions. We call for a complete separation of functional and organisational responsibility to ensure that no child is kept in secure accommodation meant for those aged 18 and over.

It is worth re-quoting the remarks made by Frances Done, Chair of the Youth Justice Board in the Foreword to the document:

“Custody continues to play an important part in the youth justice system for the small number of children and young people for whom a community sentence is not appropriate. However, this small group often comprises some of the most vulnerable and disengaged in our society and so presents some of the greatest challenges.

The purpose of a custodial sentence is the withdrawal of liberty for public protection and punishment for the crime committed; but it is also an opportunity for a period of active engagement to improve resilience and life chances. A period in custody must therefore maximise the opportunities for each young person to tackle their offending behaviour. Young people should undertake a full day of education and purposeful activity, they should be prepared for their return to the community, and they should be provided with the best chance of living a crime-free life on release.”

This is something the PCS agrees with and would like to re-emphasise.

Consultation questions

Listed below are our responses to the questions posed in paragraphs 102-105 of the consultation document.

Principles and priorities

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

It is difficult to disagree with principles which are drawn as broadly as those set out in paragraph 24 of the consultation document. We would, however, strongly support the principle to establish separate facilities in a distinct and specialist estate as long as these were under local authority control and given adequate funding with enough specialised and trained staff to do an effective job. These facilities should also be small enough to enable the critical needs of individual children to be addressed properly.

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

There is no specific mention of “restorative justice” which may be a principle in itself: to both rehabilitate the offender but also to address some of the needs of victims and to re-establish some confidence in the criminal justice system as a whole. Whether this is the correct place to insert this we leave it to others to decide.

The development of enhanced units

- *Do you agree with the aim of developing enhanced units (within larger establishments) to address the needs of a small number of young people with particularly complex needs?*

We support the concept of enhanced units but not within a prison setting (if this is what is envisaged). If, however, these are controlled by local authorities then, yes, they may serve a purpose. Care should be taken, however, to ensure that resources are not diverted from other areas and that they do not become places of “renown” – a dumping-ground for “untreatable” cases.

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

Remove them from the prison setting. The concept of custody for children is imprisonment in the normal sense must be broken and it risks stigmatising those individuals.

Responding to decreasing demand

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

Broadly, yes – within the confines of comments above on the role of local authorities.

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

None – we see no place for this on a moral and ethical basis. It is wrong to make money out of the incarceration of children.

A distinctive secure estate

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

We believe, in line with the policy set out above that all custodial settings for 10-17 year-olds should be run by local authorities. Children should be placed in secure accommodation near their homes so that family ties can be maintained. Although some offenders will inevitable come from dysfunctional families, many will not and that relationship is often crucial in turning the offender away from crime at an early stage.

A full and purposeful day

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

A greater emphasis on education almost to the extent of turning the institutions into closed Colleges with an emphasis on learning rather than incarceration.

- *What role should the YJB play?*

PCS welcomed the House of Lords (HoL) decision to remove the YJB from scope for abolition in the Public Bodies Bill and are dismayed by its re-consideration now that the Bill has returned to the Commons.

The YJB has been successful in cutting youth crime over the last twelve years – hence the HoL attempt to protect it from the scope for abolition. Latest figures released by the Department for Education show that there are 979,000 so called NEETS (young people not in education, employment or training). In this climate - exemplified by the recent riots – rather than seeking to abolish the YJB for short-term financial gain, the board should be strengthened, thus allowing it to intensify its work into preventing vulnerable young people from entering the youth justice system and reducing reoffending rates.

There must be an established, distinct inspectorate for the sector – particularly if local authorities are given full responsibility for the estate.

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?

See answers above.