

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

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.

- Responsive Solutions
- Rhondda Cynon Taf County Borough Council
- Royal College of Psychiatrists' Adolescent Forensic Special Interest Group
- Royal College of Speech and Language Therapists
- Secure Accommodation Network
- Skills for Justice
- St Helens Metropolitan Borough Council Integrated Youth Support Services
- Staffordshire Youth Offending Service Management Board
- Standing Committee for Youth Justice (SCYJ)
- Suffolk Youth Offending Service
- Thames Valley Youth Offending Team
- Transition to Adulthood Alliance (T2A)
- Voice
- Warren Hill Young Offender Institution
- Warren Hill Young Offender Institution (Governor)
- Welsh Government
- Young Minds
- Young Offenders Academy Project Independent Steering Group
- Youth offending team volunteer

# Responsive Solutions

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

Plans for 2011/12 – 2014/15

### Consultation questions

#### *Principles and priorities*

Do you agree with the principles stated in this document?

- **Yes – it is essential to focus on effective regimes in secure establishments that link to re-settlement services in the community**

Are there any significant areas that are not covered?

- **The need to ensure that secure establishments serve a defined geographical area in order that young people can retain important links with their families and communities.**

#### *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 – provided that there is careful assessment as to what the particular needs of a young person may be and the regime of the whole establishment is allied to the aims of the enhanced unit. This would then allow for movement between units as young people settle into the custodial routine or, conversely, begin to display worrying behaviours during their time in custody.**
- **This has implications for staff training across the estate as it is essential that all staff understand the principles by which the enhanced units are working and these are shared across the whole establishment.**

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

**Ensure similar levels of staffing are in place across the estate.**

- **Strengthen links with community services; allow young people opportunities to go into the community for education / work / training as part of the incentive system from a relatively early stage in their sentence subject to appropriate risk assessment.**

*Responding to decreasing demand*

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

- **Yes, but not if this entails a wider geographical spread of units or a reduction in resources allocated to the juvenile estate.**

What role should market testing play in this process?

*A distinctive secure estate*

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

- **Staff Training – create a comprehensive and generic training for all staff working with young people in secure settings irrespective of the particular type of establishment or employment conditions.**
- **Develop a comprehensive set of theoretical and practice ‘models’ to inform training and practice across the estate. These should be based on notions such as understanding child development, the importance of attachment and nurture, loss and bereavement, the effect of trauma. These ideas should underpin the design and implementation of programmes for young people to address their specific offending behaviour and to support their education and training both in the establishment and in the community.**

*A full and purposeful day*

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

- **‘Skill-up’ the general residential staff groups in establishments across the estate to deliver the daily routines of the regime in more informed and professional ways.**
- **Improve links between the secure estate and community services; create opportunities for the inter-change of secure unit staff with community professionals;**
- **Provide opportunities for young people to re-engage with community services, including education, at an early stage in their sentence**

What role should the YJB play?

- **Allow greater flexibility in the design and implementation of regimes and programmes**
- **Provide financial support for innovative community programmes linked to secure establishments**

#### *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?

- **Implement the provision for alternative placement of young people at sentence in order to increase opportunities for community based interventions at an earlier stage**
- **Allow opportunities for young people to access community services at an early stage of their custodial sentence as part of an incentive scheme and subject to risk assessment**
- **Allow for inter-change of staff in secure and community services, especially in specialist areas, i.e. drugs and alcohol, bereavement, sexualised behaviour and sexual offending**
- **Encourage providers who wish to provide a single service of secure provision and community services**
- **Encourage local authorities to work with providers to develop integrated services**



## **STRATEGY FOR THE SECURE ESTATE FOR CHILDREN AND YOUNG PEOPLE IN ENGLAND AND WALES Plans for 2011/12 – 2014/15**

### **SUBMISSION FROM RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

Rhondda Cynon Taf County Borough Council (RCT), situated in the valleys of South East Wales, is the second most populated authority in Wales. RCT welcomes the opportunity to respond to this consultation and extend our views on the future of the secure estate for young people in England and Wales. RCT endorse the position of the Welsh Government that the United Nations Convention on the Rights of the Child should underpin all dealings with children and young people in trouble with the law, and that rights and entitlements should be extended to them.

#### **Principles and priorities**

RCT would like to stress that we believe, in agreement with the United Nations Convention on the Rights of the Child and the All Wales Youth Offending Strategy, that custody should be seen as a last resort for children and young people.

RCT welcomes a strategy for the secure estate that sets out how children and young people should be treated within it. We agree that the provision should be recognised as a specialist resource for children and young people, delivered in a dedicated secure estate. We also agree that the provision should be staffed by a specialist workforce, trained to work with children and young people and that children and young people need rigorous safeguarding measures to protect them from harm and to promote their welfare.

The secure estate should also be responsive to the needs of the child; their diverse needs being reflected in a range of facilities. In particular the position of 17 year old girls is not sufficiently addressed within the strategy and requires consideration. Given the small numbers involved their needs could best be met within local authority units or by means of intensive community sentences rather than placing them in units within adult prisons.

As a Welsh authority, we welcome the efforts of the strategy to acknowledge the different environment within Wales, both for the time a young person is held in the secure estate, whether in Wales or in England and for their

successful resettlement back into the community. However, whilst the different Welsh perspective is acknowledged, as with some other aspects of the strategy it is difficult to comment further as the document outlines admirable aspirations but at this point in time lacks sufficient detail to explain how the aspirations will become a reality.

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

While we would support the separation of younger, vulnerable children from the older more sophisticated young people, the development of enhanced units has arguments for and against. Improved provision which is more responsive to children and young people's needs is welcomed so that they receive the best service appropriate to them. However, by concentrating specialist resource and funding into discrete units, does this compromise the quality of provision in the remaining establishments? We would be concerned that by having enhanced provision, there would be a need for a limit to the amount of places available. If there was then no bed available in the unit most appropriate to a young person's needs, would the service in the mainstream establishment be sufficient to deal with their needs?

Consideration would also need to be given to the proportion of the sentence which would be spent in an enhanced unit. If the aim is to return them to the mainstream unit mid sentence, it would be important that they were not stigmatised by having been in an enhanced unit potentially creating problems of re-integration for them.

The disadvantages of distinct units for particular needs may be exacerbated in Wales; specialist units are likely to be further away from young people's homes, and less likely to be provided in Wales. This will mean that Welsh young people may find themselves at an unacceptable distance from home.

RCT would welcome an improvement in the facilities of the current provision; for example, good healthcare should be available to young people in all establishments, they should not have to be sent away from their local provider to receive this service. Young people from Wales should have access to the Welsh curriculum as it is different from England; it should also be delivered through the medium of the Welsh language if the young person desires it to be. While establishments from outside Wales make efforts to comply with this, it is often too difficult for them to provide.

### **Responding to decreasing demand**

While acknowledging the current economic climate, RCT would encourage the Ministry of Justice and the Youth Justice Board to view decreasing custodial numbers as an opportunity to enhance the effectiveness of the secure estate. The Welsh Government advocate that small, therapeutic units remain one of the best options for children and young people. Could the decrease in the custodial population offer an opportunity to plan for this? A balanced estate, responding to the needs of the child may be more

achievable when the planning can be less about accommodating large numbers and more about the quality of the provision itself.

### **A distinctive secure estate**

As stated in paragraph 2, RCT echo the priorities in the strategy document regarding the commissioning and provision of distinct services to children and young people. A separate juvenile secure estate ensures that young people are safeguarded appropriately; receive their entitlements to education, health etc and supported by policies and procedures which are written with their needs in mind. A specifically recruited, experienced and trained workforce is better equipped to understand the issues pertinent to children and young people.

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

Young people in custody should be entitled to a full and purposeful day; however, any activity must be meaningful and give them more skills in order to aid a successful transition into the community. Education workers from both the community and custodial settings should collaborate to ensure that the learning in custody complements the curriculum followed in the community; in Wales this becomes more problematic. To minimise the disruption to a young person's education created by a custodial sentence, arrangements should be made to ensure that any educational work started in the community is maintained to the same standard in the secure establishment and similarly flows back into the learning environment in the community. Learning materials and project work should be transferable and travel with the child.

Likewise, RCT consider it important that any work experience or skills training delivered by the secure estate should, where possible, be accredited and enhance the skills and knowledge of the young person and thereby increase their likelihood of a successful re-integration into the community.

RCT would welcome all secure establishments providing high quality offending programmes, providing young people with strategies and coping mechanisms in order to reduce their offending on release.

### **Effective resettlement**

We consider effective resettlement to be a partnership responsibility, shared between the young person, his/her parents/carers if possible, the secure estate and the community organisations from the area where a young person normally resides, co-ordinated by the Youth Offending Service (YOS). RCT agree with the strategy, paragraph 98, which states that effective preparation for resettlement must start when a young person is first placed into custody.

When a child or young person is sentenced to custody, the earliest release date can be calculated. Therefore, release and resettlement plans should

feature in joint planning meetings throughout the sentence. The representatives from the community have the statutory duty, knowledge and relationships in the local area and therefore are best placed to manage the resettlement process. We would want to see a collaboration between the custodial establishment and the YOS with the establishment providing support to best equip the young person with the skills for re-integration and facilitating a Release on Temporary Licence to explore the options open to them, and the YOS working with the young person on the practicalities of returning to their communities and resuming their previous lives.

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

***Response to Consultation by the Royal College of Psychiatrists'  
Adolescent Forensic Special Interest Group (AFSIG).***

The draft strategy was circulated to members of the AFSIG. Members endorsed the detailed response already submitted by colleagues on behalf of the National Secure Forensic Mental Health Service for Young People (NSFMHSYP) (attached).

In addition the special interest group wanted to reiterate the following points made by NSFMHSYP;

- 1) the comments made regarding the designation 'complex children' are apposite and should receive further attention
- 2) in our experience secure training centres (STCs) and local authority secure units (LASCHs) are not interchangeable in terms of their provision

In addition we would ask that the strategy include a commitment for mental health input to STCs and LASCHs to be subject to the principles of the 'mental health inreach agenda' (to which YOIs have been subject now for several years). This agenda emphasises the importance of equivalence of mental health provision for young people whether in custody or in the community. It also emphasises the need for local PCT commissioning of in-reach services and encourages multidisciplinary in-reach provision from local services already working with children in other settings.

With respect to specialist units being created within each prison for young people with particularly complex needs we endorse the view expressed by the NSFMHSYP that 'The models used at the Willow and Keppel units are good models but they are models that should be applied across the secure estate.' There are inherent difficulties in creating such units which colleagues who have experience of working within them have raised: in particular the following points merit consideration:

- Given the high prevalence of mental health problems among young people within the secure estate the majority of the young people would benefit from an admission to Units like the Keppel. If nationwide data were applied just to

Wetherby YOI according to a very conservative estimate half of the population on the main site (180 young men out of a total of 360) would be suitable for admission but the Keppel Unit can only accept 48 (one quarter).

- One of the remits of Units like the Keppel is the re-integration of the young person into mainstream prison but the transfer process is unclear. Consideration should be given to make the transfer a multidisciplinary/multiagency decision and strengthen the role of the mental health team in the decision making process.
- The contrast between a purpose built unit like the Keppel designed with the welfare of the young person in mind (e.g. no metal bars on windows) including a whole range of facilities (e.g. a lake for fishing etc) and the main prison site is particularly striking. This emphasises the point about the inadequacy of the provision for the majority of the young people within the secure estate.
- The Keppel Unit Evaluation Report by Cordis Bright (February 2011) concludes: "The majority of the young people's lives after the Keppel Unit were not smooth, and a large amount struggled to maintain improvements made on the unit once they had been reacquainted with their old lifestyles".
- Systematic outcome data need to be collected to strengthen the case that units like the Keppel or Willow are beneficial.

Furthermore the Strategy for the Secure Estate for Children and Young People needs to be embedded in a higher level national commissioning strategy for improving mental health of children and young people in contact within the youth justice system with an emphasis on a consistent care pathway approach. This integrated approach would ensure transition from secure to community services and reduce the risks of gaps in services again for example when a young person leaves the secure estate into the community.

We hope that the contribution from our special interest group is clear and helpful in the consultation process.

# Royal College of Speech and Language Therapists response to

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

11<sup>th</sup> October 2011

### PRINCIPLES AND PRIORITIES

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

The RCSLT is very concerned that the strategy focuses heavily on the physical and mental health needs of young people and **does not focus sufficiently on speech, language and communication needs**. Research shows that over 60% of young offenders have speech, language and communication needs (SLCN) and that most of these are unidentified.

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

The document does not mention the high numbers of offenders with speech, language and communication needs. **Research shows that over 60% of young offenders have speech, language and communication needs (SLCN) and that most of these are unidentified and unmet needs.**

Speech, language and communication needs are far more prevalent than mental health and learning difficulties. In all sentences which relate to 'physical and mental health needs' we recommend that this is amended to "physical, mental health and communication needs." This inclusion will ensure that speech and language needs are given the same priority as mental and physical health and that needs are identified so young people receive appropriate support with their communication.

The document mentions that emerging mental health issues might be masked by behavioural difficulties - however behavioural behaviours actually mask communication difficulties. There is evidence that children may be misdiagnosed as having a conduct disorder where in fact they have undiagnosed communication problems.

Offenders have a high prevalence of expressive language difficulties. Offender treatment programmes are largely language based - communication problems prevent offenders from accessing language based interventions so increases their chances of re-offending. The evidence shows that around 40% of young offenders find it difficult or are unable to benefit from and access verbally mediated interventions such as anger management and drug rehabilitation courses. These young people would struggle to engage with treatment and rehabilitation programmes such as sex education programmes.

**It is essential that ALL providers of services are strongly encouraged to provide programmes that not only address offending behaviour but ensure access to appropriate provision including speech and language therapy so that the young person can access and benefit from the programme.**

### 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?

In principle the RCSLT supports the establishment of enhanced units. However this must **not** lead to services such as speech and language therapy being unavailable to the wider youth justice community (point 87). **Speech and language therapy is both a mainstream service as well as being part of the enhanced provision.** Speech and language therapists working in the mainstream estate ensure that young people are supported to function in main units to the best of their abilities. This is essential as so many offenders have delayed language in the absence of complex mental health needs so mainstream screening/input is essential.

**Communication must be embedded alongside physical and mental health needs.**

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

**All young people must have their speech, language and communication needs screened when they first enter custody. This screen can be carried out by a member of staff. Those that show some level of communication difficulty should be further assessed by a speech and language therapist.**

The document mentions that emerging mental health issues might be masked by behavioural difficulties - however behavioural behaviours mask communication difficulties. Children may be misdiagnosed as having a conduct disorder or behavioural problems, where in fact they have an undiagnosed communication problem. Communication difficulty is a hidden disability and is often not apparent. Young people often get labelled as having “learning disabilities” when in fact they have a communication problem.

**All young people must be screened so that all intervention and education programmes can be modified to the needs of the individual.**

Early assessment of need should include speech, language and communication assessment. The Youth Justice Board’s draft assessment and planning interventions framework highlights the importance of identifying and managing communication problems and it is essential that this work is taken forward.

The requirement for a full and purposeful day that equips offenders to become engaged in education, training and employment on release is welcomed. However to have successful engagement in education and training, basic skills deficits for example oral language, literacy, memory will need to be addressed.

To increase access to education particular attention must be given to supporting young people with speech and language difficulties. Many children in custody do not have the underlying skills to benefit from provision such as JETS (point 91). Therefore it is essential that underlying developmental deficits such as speech, language and communication difficulties are addressed.

### **RESPONDING TO DECREASING DEMAND**

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

New providers should be provided with the very strong evidence for the levels of communication amongst this population and speech and language therapy provision should be made to be part of the statutory set up of new provisions. The document specifies that the secure estate ‘should ensure access to appropriate health provision including mental health provision’ however we recommend that this is changed to “including mental health provision and meeting the communication needs of young people” would help ensure that new providers are required to recognise this need.

Opening the market to different providers of interventions increases the dangers of those providers not necessarily knowing about communication and therefore not providing a completely accessible or effective service. **This could be remedied by strong and clear commissioning and a strong line for speech, language and communication needs across the justice system.**

We agree with point 34 and that the YJB should continue with gradual reform rather than wholesale reform. They should seek value for money in commissioning placements but not at the expense of effective rehabilitation and education (point 37).

Under point 35 allowing providers freedom to innovate may improve services but the key requirements will need to be non-negotiable and subject to inspection (point 93).

### **A DISTINCTIVE SECURE ESTATE**

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

The lives of young people are very different to those of adults and their needs are different. In meeting those needs the YJB have emphasised communication on the interventions framework. This is vital to equip these young people for life.

**Staff need more training especially around speech, language and communication. The RCSLT has designed “The Box” a blended training programme for justice professionals consisting of e-learning and face to face training. This should be made mandatory to all staff working with offenders in the justice system (contact the RCSLT for more information).**

Under point 52 there is a need for a workforce development strategy which should include training to understand speech and language development, recognition of language and communication difficulty and how to achieve effective communication with young people who have communication difficulties.

Under point 59 young people need to be supported to access restorative justice. There are high levels of communication need amongst offenders and victims and as such communication support must be provided.

## **A FULL AND PURPOSEFUL DAY**

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

There is a mismatch between the literacy demands of programmes and skills level of offenders, which is particularly significant with respect to speaking and listening skills. Research shows that many young offenders are not reading at level 2 of the National Curriculum. Over 40% of young offenders find it difficult or are unable to benefit from and access verbally mediated interventions such as anger management and drug rehabilitation courses.

#### **All young people should be screened for speech, language and communication skills.**

The requirement for a full and purposeful day that equips them to become engaged in education, training and employment on release is welcomed. However to have successful engagement in education and training, basic skills deficits eg oral language, literacy, memory etc will need to be addressed.

Low literacy levels frequently go hand in hand with low vocabulary knowledge among young people. Interventions need to be written to be accessible to those with low levels of literacy.

Information is often inaccessible and should be redesigned to use simple language with visual prompts to aid understanding and recall of the information. **Speech and language therapists are able to advise on this to ensure that the materials are appropriate for the language levels of all the young people in custody.**

Offender treatment programmes are largely language based. Communication disability prevents offenders from accessing language based interventions so increases their chances of re-offending. To improve rehabilitation services need to be commissioned to ensure that young people have access to and can benefit from effective regimes. All regimes must be aimed at appropriate levels for young people and appropriate assessment of speech, language and communication needs can aid with this.

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

The YJB has recognised the need to place an emphasis on communication. We recommend that this focus is also give to the adult population.

## **EFFECTIVE RESETTLEMENT**

### **9. 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 recommend more joint commissioning from social services, the education sector and the YJB.

Young people who have received services whilst involved in the youth justice system frequently are unable to access such support once their order ends in the community. This is true of SLT, Mental health services and drug and alcohol work. We recommend that this is addressed as a matter of priority.

**VIEWS ARE ALSO WELCOME REGARDING THE LONGER-TERM CONSTITUTION OF AND VISION FOR THE SECURE ESTATE INCLUDING:**

**10. Workforce development**

We welcome the proposal to develop the capacity of the workforce through “speech, language and communication needs awareness training”. However basic awareness raising is not sufficient and we strongly recommend more detailed training.

The RCSLT has designed “**The Box**” a blended training programme for justice professionals consisting of e-learning and face to face training. This highly interactive package has been developed by speech and language therapists. It shows how an understanding of speech and language can:

- Reduce violent episodes
- Increase access to rehabilitation and treatment programmes
- Enhance ability to understand legal proceedings
- Enable meaningful participants with support services

**“The Box” training should be made mandatory to all staff working with offenders in the justice system (contact the RCSLT for more information).**

Workforce development should include training to understand language development, recognition of language and communication difficulty and how to achieve effective communication with Young people who have communication difficulties.

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**Submitted by the Royal College of Speech and Language Therapists. For more information please contact Claire Moser [Claire.moser@rcslt.org](mailto:Claire.moser@rcslt.org).**

# SECURE ACCOMMODATION NETWORK

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

Plans for 2011/12 – 2014/15

### 1. Principles and Priorities:

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

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

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

Children's Legislation, regulations, standards and the U.N Convention on the Rights of the Child should be paramount. It is encouraging that the Youth Justice Board have stated that Secure Childrens' Homes are a provision for young people between the ages of 10 – 17 years. As so often identified a young person's chronological age does not match their level of cognitive and emotional development and functioning, thus leaving older young people equally as vulnerable as their younger peers.

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

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

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

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

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

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

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

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

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

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

- 3.3 The achievable low re-offending / re-secure rates within Secure Children's Homes also make them cost effective. Children and young people who re-offend are also likely to enter the adult secure estate continuing to be a financial burden on the Ministry of Justice.

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

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

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

- 3.4 Secure Children's Homes are managed by Local Authorities and embedded within Children's Services. Youth Offender Services are also managed by Local Authorities and Children's Services. Much can be achieved through developing local and regional initiatives.

- 3.5 The risks identified within the strategy of decommissioning are significant. If and when demand is greater than provision more vulnerable, needy at risk children and young people will be inappropriately placed. Decommissioned Secure Children's Homes are likely to close and will not reopen, as has been evidenced over the last five years. The geographical dispersment will make resettlement harder to achieve and improved resettlement is an essential part of preventing re-offending. Population management will require increased specialist resources which are costly and could significantly drive up placement costs.

- 3.6 There is no process in terms of market testing and while market forces cannot dictate a service, it is recognised that market testing is already in place, it needs to be quality led whilst recognising best

value. It is difficult to compare and contrast against establishments who provide a different service to that of a Secure Children's Home.

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

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

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

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

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

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

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

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

giving more freedom to provide this in the best way for each young person.

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

## **6. Effective Resettlement:**

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

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

- 6.4 Should children and young people not be placed close to their resettlement Local Authority much can still be achieved through a Resettlement Officer based within the secure facility to liaise, chase up, organise, communicate, validate, etc.
- 6.5 The Youth Justice Board could support providers in having further powers to place more pressure on YOT / SW / Education to impress upon them their roles and responsibilities during resettlement planning and on discharge.
- 6.6 Placements need to be identified much sooner so that work can be done for the specific area on resettlement. Earlier identification of placement would also enable other services to be put in place prior to discharge
- 6.7 Could the Youth Justice Board assist Secure Childrens' Homes along with YOT's to explore how a payment by results approach to increase joint accountability and improved outcomes.

## **Response to the Strategy for the Secure Estate of Children and Young People**

Skills for Justice is the Sector Skills Council covering all employers, employees and volunteers working in the UK Justice system, safer communities and legal services. We work with key employers, the Governments of the UK and agencies within the skills system, to better equip workforces with the right skills now and for the future.

We exist to help organisations and individuals in the Justice sector deliver benefit to society by being significantly better skilled, and to influence policy makers to ensure that they take full account of workforce development needs in the Justice sector.

People working in the Justice sector do a vital job. Their work affects the quality of life, sense of well being and security of people across our communities. Our work with organisations in the Justice sector to help them develop their staff, gives them the tools to support the existence of a safer, more tolerant and just society.

We provide the support necessary to enable the Justice sector to identify its current and future learning needs, to engage more effectively with learning providers in order to meet these needs with high quality development programmes and to link the acquisition of learning to reputable and valued qualifications.

We welcome the publication of the Strategy for the Secure Estate for Children and Young people and welcome the opportunity to contribute. Our response focuses solely on the section of the strategy that deals with workforce development (Paragraphs 70 to 74 inclusive).

We strongly support the Youth Justice Board's (YJB) vision that all staff working in secure establishments have the skills and knowledge to work with Children and Young People, and that learning and development opportunities are developed in line with the refreshed Common Core of skills and knowledge for Children and Young People. Skills for Justice, with funding from the Children's Workforce Development Council has developed two Qualification and Credit Framework (QCF) units that will support the YJB and the secure estate to design learning and assess performance against these standards (please see Annexes A and B). Most recently, we have advised the National Offender Management Service (NOMS), Her Majesty's Prison Service (HMPS) and the National Tactical Response Group (NTRG) to embed these standards as part of the Conflict Resolution they are developing for Children and Young People.

Furthermore, we advocate that the Initial Training for Prison Officers, Detention Custody Officers and staff in escorting and electronic monitoring roles also includes the skills and knowledge to work effectively with Children and Young People. Staff working in Childcare are required to achieve mandatory qualifications to work in these settings and it is logical that the same requirements are made of staff working with some of society's most vulnerable Children and Young People in the Criminal Justice System.

We have recently reviewed the NVQ Level 3 Custodial Care with employers from across the secure estate and found gaps with regard to the care and safety of Children and Young People in custody. We have addressed this by adding three new units, which will provide staff with the basis on which to be developed in line with National Occupational Standards as well as the capability to have their performance assessed against these Standards to demonstrate they are occupationally competent.

Skills for Justice has developed a wealth of experience as a member of the steering group that refreshed the 'Common Core' and as a member of the Children's Workforce Network and we would like to work with NOMS and the YJB in an advisory capacity on the joint Workforce Development Board.

We are concerned by the limited inclusion of workforce development in the strategy given its importance and would be happy to offer our experience, expertise and knowledge to support further exploration of this.

For further information on this response and the contribution of Skills for Justice, please contact Fiona Donovan, Policy Manager on 07795 815783 or [Fiona.donovan@skillsforjustice.com](mailto:Fiona.donovan@skillsforjustice.com)

## Annex A

### Level 2 Qualification and Credit Framework Unit

#### Understanding the core knowledge needed by those who work with children and young people

In our response we highlighted two Qualification and Credit Framework units that we have developed. They will support the Youth Justice Board and the secure estate to design learning and assess performance against these standards.

Annex A details the Level 2 Qualification and Credit Framework Unit - Understanding the core knowledge needed by those who work with children and young people.

<b>Title:</b>	<b>Understanding the core knowledge needed by those who work with children and young people</b>	
<b>Level:</b>	2	
<b>Credit value:</b>	3	
<b>Learning outcomes</b>	<b>Assessment criteria</b>	
<i>The learner will:</i>	<i>The learner can:</i>	
1 Understand the principles of effective communication and engagement with children, young people and their families/carers	1.1 Explain the different ways of communicating with children, young people and their families/carers 1.2 Describe how to address potential barriers to communication and engagement with children and young people 1.3 Explain the importance of non-verbal communication, including body language 1.4 Explain the importance of demonstrating respect when communicating with children and young people 1.5 Explain how their attitude and behaviour can affect the development of rapport with children, young people and the child/young persons' families/carers 1.6 Describe the effects of involving children/young people, families, parents and carers in decisions affecting children/young people	

<p>2 Understand the development of children and young people</p>	<p>2.1 Outline the key development changes that are expected to occur in children and young people</p> <p>2.2 Explain why children and young people can perceive and experience their world in different ways</p> <p>2.3 Describe how families, parents and carers have an impact in shaping the development of children</p> <p>2.4 Explain ways of motivating and encouraging children and young people to realise the child/young person's full potential, within the context of their role</p> <p>2.5 Describe how to access support in circumstances where they are affected emotionally by their work with children, young people, families and carers</p>
<p>3 Understand the importance of safeguarding children and young people</p>	<p>3.1 Describe what is meant by the safeguarding of children and young people</p> <p>3.2 Explain their own role and responsibilities for safeguarding the children and young people with whom they come into contact</p> <p>3.3 Describe the indicators of potential abuse affecting children and young people</p> <p>3.4 Describe the actions to take where abuse is suspected, identified or disclosed, within the context of their role</p> <p>3.5 Explain the circumstances when a child or young person might be referred for help and support</p> <p>3.6 Describe the procedures for progressing referrals of children/young people for help and support</p>
<p>4 Understand the types of transitions affecting children and young people</p>	<p>4.1 Describe what is meant by the term transition in relation to children and young people</p> <p>4.2 Describe key types of transition between services affecting children and young people</p> <p>4.3 Describe key types of life changes affecting children and young people</p> <p>4.4 Describe the importance of supporting children</p>

	and young people through transitions in a way that is appropriate to their age and stage of development
5 Understand the nature and importance of their role in multi-agency and integrated working in meeting the needs of children and young people	<p>5.1 Explain what is meant by multi-agency and integrated working and the impact for working with children and young people</p> <p>5.2 Explain their role in multi-agency and integrated working and the circumstances when another agency or individual might be involved in supporting a child or young person</p> <p>5.3 Describe the role of families, parents and carers as partners when working with children and young people</p> <p>5.4 Describe when and how it might be appropriate to challenge situations which are beyond the immediate responsibilities of their role</p>
6 Understand the importance of information sharing	<p>6.1 Describe the importance of sharing relevant information with other appropriate agencies, and in a timely and accurate way</p> <p>6.2 Outline legislation and organisation requirements regarding the maintenance of confidentiality</p> <p>6.3 Describe the boundaries of confidentiality when dealing with children and young people, and when it is appropriate to share information without the consent of the child or young person</p> <p>6.4 Describe why it is important to explain to children and young people the limits of confidentiality</p> <p>6.5 Describe what is meant by data security, both in and outside the working environment</p> <p>6.6 Describe their organisation's procedures for maintaining accurate and up to date records</p>

<b>Additional information about the unit</b>	
Unit aim(s)	This unit addresses the knowledge and understanding required of everyone who has contact with, and including those who work with children and young people, even if their work with children and young people is only part of their role
Unit expiry date	
Details of the relationship between the unit and relevant national occupational standards (if appropriate)	
Details of the relationship between the unit and other standards or curricula (if appropriate)	For additional guidance on the unit click onto <a href="#">products and support</a> on the Skills for Justice website
Assessment requirements specified by a sector or regulatory body (if appropriate)	

## Annex B

### Level 3 Qualification and Credit Framework Unit

#### Understanding the core knowledge needed by those who work with children and young people

In our response we highlighted two Qualification and Credit Framework (QCF) units that we have developed. They will support the Youth Justice Board and the secure estate to design learning and assess performance against these standards.

Annex B details the Level 3 Qualification and Credit Framework Unit - Understanding the core knowledge needed by those who work with children and young people.

<b>Title:</b>	<b>Understanding the core knowledge needed by those who work with children and young people, and its impact</b>	
<b>Level:</b>	3	
<b>Credit value:</b>	4	
<b>Learning outcomes</b>	<b>Assessment criteria</b>	
<i>The learner will:</i>	<i>The learner can:</i>	
1. Understand how to promote effective communication and engagement with children, young people and their families/carers	1.1 Explain the relative strengths and weaknesses of different ways of communicating with children, young people and their families/carers 1.2 Describe how to address potential barriers to communication and engagement with children and young people 1.3 Explain the importance of checking understanding when communicating with children, young people and their families/carers 1.4 Explain the importance of non-verbal communication, including body language 1.5 Explain the importance of demonstrating respect when communicating with children and young people 1.6 Explain how their attitude and behaviour can affect the development of rapport with children, young people and the child/young persons' families/carers 1.7 Describe the effects of involving children/young people, families, parents	

	<p>and carers in decisions affecting children/young people</p> <p>1.8 Describe the circumstances, and associated considerations, when it might be appropriate to go against a child, young person or family/carer's expressed wishes</p> <p>1.9 Explain the importance of reflecting upon the impact of their actions when communicating and engaging with children and young people</p>
<p>2. Understand the development of, and the impact of this upon, children and young people</p>	<p>2.1 Outline the key development changes that are expected to occur in children and young people</p> <p>2.2 Explain why children and young people can perceive and experience their world in different ways</p> <p>2.3 Describe how families, parents and carers have an impact in shaping the development of children</p> <p>2.4 Describe how the balance of influence from parents/carers, peers, authority figures and others alters as the child or young person develops</p> <p>2.5 Describe the impact of technology on the development of children and young people</p> <p>2.6 Explain ways of motivating and encouraging children and young people to realise the child/young person's full potential, within the context of their role</p> <p>2.7 Describe how to access support in circumstances where they are affected emotionally by their work with children, young people, families and carers</p>
<p>3. Understand the importance of safeguarding children and young people, and associated responsibilities and procedures</p>	<p>3.1 Describe what is meant by the safeguarding of children and young people</p> <p>3.2 Outline national and local guidance and procedures regarding safeguarding and promoting the welfare of children and young people</p> <p>3.3 Explain the key safeguarding responsibilities of all of those in contact with children and young people</p> <p>3.4 Outline inter-agency arrangements for safeguarding children and young people</p> <p>3.5 Describe the indicators of potential</p>

	<p>abuse affecting children and young people</p> <p>3.6 Describe the actions to take where abuse is suspected, identified or disclosed, within the context of their role</p> <p>3.7 Explain the circumstances when a child or young person might be referred for help and support</p> <p>3.8 Describe the procedures for progressing referrals of children/young people for help and support</p>
<p>4. Understand how to support children and young people through transitions, and circumstances requiring specialist support</p>	<p>4.1 Describe what is meant by the term transition in relation to children and young people</p> <p>4.2 Describe the impact of key types of transition between services affecting children and young people</p> <p>4.3 Describe the impact of key types of life changes affecting children and young people</p> <p>4.4 Describe how to support children and young people through transitions in a way that is appropriate to their age and stage of development</p> <p>4.5 Describe the circumstances when specialist advice and support is appropriate in supporting children and young people to manage transitions</p> <p>4.6 Describe the action to take when specialist advice and support is needed to manage transitions</p>
<p>5. Understand sources of information regarding individual children, young people and families/carers, and the importance of effective information sharing</p>	<p>5.1 Explain what is meant by multi-agency and integrated working when working with children and young people</p> <p>5.2 Describe the impact of multi-agency and integrated working in meeting the needs of children and young people</p> <p>5.3 Explain their role in multi-agency and integrated working and the circumstances when another agency or individual might be involved in supporting a child or young person</p> <p>5.4 Describe the role of families, parents and carers as partners when working with children and young people</p> <p>5.5 Describe when and how it might be appropriate to challenge situations which are beyond the immediate</p>

	<p>responsibilities of their role</p> <p>5.6 Explain the triggers and procedures for reporting and referring incidents or unexpected behaviour involving children and young people</p> <p>5.7 Outline the procedures for multi-agency working</p> <p>5.8 Describe sources of information, advice and support services for children and young people</p>
<p>6. Understand sources of information regarding individual children, young people and families/carers, and the importance of effective information sharing</p>	<p>6.1 Describe the importance of sharing relevant information with other appropriate agencies in a timely and accurate manner</p> <p>6.2 Outline legal and their organisation's requirements regarding the sharing of information and maintenance of confidentiality</p> <p>6.3 Describe the boundaries of confidentiality when dealing with children and young people, and when it is appropriate to share information without the consent of the child or young person</p> <p>6.4 Describe why it is important to explain to children and young people the limits of confidentiality</p> <p>6.5 Explain the sources of information regarding individual children, young people and families/carers, and the circumstances when each might be the most appropriate</p> <p>6.6 Describe what is meant by data security, both in and outside the working environment</p> <p>6.7 Describe their organisation's procedures for maintaining accurate and up to date records</p>
<p><b>Additional information about the unit</b></p>	
<p>Unit aim(s)</p>	<p>This level 3 unit addresses the knowledge and understanding required of those working with children and young people, including those who work with children and young people as only part of their role</p>
<p>Unit expiry date</p>	

Details of the relationship between the unit and relevant national occupational standards (if appropriate)	
Details of the relationship between the unit and other standards or curricula (if appropriate)	For additional guidance on the unit click onto <a href="#">products and support</a> on the Skills for Justice website
Assessment requirements specified by a sector or regulatory body (if appropriate)	
<b>Assessment Guidance</b>	
<p><b>Learning Outcome 1</b> Communication can include verbal, written and technological methods. Potential barriers can include language, poverty, cultural or faith background/requirements, disability, disadvantage or anxiety</p> <p><b>Learning Outcome 2</b> Changes can include emotional, intellectual, linguistic, mental, moral, physical, sexual and social development. 'Their' world can include their environment and online experience</p> <p><b>Learning Outcome 3</b> Abuse of children or young people can take the form of one or more of the following: emotional, physical, sexual, bullying, neglect and self-harm</p> <p><b>Learning Outcome 4</b> Refers to changes between services or life changes such as moving from schools, leaving a custodial setting, experiencing puberty or family issues</p> <p><b>Learning Outcome 5</b> Multi-agency working brings together practitioners from different sectors and professions within the workforce to provide integrated support</p>	
Endorsement of the unit by a sector or other appropriate body (if required)	This unit is endorsed by Skills for Justice the Sector Skills Council for Justice
Location of the unit within the subject/sector classification system	
Name of the organisation submitting the unit	Skills for Justice
Availability for use	
Availability for delivery	
Guided Learning Hours	28

## INTEGRATED YOUTH SUPPORT SERVICES – ST HELENS METROPOLITAN BOROUGH COUNCIL

### **Principles and priorities**

#### **Question**

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

#### **Response**

We agree broadly with the principles and priorities described in the strategy however, there is a degree of concern in the YJB's reluctance to work with specialist and flexible units, and recognising the need for specialism within each sector or the secure estate.

#### **Question**

- Are there any significant areas that are not covered?

#### **Response**

YJB/MoJ and DoH need to work together to help provide a better health assessment /psychological health assessment and to include holistic assessments, not just criminal or physical health assessments.

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

#### **Question**

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

#### **Response**

We agree, with the provision of enhanced units to meet specific needs.

#### **Question**

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

#### **Response**

A system to refer Young people direct from a secure children's home or STC or a YOT to an enhanced unit should be developed. SCH's and STC's have relevant information and disregarding this in order for the prison to make its own assessment increases the risk to the young person.

Additional work to meet the requirements of young people with learning disabilities and those with extremely violent tendencies needs to be undertaken.

## **Responding to decreasing demand**

### **Question**

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

### **Response**

We disagree that STC's and SCH's are broadly interchangeable. This does not recognise the operation differences and the differenced in practice and ethos of the different units. We accept that STC's meet a specific service demand for the older vulnerable groups.

### **Question**

- What role should market testing play in this process?

### **Response**

We have chosen not to respond to this question

## **A distinctive secure estate**

### **Question**

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

### **Response**

There should be further development of a workforce strategy, with more focus on succession planning, supporting staff to stay long term in post, offering development and support with career progression in the secure/residential field rather than moving to field work.

## **A full and purposeful day**

### **Question**

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

### **Response**

The components of a full and purposeful day are established. Research indicates that it is the inter personal relationships between young people and key workers that has the most impact. Consideration should be given to identifying the elements of the daily operating regime of secure establishments which are positive in effecting change. An example is the "Good Lives model" further work in validating programmes being delivered and establishing an 'Approved' list of intervention programmes that is shared across YOTS and the Secure Estate would facilitate more joined up working.

### **Question**

- What role should the YJB play?

### **Response**

The YJB is charged with the development of evidenced based practice and should facilitate the establishment of an approved list together with co-ordinating training and delivery.

### **Effective resettlement**

#### **Question**

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

#### **Response**

YJB to monitor resettlement planning in accordance with Key Elements of Effective Practice and legislative framework. Too often there is limited or no support for children or their families when they leave custody. Resettlement plan to be established at beginning of sentence not at pre-release meeting. Plan must include realistic plan for accommodation, education, financial support and relationships with family.

YJB and Safeguarding Board relationships need to be stronger through links to DH and DfE.

Accountability needs to be stronger. Most significant issues are relationship issues – lack of external support for young people following release, suitable supported accommodation provision that reflects maturity, ability to cope and is not just the cheapest option.

YJB/ MoJ to establish escalation procedure between secure establishment managers and Directors of Children's Services

Local Safeguarding Children's Boards to review failed resettlement plans, breach of licenses and returns to custody within 6/12 months of release.

HMIP and Ofsted Inspections to focus on resettlement plans.

#### **Additional comments**

Justice-Health and Education – There needs to be more synergy between the YJB/ MoJ, DoE and DH.

YJB should coordinate the responses between the departments to meet the needs of the young people and provide accountability and not just to disseminate the MoJ position,

## **Consultation on Secure Estate for Young Offenders.**

We welcome an opportunity to respond to the proposed strategy for the secure estate for children and young people in England and Wales and are pleased that the views of young people are being sought and analysed to inform this process.

### **Principles and Priorities**

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

The landmark Munby judgement established that children in custody have the same rights and entitlements under the 1989 and 2004 Children Acts and Human Rights legislation as those children in any other setting. It is accepted that, for a small minority of young people, custody is consistent with the principle of public protection. However we endorse the principle approach to divert young people from the criminal justice system where appropriate and that custody should be a last resort.

Many young people are vulnerable, have complex and diverse needs. For those young people entering the secure estate, focus must be upon appropriate activity to change their attitudes, thought processes and offending behaviour: thus the importance of robust assessment of need is key. Resettlement is crucial and family support, educational opportunities and appropriate accommodation are major variables.

### **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?**

The planning of appropriate activity is core and has a correlation with engagement, good quality outcomes and reducing offending. We therefore agree that children and young people should have access to a full and purposeful day which equips them to become engaged in sustainable education, training and employment on release. Purposeful activity provides



goals, security and an increase in self esteem. We would support the need to consistently apply evaluated / accredited programmes based on the principles of 'what works' across the secure estate and therefore, support the build on the roll out of Effective Practice within the YJS. Addressing risk, need and responsibility is key to effective outcomes. Programmes that address offending behaviour, include restorative approaches and improve the resilience of young people placed in the secure estate are consistent with good practice. Plans to have a robust evaluation of outcomes and system for quality control of programmes and interventions is applauded.

Within regimes which ensure that young people are safe, appropriate physical / mental health, substance misuse services and good quality educational provision is paramount in order to meet individual need. We fully support initiatives to ensure that young people with speech and language difficulties are adequately assessed and supported. We agree with the principle that work with partner agencies such as the Department for Health and the National Health Service (NHS), the Young People's Learning Agency (YPLA) and local authorities is consistent with a joined up approach to realising good quality outcomes for our children and young people.

Whilst we support the vision for an estate that offers better value by being more responsive to the needs of young people, allowing providers greater freedom to direct resources as they wish may create diverse practice and little continuity. It is important that the YJB provide a very clear view about the services that should be provided and the outcomes that are expected from providers.

### **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?**

Whilst there are clear challenges within the secure estate, distinct services for children are considered to be appropriate. Safeguarding practice is paramount. Provision to our young people must continue to be informed by legislation and guidance. The significant differences between the adult and young 'offending population' cannot be overstated. We must be mindful of the specific needs of young people within the secure estate and this should be recognised as specialist provision. The current requirement for LSCBs to report on the use of restraint, when there are secure estate institutions within its area, to Ofsted and the YJB is purposeful in the safeguarding agenda and is best located within a distinctive secure estate.



Realising good quality outcomes for young people is consistent with public protection. The 'purposeful day' principle within a distinct secure estate is best placed to address the most challenging young people who have multiple and complex needs.

We support the requirement that annual reports are submitted to the YJB on the use of restraint. The process would be further improved by a process which provides feedback to local areas -

- On the quality of the reports
- Patterns and emerging trends.

YOIs should be designated a specialist system within the Prison Service. Career opportunities should be created for staff and managers which reward their expertise in working with young people.

We support the proposition for distinct services for children and young people in custody and would the drive to work with NOMS to embed distinctive custodial provision for young people.

### **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?**

The Keppel Unit at Wetherby YOI and the Willow Unit at Hindley YOI have evidenced effective outcomes and we support the push to develop strategies to provide intensive support in enhanced units. The complex needs of young offenders is well recognised and a small minority of such children and young people pose a high risk to themselves and others. Focused, specialist engagement which is underpinned by therapeutic intervention element has proven beneficial for young people and the community. We support strategies to provide intensive and therapeutic input to engage our most challenging young people. These units should not only support mental health and learning needs, but should also address physical health and set specific health targets. Strategies to develop Asset to have a synergy with CAF are assistive.

### **Responding to decreasing demand**

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



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

The risks of decommissioning are well rehearsed. We would specifically exercise caution and urge further analysis about how a reduction in the secure estate may hinder family dynamics / resettlement as there is already evidence that too many young people are dispersed far beyond their home area.

A number of beds across all sectors have been decommissioned over the last two years due to the decrease in demand. Given the fall in demand for places for 10 to 14-year-olds, it is accepted that the centre will see the advantages of using STCs and secure children's homes interchangeable. However we would be concerned that the placement of children and young people was consistent with the YOS assessment – particularly for those young people for whom a secure children's home environment is required.

Safeguarding principles should undermine all decisions and we believe that YOIs and SCRs must come into line with STCs and submit exception reports to the YJB on warning signs occurring during restraint.

### **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?**

IRS has demonstrated that the provision of effective resettlement services are central to reducing reoffending and achieving positive outcomes for young people who leave custody. Focus on skills enhancement, educational provision and adequate accommodation are consistent with young people being equipped to lead crime-free lives following a custodial sentence. A partnership approach to supporting YP in the transition from custody to the community has been effective. We support initiatives to develop further programmes that aid resettlement back into the community.

Improved communication between YOTs and the secure estate to improve resettlement communication is fully endorsed. We should build upon existing good practice and ensure that there is a robust approach to ensure that communication exchange is consistent with the delivery of intervention, in a timely manner, whilst a young person is in custody. We endorse the proposal for a new assessment and planning intervention framework to improve case management skills within the secure estate / the transfer of information from the community to custody and back out again.

We are confident that a key variable in the effective resettlement of young



people is family contact with young people whilst they are within the secure estate. We are concerned that too many young people are located away from their home area when there is appropriate provision within the home county. This is hugely detrimental to family relationships and a smooth transition back home. We have witnessed the tensions emerging from the placement of young people beyond their home area. In particular we are concerned by the extent to which this hampers family support and family dynamics. We support the focus on the placement process which considers the importance of the needs of the young person and would urge the YJB to manage this robustly.

Good work occurs within many institutions within the secure estate and this is supported and reinforced by sentence planning structures which involve families, young people, YOS staff and staff from institutions. Strategies to build upon the successful outcomes / means of achieving the following are central:

- Joint training (YOS and staff within the secure estate) to enhance the approach to resettlement
- The development and delivery of structured programmes, within the secure estate, which prepare young people for release
- IRS programmes to provide a holistic approach to skills, knowledge and confidence enhancement
- The involvement of Health Services to ensure they compliment programmes and planning structures
- Effective information exchange between YOS staff and secure estate staff to ensure that intervention planning
- A consistent approach to involving secure estate staff in DTO reviews following the release of the Young Person
- Longitudinal studies to evaluate the efficacy of programmes delivered to young people within the secure estate / within the community

**Staffordshire Youth Offending Service Management Board  
October 2011**

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## Introduction

The Standing Committee for Youth Justice (SCYJ) [www.scyj.org.uk](http://www.scyj.org.uk) is a membership body which provides a forum for organisations, primarily in the non-statutory sector, working to promote the welfare of children who become engaged in the youth justice system; and advocates a child focused youth justice system that promotes the integration of such children into society and thus serves the best interests of both the children and their communities.

Members of SCYJ are: *Action for Children, 4Children, Association of YOT Managers, Barnardo's, Catch 22, The Children's Society, Centre for Mental Health, Children's Rights Alliance for England, Council for Disabled Children, Criminal Justice Alliance, Howard League for Penal Reform, Just for Kids Law, JUSTICE, MAC UK, Nacro, National association for Youth Justice, NCB, NSPCC, National Youth Agency (NYA), TACT, The Prince's Trust, Prison Reform Trust, Secure Accommodation Network, SOVA, User Voice, Voice*

## Overview

The SCYJ is pleased to submit its views to the consultation on the secure estate strategy for children and young people, 2011/12-2014/15. Our key findings and recommendations are:

- Whilst we welcome some of the progress that has been made in the secure estate for children in recent years – in particular the creation of a distinct estate for children and the reduction of numbers in custody – the SCYJ has a number of fundamental concerns with regard to the proposed strategy.
- The strategy should begin with the assumption that custody should be a last resort and used for the shortest period of time, in line with the United Nations Convention on the Rights of the Child (UNCRC)<sup>1</sup>. SCYJ advocates for both a higher custody threshold for children and considerably raising the age of criminal responsibility.
- This strategy is not accompanied by a needs analysis of children in the criminal justice system, population projections, or evidence of outcomes of

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<sup>1</sup> United Nations Convention on the Rights of the Child. Article 37(b)

‘what works’ to address the underlying needs of children in trouble with the law. Particularly concerning is the lack of research into the effectiveness of different types of secure provision for children to inform commissioning decisions.

- In addition, this strategy is presented in isolation of any joined up thinking between other relevant government departments, in particular, education and health, or plans for prevention, early intervention, diversion, effective community sentences or emerging practice.
- Given the above two points, it is of particular concern that a number of decisions appear to have been taken regarding the future of the secure estate. SCYJ is fundamentally opposed to the further reductions in the secure children’s home sector. The decision appears to be made on the basis of short term cost savings, with little consideration given to the needs of children or the long term costs to the public purse of the unacceptably high reconviction rate of children leaving custody.

### **Principles and priorities**

1. SCYJ broadly agrees with the principles set out in the strategy. However, we have three primary concerns.
2. Firstly, in many cases the principles are admirable, yet they are aspirational rather than realistic and there is little detail contained in the consultation document of how they will be implemented in practice.
3. Secondly, the principles contradict other plans set out in the consultation document. For example, the principles that ‘children and young people should be supervised and cared for by staff who are committed to working with them and who have received the appropriate training’ and ‘the built environment should be conducive to working effectively with children and young people and living units should be relatively small (even within larger establishments)’, do not fit with plans to decommission more beds in small secure units with higher staff ratios (paragraph 44), rather than decommissioning further from the YOI sector.
4. Thirdly, there are significant areas in the principles that are not covered, for example, family and the participation of children themselves.
5. Given their distinct and complex needs, it is of greatest concern that there is a lack of consideration of gender specific provision for girls. Whilst we were pleased that 15 and 16 year old girls have been taken out of wholly unsuitable prison service accommodation, we are disappointed that the solution for 17 year old girls was to incarcerate them in prison units within existing adult prisons. The introduction of the Single Remand Order<sup>2</sup>, which removes the perverse anomaly of 17 year old children being treated as adults for remand purposes, provides the ideal opportunity to decommission the remaining prison service units for girls. This decommissioning would

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<sup>2</sup> Legal Aid and Sentencing Bill, clause 74 subsection (5)

provide for immediate savings to the public purse. These girls, only about 100 of them at a time, could easily be managed either in small local secure units or through intensive community sentences.

6. The strategy for the secure estate for children and young people, 05/06-07/08, stated the aim of reducing the number of children in custody by 10 per cent. Although this was, in our view, an unambitious target, it is commendable that it was achieved and that much further reductions have been seen in recent years. Given the success of this strategic vision, which united all stakeholders in the youth justice system, it is disappointing that there is no such stated aim in the current strategy.
7. The key concern for SCYJ is that custody should be used as a last resort, in line with the UNCRC. SCYJ advocates both a higher custody threshold for children and considerably raising the age of criminal responsibility. We believe these should be the key strategic aims for the current strategy to further reduce the numbers of children in custody.
8. The repeated lowering of remand and sentencing thresholds for custody, the use of prison for minor offences, and for misbehaviour that is not even a criminal offence, is not only in direct conflict with the principle of last resort, but also dilutes and undermines the message that custody must be taken seriously, as the most serious response to the most serious offences. It has left a legacy where:
  - Around half of children in prison have not been convicted of a violent offence
  - 50 per cent of children who are remanded to custody are subsequently acquitted or given a community sentence
  - £305.6 million is spent on the secure estate for children each year<sup>3</sup>
9. The SCYJ report *Raising the custody threshold*, sets out our position<sup>4</sup>. The establishment of a higher custody threshold in law, which would need to be passed every time a child is sentenced to custody, could be seen as defining the UNCRC concept of last resort in law. We believe that raising the custody threshold would guarantee a reduction in the numbers remanded or sentenced to custody by reserving imprisonment for the few children who require time in a secure environment.
10. We welcome the provisions in the Legal Aid, Sentencing and Punishment of Offenders Bill which, if enacted, will considerably raise the remand threshold. However, we believe that the discreet needs of children remanded to custody should be addressed, to ensure that they are not

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<sup>3</sup> All statistics from <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Fact%20File%20June%202011%20web.pdf>

<sup>4</sup> [http://www.scyj.org.uk/files/Raising\\_the\\_custody\\_threshold\\_FullDocAug10\\_FINAL.pdf](http://www.scyj.org.uk/files/Raising_the_custody_threshold_FullDocAug10_FINAL.pdf)

amalgamated into the general regime. This includes being allowed frequent access to their families, being able to access training and health programmes and not being made to do offending behaviour programmes. SCYJ members have witnessed examples of all of the above.

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

11. The European convention on Human Rights protects children in detention from inhuman or degrading treatment or punishment. The UNCRC requires governments to ensure that for every child deprived of their liberty they shall be treated with humanity and respect for the inherent dignity of the human person and in a manner which takes into account the needs of persons of his or her age.
12. For the few children who do require a period in a secure environment, punishment itself is the loss of liberty. Time incarcerated should not provide a period of further punishment(s) to be laboured upon a child. Rather it should provide an opportunity to address the underlying needs of each child, in a therapeutic environment, with high staff ratios, that tailors provision to children's development.
13. A fundamental purpose of secure accommodation is that children should be kept safe. It is stated in the consultation document that 'youth custody is certainly safer' (para 19), but 'safer' is not the same as safe. Given the Carlile Inquiry's work and recent follow up regarding restraint practices and safeguarding in YOIs and STCs<sup>5</sup>, the impending judicial review being undertaken by CRAE to challenge the Justice Secretary's refusal to notify child victims of abusive restraint in custody of their rights<sup>6</sup> and that the Corporate Manslaughter and Corporate Homicide Act 2007 now applies to custody, it is extremely disappointing that the strategy contains so few specifics about safety.
14. SCYJ continues to contend that Young Offender Institutions (YOIs) are wholly unsuitable for children. This position is supported by the recent annual report by HM Inspector of Prisons (2011)<sup>7</sup> which found that:
  - Just under a third of boys and over a fifth of girls reported that they had felt unsafe at some point in prison
  - Routine strip-searching marred efforts by reception staff to reassure new arrivals
  - The level of involvement with local safeguarding boards was insufficient

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<sup>5</sup> <http://www.howardleague.org/carlile-inquiry/>

<sup>6</sup> <http://www.crae.org.uk/news-and-events/news/childrens-rights-campaigners-given-go-ahead-for-judicial-review-of-the-states-obligations-to-child-restraint-victims-in.html>

<sup>7</sup> <http://www.justice.gov.uk/downloads/publications/corporate-reports/hmi-prisons/hmip-annual-report-2010-11.pdf>

- The coordination of a wide range of assessments and care plans for different purposes was poor, resulting in a disjointed approach to caring for the most challenging young people (including those who self-harmed or were segregated)
- In most establishments the use of force remained high
- The use of formal adjudications was high in almost all establishments. 58 per cent of boys and 30 per cent of girls reported that they had had an adjudication
- Children and young people continued to be subject to mandatory drug testing
- Support from personal officers/key workers was generally not rated highly by young people. Few personal officers attended important meetings relating to the care of the young people they were responsible for
- Few establishments holding young men met the expectation to provide 10 hours out of cell each day
- Access to time in the open air had improved but was still too limited
- It was possible to have association reduced as punishment for misbehaving or being on the lowest level of the rewards and sanctions scheme
- Vocational training opportunities continued to vary and in some establishments they were insufficient to meet demand
- The impact of the changed funding arrangements, which had reduced target hours to 15 a week from an average of 25, was variable. Generally it meant that young people spent either a morning or an afternoon in education or vocational training.
- Although 91 per cent of boys and 97 per cent of girls said that they wanted to stop offending on release, fewer than half felt that they had done something in custody to make them less likely to offend in future

15. Indeed, the consultation document itself contains a number of points regarding ineffectiveness of YOIs for children and challenges in the commissioning arrangements:

- 'The lack of a distinct secure estate for children and young people is most pronounced in the YOI sector. In these circumstances there is potential for tensions to arise between the YJB's requirement as commissioner and the operational pressures on its main provider, NOMS, to manage effectively a predominantly adult custodial population. The existing commissioner/provider roles can result in a lack of clear governance, accountability and leverage for practice change in the YOI estate.' (para 50)
- 'There are particular cultural and organisational challenges for achieving our ambitions in the public YOIs...Very often, career

development opportunities lie outside the young person's estate, making the retention of high quality staff particularly challenging.' (para 72)

16. Although we commend the benefits of the creation of a distinct secure estate for children in recent years, in particular the decreases of children placed in adult accommodation or split-site YOIs, and the decommissioning of a number of YOIs, commissioning needs to focus on being both *distinctive* and *effective*. The needs of children are best met from the starting point of designing provision around their needs, such is the case of secure children's homes, rather than adapting adult provision to children's needs, as is the case of YOIs.
17. In the consultation there is a reference to 'effective commissioning', yet it is not accompanied by a needs analysis, population projections, or evidence of what works in addressing children's underlying needs. Indeed, the consultation document acknowledges that 'we need to understand more fully whether differences between the three sectors of the secure estate – including costs – are reflected in the rehabilitation and reoffending outcomes achieved' (para 37).
18. Given all of the above points, we are deeply concerned that there is the assumption that future decommissioning will be proportionately higher in the secure children's home sector. We would also question on what evidence 'the YJB views STCs and secure children's homes as broadly interchangeable' (para 45).
19. The decision appears to be made on the basis of short term cost savings, with little consideration given to the needs of children or the long term costs to the public purse of the unacceptably high reconviction rate of children leaving custody.
20. We call for an immediate halt to any future decommissioning of secure children's homes places until evidence can be provided that:
  - Secure children's homes do not provide the most holistic, child-centred, tailored and therapeutic interventions to children in secure environments
  - Children do not benefit from the higher staff ratios provided in secure children's homes
  - Secure children's homes do not ensure the safety of children most effectively of all secure environments, including the prevention of the death of children
  - Secure children's homes do not reduce the reconviction rates of children
  - Secure children's homes do not provide the highest long term savings to the public purse

## **The development of enhanced units**

21. It is well evidenced that children in the criminal justice system have a multiplicity of problems and needs<sup>8</sup>. We believe that the starting point should be that for the few children and young people who require a period in a secure environment, all have the right to be in an environment, close to their homes and communities, where these needs can be met. The starting point should not be that some children are skimmed off and prioritised in less unsuitable environments, whilst others remain in YOIs that are ill equipped to meet their needs.
22. Although we acknowledge the good work of the Keppel Unit, it is adult provision adapted to children. We believe the starting point should be designing provision around children's needs, as with secure children's homes.
23. We also have concerns that the development of enhanced units produces inequity and resentment in YOIs, fostering a 'them' and 'us' culture.
24. It is also unclear if the intention of the policy to create 'enhanced units' in YOIs is to provide competition to the secure children's home sector, without any evidence of what works, to justify their closure and save money in the short term.
25. Whilst we recognise that there are some children routinely held in prisons who have exceptionally high levels of need, we do not believe that the appropriate care and expertise required for complex mental health needs can be delivered in a prison environment. Although we acknowledge the good intentions behind the Willow Unit, we are thus concerned at the proposal to create special wings within prisons. Children with severe mental health needs should be transferred to specialist mental health environments, fully staffed by trained mental health professionals, where these needs can be met. For those with lower levels of need, it is unclear why they cannot be cared for in secure children's homes. We do not see the case for locking up children with mental health problems in 'prisons within prisons'.

## **Responding to decreased demand**

26. As stated above, we do not agree that an appropriate response to adjusting to decreased demand is decommissioning places in secure children's homes and commissioning enhanced units in children's prisons.
27. Although we welcome recent decommissioning of some YOIs, it appears to have been done on an ad hoc basis, with little account of an assessment of children and their needs, population projections, or geography.

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<sup>8</sup> See: Jacobson, J et al (2010), Punishing Disadvantage: a profile of children in custody, London: Prison Reform Trust.

28. The effects on children in London are a prime example of the impact of these decisions. The latest custody figures show that of the 580 children in custody from London, only 216 were held in custody in London<sup>9</sup>. Due to years of poorly planned decommissioning, there are only 16 secure children's homes beds left for the whole of London and the South East.
29. The ad hoc nature of recent decommissioning, rather than it being based on evidence, has left the secure estate vulnerable to any sudden influxes. The recent disturbances and riots around the country have led to an 8 per cent rise in the children's custodial population, many of whom have not been in contact with the criminal justice system before. This has led to a situation where:
- The secure estate is operating above its stated safe capacity
  - Children are being placed further away from their families and communities
  - Prisons are struggling to ensure the safety of children. There have been reports of children being told to walk around in pairs for their own safety, and there have been a number of serious incidents, including the hospitalisation of children following an attack at HMYOI Cookham Wood<sup>10</sup>
30. As outlined above, SCYJ believes that the appropriate response for the majority of children is not a period in custody. However, until legislative changes are made and international duties complied with to achieve this aim, we urge that no more commissioning/decommissioning decisions are made that adversely affect children, their chances of rehabilitation, or put their safety at risk.
31. We support the use of s.34 of the Offender Management to place children in non-secure accommodation – with the very important safeguard that this is only used for those who would otherwise be in secure accommodation and is not used to widen the net for those seen more generally to be in need.

### **Effective resettlement**

32. We commend the acknowledgement of the vital importance of effective resettlement in achieving positive outcomes for children and young people leaving custody. We welcome the focus and investment that has been put into the many initiatives and commitment from a variety of stakeholders in recent years.
33. The effective participation of children is vital for their successful resettlement. The Howard League's participation-led policy report *Life*

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<sup>9</sup> <http://www.justice.gov.uk/publications/statistics-and-data/youth-justice/custody-data.htm>

<sup>10</sup> <http://www.guardian.co.uk/society/2011/sep/08/uk-riots-rise-in-jailed-children>

*Outside: collective identity, collective exclusion*<sup>11</sup>, includes recommendations by children themselves, such as:

- Tailoring interventions and requirements to their needs
- Providing positive role models
- Allowing them to make positive choices about their own futures
- Involving their families/carers in decisions made about their care
- Giving them a second chance when they leave custody rather than 'setting them up to fail'

34. We have some reservations regarding the further roll out of payment by results into the system along the model of the Heron Unit. For example, a key risk is cherry-picking by providers, so that those who present the most need are ignored in favour of those who are more likely to help deliver the desired outcome. We would like to see a full, independent evaluation of the Heron Unit, and its processes and outcomes scrutinised, before any such model is considered for further roll-out<sup>12</sup>.

35. Although much good work is being done, many children's chances for effective resettlement are undermined by being placed far away from their families and communities. The YJB's target that at least 90 per cent of young people in secure settings should be within 50 miles of home was discontinued in 2009. A report by Ofsted (2010)<sup>13</sup> found that:

- This restricted the number of visits by families and increased the young people's unhappiness and sense of vulnerability
- Distance limited the extent to which families could be directly involved in planning reviews
- The main reasons for this situation were the lack of local placements and the concentration of specialist resources in a small number of centres
- This adversely affected plans for successful transfer and reintegration into the community

36. Positive resettlement outcomes, and the welcome initiatives and focus this area is receiving, will continue to be undermined until children are placed in small units, close to their homes and communities throughout their sentence.

### **Longer term vision for the secure estate**

37. SCYJ believes that the long term vision for an effective secure estate should be based on the principles that:

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<sup>11</sup> [http://www.urboss.org.uk/downloads/publications/HL\\_Life\\_outside.pdf](http://www.urboss.org.uk/downloads/publications/HL_Life_outside.pdf)

<sup>12</sup> [http://thenayj.org.uk/wp-content/uploads/2010/12/Payment\\_by\\_results\\_and\\_the\\_youth\\_justice\\_system1.pdf](http://thenayj.org.uk/wp-content/uploads/2010/12/Payment_by_results_and_the_youth_justice_system1.pdf)

<sup>13</sup> <http://www.ofsted.gov.uk/resources/admission-and-discharge-secure-accommodation>

- The age of criminal responsibility should be considerably raised in line with international obligations and standards
- The use of custody should be a last resort and for the shortest possible period of time, in line with the UNCRC
- Custody thresholds, for those remanded and sentenced to custody, should be substantially raised
- The youth justice system should be the joint responsibility of the Ministry of Justice, Department of Education, Department for Health and local authorities
- For the small number of children who do require a period in a secure environment, they should be held in small, local units, along the model of secure children's homes, with high staff to child ratios and therapeutic interventions that have led to their contact with the criminal justice system
- Children should be held in units close to their homes, to allow the effective participation of their families, carers and other professionals involved in their care, and for their successful return to their communities when released
- The child's wishes, feelings and experiences whilst detained should be the basis of individual care planning, service development, staff recruitment, training and development, strategic planning and policy making
- Staff should be recruited on the basis that they have chosen, and are adequately trained, to work with children
- The inhumane practice of transporting children in sweatboxes should cease
- The participation of children should be central to their care
- Future commissioning/decommissioning decisions should be made on evidence based research of 'what works', a thorough needs analysis and population projections
- While a locally responsive youth justice system is to be welcomed, a central commissioning and placements body should be retained

# SUFFOLK YOS

## 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, in line with the priorities outlined in the Green Paper *Breaking the Cycle*.

A distinct juvenile estate incorporating diversity, safeguarding, effective assessment of need, with a full and purposeful day as listed offers the foundation for effective practice and resettlement.

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

Another area of practice to consider would be how communication is effectively shared between custody and community. This is more than staff knowing how important it is to talk to each other but to look at some of the issues that are barriers to effective working in relation to the psychology of role.

It is important that further changes are supported at a strategic level and with 'buy in' to the Munro Report.

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

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

The Keppel Unit at Wetherby is providing an enhanced service to young people who are potentially vulnerable. The building itself seems to have design to minimise bullying e.g. young people say that they experience bullying in communal showers and this unit has countered this by having individual shower units. Staff need to have enhanced training too in dealing with vulnerable young

people and be able to offer a regime which can deal with the central issues affecting this vulnerable cohort e.g. mental health, the trauma of abuse, substance misuse and speech and language problems.

There is without doubt a small minority who present with complex and challenging issues. Young people, in the main respond positively to the regime at Warren Hill but this can be further enhanced through small units as outlined. Might this already be part of the plan for the Waveney Unit at Warren Hill due to open towards the end of the year?

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

Consider specialist workers to address accommodation needs for resettlement and strengthen the understanding of the specific issues which underpin the children who are in the care of the Local Authority (LAC) for practitioners in custody and community based YOS. Issues around those under Section 20 (Voluntary Looked After Children) appear to be most challenging for us and require special attention.

Support staff across the Juvenile Estate to recognise the need to have a broad understanding of diverse cultural needs of the young people. This might be specific behavioural issues or general matters in relation to personal hygiene, such as facilities to manage hair/availability of hair products.

Give consideration to support as delivered at the Heron Unit within a wider context.

Keep ratio of staff to young people high and not decrease staff as the numbers go down. Provide sufficient educational services to occupy the young people during a full timetable, resulting in less time on the Units.

Develop/commission work around gangs to be fed into establishments for practitioners to use in delivery of interventions. Also increase knowledge to be used in risk management. This could also help in the process of resettlement.

***Responding to decreasing demand***

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

It is imperative that a solid, unified youth justice system is developed. Units cannot be closed and opened up quickly again. Therefore, the money saved from closing units must be channelled into supporting vulnerable young people with highly targeted support programmes. This can be achieved by channelling money through to YOTs who have a good track record in delivering services. The government wishes to expand its use of the voluntary/charity sector and YOTs have a good track record in commissioning with the third sector and we think this may have been demonstrated to Ministers already from YJB survey.

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

A wholly separate governance arrangement entirely focussed on securing a safe environment delivered by a well trained work force. Young people entering custody are some of the most disadvantaged and troubled young people in society and they need the most well trained work force who are unified by a sense of purpose and belief in making a difference.

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

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

Increase outcome focused plans centred on young people and then **review impact on outcomes** for young people on release.

Develop interventions to be delivered through multi-agency teams. Different agencies have different perspectives on the needs of young people and through the multi-agency model there could be a more robust plan of intervention and more effective risk management

Raise the expectation that the young person will effectively participate and contribute to identifying their needs as part of the sentence plan process.

Enable a young person who is already in further education continue the course where possible through correspondence whilst in custody so that they don't lose their place. They would then be able to return to college more readily.

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

Offer guidance similar to the London Safeguarding Children Board document, Improving Local Safeguarding Outcomes which is about quality assurance and outcome focused target. It would need to be rewritten for the custodial setting. The link is <http://www.idea.gov.uk/idk/aio/25409798>

### ***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?**

Shift the focus on the training plans so that the perception is of a complete plan (custody and community) rather than the custody part and the community part. Re-frame the messaging so that the plans are explicitly for the entirety of the sentence.

Keep raising the profile of the estate and how isolating it can be for the young person, therefore contact by agencies remains of vital importance. Also highlight some of the very positive work that is undertaken in the estate with individuals as well as the very committed and capable staff.

Raise the expectation that community YOT staff engage during post programme family days where relevant, thereby assisting in breaking the barriers between custody and community.

Keep building on the restorative justice work and working between home and custody based YOT staff.

**104. The majority of the proposals contained within this consultation document are being developed for delivery within the current spending review period 2011-2015. The proposals are also based on the assumption that secure accommodation will continue to be commissioned from the three existing sectors.**

**105. 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:** could think of small units close to conurbations offering 'half way house' provision linking with accommodation providers and supported lodging services.
- **alternative (co-) commissioning arrangements:** speech and language development is the building block of social activity and conflict is so often not resolved because of under developed language skills. This should be a prime concern.
- **further developments to regimes;** there have been wonderful examples of arts based programmes e.g Dance United in Wetherby. These programmes are liberating for young people because they bring about such a sense of achievement. This is about getting professional artists to work in secure settings and it means there is no dumbing down of provision and expectation. Shakespeare works with young people in custody.
- **delivery mechanisms:**
- **competition strategies:** the commissioning framework needs to demand highly effective programmes which means highly trained staff. The mixed economy in children's homes has led to a largely un regulated sector with poor practice, run by poorly paid and poorly trained staff looking after the most troubled of young people in care. Unfortunately there are too many tragedies in this sector.
- **the role of local authorities:** the government is to be commended for ensuring social work provision in YOI's and stipulating that these are hosted and supported by the local authority.
- **configuration of the estate:** youth provision should be completely separate from adult regimes. This is about developing a distinct identity.
- **the development and delivery of offending behaviour and other programmes:** these need to be wide ranging and better connected with YOTs to aid re-settlement.
- **improving resettlement opportunities:** this could be an area for developing payment by results, for instance, a cash bonus for FE colleges for getting a successful six months/one year completion of a course.

## **THAMES VALLEY YOT MANAGERS**

### **RESPONSE TO CONSULTATION ON THE YJB STRATEGY FOR THE SECURE ESTATE**

Please find below the Thames Valley YOT Managers' response to the above consultation.

#### **Principles and Priorities**

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

#### **The Development of Enhanced Units**

We welcome the development of enhanced units for those with complex needs, as long as these units provide services in accordance with the principles above, appropriate to the complexity of need, and responsive to the fact that young people with complex needs will be placed together bringing its own challenges.

#### **Responding to Decreasing Demand**

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

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

#### **A Distinctive Secure Estate**

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

#### **Effective Resettlement**

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

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

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

We hope the above is helpful.



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Youth Justice Board  
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Dear Ms Woodgate,

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

The Transition to Adulthood Alliance (T2A) is pleased that the Ministry of Justice has decided to seek the views of the various parties on this issue and welcomes the opportunity to respond to its consultation. We have responded to those questions that directly affect our work.

**1. About the Transition to Adulthood Alliance<sup>1</sup>**

T2A is a broad coalition of organisations and individuals which identifies and promotes more effective ways of working with young adults, aged 18-24, in the criminal justice system. Convened by the Barrow Cadbury Trust, its membership encompasses leading criminal justice, youth and health organisations Addaction, Catch22, the Centre for Crime and Justice Studies, Clinks, the Criminal Justice Alliance, the Howard League for Penal Reform, Nacro, the Prince's Trust, the Prison Reform Trust, the Revolving Doors Agency, the Young Foundation, and YoungMinds.<sup>2</sup>

T2A has developed and promoted a series of policy proposals that would create a more effective and fairer criminal justice system for the young adult age-group; an approach that is proportionate to their maturity and responsive to their specific needs.

The Barrow Cadbury Trust has established three pilot projects, running since 2009, which are testing different approaches to improving services for young adults in the criminal justice system. The T2A pilots enable community interventions to be tailored to the needs of the individual, with the aim of reducing both the risk of reoffending and social exclusion. The three pilots are in Birmingham, Worcester and London, and are delivered by Staffordshire and West Midlands Probation Trust, YSS and the St Giles Trust respectively.<sup>3</sup> The pilots are subject to a formative evaluation by the

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<sup>1</sup> For more information on the T2A Alliance, see <http://www.t2a.org.uk/alliance>

<sup>2</sup> Although the work of the T2A Alliance reflects the views of its membership, this submission should not be seen to represent the policy positions of each individual member organisation.

<sup>3</sup> For more information on the pilot projects, see <http://www.t2a.org.uk/pilots>

Oxford Centre for Criminology, an outcome-based evaluation by Catch22, and a cost-benefit analysis by Matrix Evidence. A formative evaluation by the University of Oxford's Centre for Criminology already points to promising early results and highlights the pilots' success in engaging young adults in actions which will help them towards better lives.

## **2. Our response:**

### **TRANSITION TO ADULTHOOD**

T2A is pleased that the Ministry of Justice recognises that children and young adults require a distinct approach in the commissioning of services in the secure estate because they are continuing to develop and their offending behaviour is different to that of adults. We also agree that sentence planning processes and interventions are most effective when they recognise the developmental needs of young people.

However, we are disappointed that the proposed Strategy does not go further to recognise the distinctive needs of young adults aged 18-24. T2A strongly believes that the arbitrary cut-off age of 18 between the youth and the adult systems is not based on the current evidence. By reforming the system to reflect the distinct needs of this group, a significant impact would be felt in reducing current levels of reoffending, overall spend and, importantly, reducing the numbers of crime victims.

The T2A Alliance strongly supports developing a tailored approach to working with young adults that is flexible and sensitive to their developmental maturity. There is extensive evidence, both demographic and developmental, for recognising 'young adulthood' as a particular stage in life.<sup>4</sup> As such, T2A would like to see all young people up to the age of 21 held in the youth estate as this would support the natural process of desistance. In our experience, young adults often feel extremely intimidated in adult prisons, where they are often seen as easy targets for intimidation and bullying by older inmates. Furthermore, the rules that govern Young Offender Institutions have a much stronger emphasis on education.

T2A has concerns that the proposed Strategy, in seeking to enhance the differences between the children's secure estate and the secure estate for adults, risks exacerbating further the current problems and gaps experienced by young adults transitioning between the two systems. At present, as young adults move from the youth to the adult criminal justice system, the level of support typically drops dramatically, the type of support given changes, and the suitability of services may be reduced. The effects of these processes are exacerbated by poor communication between youth and adult services.

The T2A Alliance's work has shown that a poor transition can have a catastrophic impact on a young adult's life, especially for disadvantaged young adults who often have no family or community support available to them and live chaotic lives. The wrong interventions can hamper a young adult's ability to begin the process of rehabilitation, such as being able to access support services, take on opportunities

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Prior, D., Farrow, K., Hughes, N., Kelly, G., Manders, G., White, S. and Wilkinson, B. (2011) *Maturity, young adults and criminal justice: A literature review*, Birmingham: University of Birmingham.

for learning and improving the skills, and maintain relationships and family contact—both of which can play a central role in supporting desistance from crime.

We would welcome the opportunity to work with the Ministry of Justice and NOMS to share our experience in this area and help to manage more transition processes into the adult estate.

### **A DISTINCTIVE ESTATE**

It is important that links between custodial establishments holding young women under the age of 18 and the adult female prison estate are improved and that transition arrangements between youth offending teams and probation trusts take into account the needs of young adult women.

### **WHAT ROLE SHOULD THE YJB PLAY?**

While the T2A Alliance believes that a separate Youth Justice Board is beneficial, plans to bring the functions of the Youth Justice Board within the Ministry of Justice could present an opportunity to better co-ordinate work between the youth justice system and the adult system, and in particular between the youth and adult custodial estates. As we have stated previously in this response, there is a need for significant improvements in transitional arrangements and communication between agencies working with young adults, with particular focus on youth offending teams and probation trusts as well as youth and adult custodial establishments. In establishing new procedures and structures following this reorganisation, the Ministry of Justice should ensure that these transition issues are addressed

### **EFFECTIVE RESETTLEMENT**

The provision of effective resettlement services is vitally important to reducing reoffending and achieving positive outcomes for young adults who leave custody. The T2A Alliance has identified this issue as a priority and recommends that intensive support should be made available for every young adult (aged 18-24) leaving custody, regardless of the length of their sentence. Regular contact with prisoners needs to begin before release, and every young adult should be offered through-the-gate mentoring support upon release. We also recommend that education, work or training should become a key focus within custody, while young adults should be supported into work or education on their release from prison. While the introduction of payment by results (PbR) might help to deliver this, it will take time to scale it up to provide national coverage and worthwhile outcomes for this group may present challenges to PbR models (multiple causalities, providers, etc.). As was raised in the Ministry of Justice's Green paper in December 2010, a distinct approach may be required within PbR for the young adult age group.

In this vein, T2A would like to draw attention to T2A's pilots in more detail, in particular the model being used by St Giles which works with young adults in prison prior to their release.<sup>5</sup> The pilots are focused on diverting young adults away from the criminal justice system through one-on-one work to address the underlying reasons for their criminal behaviour. The pilots deliver effective support to reduce the risk of reoffending and social exclusion by:

- coaching, motivating and empowering young adults;

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<sup>5</sup> T2A parliamentary briefing on Maturity, July 2011, <http://www.t2a.org.uk/publications>

- supporting young adults and encouraging them to take responsibility for their own lives;
- improving their lifestyle choices and opportunities (such as through training and employment).

While each of the three pilots works with different cohorts of young adults and at different points within the criminal justice system, each pilot draws upon the T2A approach. All of the pilots have established multi-agency systems with statutory and voluntary services in the local area. This allows the T2A worker to deal with the issues arising from the transition between the Youth Offending Service and the Probation Service, ensuring transfer of information and the maintaining of a constant level of support. Multi-agency working also allows the pilots to provide effective help with housing, and access to training, education and employment opportunities.

#### *About the T2A pilots*

The pilots are in London, Birmingham, and Worcestershire. Two are led by voluntary sector services; the St Giles Trust runs one in South London as part of its SOS project, and YSS runs one in Worcestershire. The third, in Birmingham, is delivered by the Staffordshire and West Midlands Probation Trust.

The London T2A Pilot, run by St Giles Trust, is based in Southwark and Croydon. It works with young adults in prison prior to, during, and after their release into the community. It provides intensive support to divert young adults—principally young men—away from offending and enables them to build a new life for themselves. Support offered includes help with housing, accessing training and employment, as well as emotional support with issues such as relationships, behaviour, self-esteem and self perception. The service is delivered by staff who are all ex-offenders, which helps to provide a level of trust and credibility with the young adults. The London T2A teams have been welcomed by the Youth Offending Teams and Croydon Probation Service. Croydon Probation makes direct referrals to the service, and the local Youth Offending Team has invited the T2A teams to work alongside their key workers on some cases. The T2A teams have also built up good relationships with the local police, who also refer young adults directly to the T2A teams.

The West Mercia T2A pilot is run by YSS and is based in Worcestershire. It has been receiving referrals since February 2009 and works with young adult offenders with high needs in the community. The pilot offers a flexible, community based, one-to-one support and mentoring service, using a mixture of paid staff and local volunteers. Each young adult on the T2A pilot determines what level of support they require, including support for family members. The key worker steers them through the available provision, overcoming any barriers (real or perceived) and provides feedback to agencies to influence service practice and policy development. Each young person develops their own action plan with smart objectives. Staff are responsive to need and flexible in their approach due to the potentially changing and chaotic lifestyles of the young adults involved. YSS has established a multi-agency T2A steering group with senior management representation from across the criminal justice system, whilst the T2A pilot encourages regular discourse between the West Mercia Probation Trust and the Youth Offending Team. Key workers are regular visitors at team meetings and will often meet up to discuss T2A referrals.

The Birmingham T2A pilot is delivered by the Staffordshire and West Midlands Probation Trust and is aimed at young adults aged 17-24 years of age identified as posing a medium risk of reoffending. The pilot enables intervention to be tailored to the maturity and needs of the individual young adult and offers mentoring, as well as specific help with accommodation, employment, relationships and substance misuse, depending on their needs. It also aims to instil change in the young adults' lives to enhance their life opportunities and influence their choices in order to move them away from crime and worklessness and well as improve emotional well-being.

The pilots commenced operation during the period December 2008 to July 2009, although the two voluntary sector teams were able to embed this work within existing projects. Still with one year to run, the pilots are already demonstrating effective work with young adults at risk of reoffending and display the benefits of inter-agency policies that will bridge gaps between services and ensure joined up provision for young adults.

The practice ethos of the pilots is one of providing support. The important work to reduce reoffending is integral but contextualised in that supportive framework. The pilots have employed staff to work intensively with the young adults, with support from volunteers. While reducing reoffending by these service users is a core concern and prime objective, this is woven into the broader purpose of enabling them to 'get on' in their lives and to navigate the transitions they have to make (from post-adolescence to maturity, from the youth justice system to the adult justice system, and from custody to resettlement). It is therefore, in effect, welfare-based (in the interests of the service user) and, as such, is considerably removed from standard risk-based, offender management practice in the adult criminal justice system.

So far, the pilots have been successful in engaging young adults in taking up the offered service. The support given is a combination of mentoring and connecting them to services, training and the practical steps they need to take to make progress. All of the pilots are using a person-led, task-focused (or solution focused) model for working with the service users. Through the expression of genuine concern, interest and respect for the individual, the practitioners are able to form a working alliance in which they engage the young person in formulating and following an action plan to help them resolve difficulties, often linked to offending, and to reach their goals.<sup>6</sup>

The University of Oxford's evaluation of the pilots already demonstrates the considerable benefits of this approach, concluding that "the early results from the case studies, and the beliefs of the key players, suggest that the pilots are helping young adults to avoid involvement in offending and to make improvements in their lives", adding that "according to their self-reports, half of the young adults had not reoffended during the six to twelve month period following T2A support. The other half reported that their reoffending was less frequent and less serious, and they are more optimistic about their ability to desist in the future."

### ***Achieving an integrated approach to managing offenders***

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<sup>6</sup> This description is adapted from T2A literature and the report of the University of Oxford's evaluation of the pilots: Burnett, R. and Santos, G.H. (2011) *Found in Transition? Local Inter-Agency Systems for Guiding Young Adults into Better Lives: Final Report of the Formative Evaluation of the T2A Pilots.*

Improved links between departments and agencies are central to achieving an integrated approach to managing offenders, and the Government should explore the potential of pooled budgets to ensure more effective commissioning at the local level, in order to provide services that are better placed to engage with offenders with multiple and complex needs.

If you would like to discuss the contents of this submission further, please contact Sarah Thomas, Public Affairs Manager, on 020 7336 4818 or by emailing [sarah.thomas@catch-22.org.uk](mailto:sarah.thomas@catch-22.org.uk)

**Voice Response to the Ministry of Justice/Youth Justice Board  
consultation on the Strategy for the Secure Estate for children and  
young people in England and Wales.**



Voice welcomes the opportunity to respond the Ministry of Justice/Youth Justice Board consultation on the strategy for the secure estate for children and young people in England and Wales

Voice is one of the UK's leading voluntary organisations working and campaigning for children and young people in the care of the state. We are committed to empowering children and young people and we campaign for change to improve their lives.

Voice provides advocacy for children and young people who are looked after children, in need and who are care leavers. Voice runs a national helpline providing advice and advocacy support to children and young people who have concerns about their care. We provide community based and visiting advocacy for children and young people in foster care and in children's homes and employ specialist advocates for unaccompanied asylum seeking children, mental health, disability and over 16s. We also provide an independent visitor service.

Voice also has extensive expertise of working with young people in the secure estate having provided advocacy services since 1989 to secure children's homes and since 1998 to a secure training centre. In 2004 we were awarded a contract by the YJB to provide advocacy to YOIs and STCs. In 2008 the contract was awarded to provide advocacy to Region One consisting of six YOIs and one STC in the south of England. We also provide advocacy to nine secure children's homes.

Our response focuses on the areas in which we believe we have particular expertise and understanding due to our direct work with children and young people in the secure estate, as well as our role of co-chair of the Resettlement Alliance; an alliance of third sector organisations committed to improving policy and practice on resettlement.

We will be responding to the following sections:

- Principles and priorities
- A distinctive secure estate
- Safe-guarding
- A full and purposeful day
- Effective resettlement.

### **Principles and Priorities**

As members of the Standing Committee for Youth Justice (SCYJ) we endorse their response to this section. Our key concerns are:



- The principles contradict other plans set out in the consultation document. For example, the principles that 'children and young people should be supervised and cared for by staff who are committed to working with them and who have received the appropriate training' and 'the built environment should be conducive to working effectively with children and young people and living units should be relatively small (even within larger establishments)', do not fit with plans to decommission more beds in small secure units with higher staff ratios (paragraph 44), rather than decommissioning further from the YOI sector.
- Voice is in agreement with the SCYJ that custody should be used as a last resort, in line with the UNCRC. SCYJ advocates both a higher custody threshold for children and raising the age of criminal responsibility. We believe these should be the key strategic aims for the current strategy to further reduce the numbers of children in custody.

The repeated lowering of remand and sentencing thresholds for custody, the use of prison for minor offences, is not only in direct conflict with the principle of last resort, but also dilutes and undermines the message that custody must be taken seriously, as the most serious response to the most serious offences.

This is of particular relevance to children and young people placed in children's homes, when police are often called to attend incidents that in a 'normal' family home would be dealt with in the family and not involve the police. This may indeed be one of the factors resulting in children in care being disproportionately represented in the youth justice system.

### **A distinctive secure estate**

Voice welcomes the commitment by the government to a distinctive secure estate for children and young people. For this to be a reality, provision must be designed around the needs of the child, rather than adapting adult provision. We would recommend greater emphasis be given to the commissioning of places within secure children's homes, rather than larger institutions.

We acknowledge and welcome the focus on work-force development to ensure that staff are trained and recruited specifically to work in the secure estate. We welcome the initiatives outlined in paragraph 74 and we would also urge the YJB to consider the development of a module on resettlement as part of all JASP training. Voice are presently working with Cookham

Wood YOI to develop and pilot a resettlement training module and we would be happy to support an initiative to roll this out across the secure estate.



### Safe-guarding

Key to a distinctive secure estate for children and young people is ensuring a safe environment. We are very pleased to see the acknowledgement in paragraph 68 of the role that advocacy has played in safe-guarding children and young people.

Paragraph 69 refers to the implementation of recommendations from the Independent Review of Restraint. In 2009/10 Voice was invited to contribute to the planning of the NOMS behaviour management initiative, Conflict Resolution Training. We were involved in the planning and design of forms for the formal de-briefing following restraint, which is an area of particular interest as the report by the joint Chairs, Peter Smallbridge and Andrew Williamson, of a Review of the Use of Restraint in Juvenile Secure Settings had recommended the involvement of advocates in this process.

Senior Managers from our Secure Estate Advocacy Team also attended a Conflict Resolution Training workshop run by NOMS and were updated on the work of the team in developing an integrated approach to training in behaviour management for staff across the secure estate in line with the recommendations of the joint Chairs of the Independent Restraint Review.

Although we had serious concerns about some elements of the initiative (such as the use of pain complaint techniques), we very much welcomed the proposals outlined to offer much improved systems for overall behaviour management with greater emphasis on training and in practice on de-escalation and the development of interpersonal skills and a wider understanding of violence prevention in the secure estate.

We believe this training can play a critical role in safeguarding children and young people in the secure estate and that it is vital that this training is mandatory across the secure estate for all staff working directly with children and young people to promote safeguarding.

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

Voice recently undertook a survey with children and young people in custody, to identify what factors would reduce the likelihood of the young person re-offending. Three key issues relating to this issue were identified:

- Lack of education options available to 'high' achievers (post GCSE). We appreciate there is a difficulty in supporting young people to undertake 'A' levels, due to the very small numbers of young people involved and constantly changing cohort. However all the young people interviewed by Voice for this research felt that being prepared for employment or training on release was



vital to reducing their re-offending behaviour. This factor was also identified in the young people's consultation of this strategy undertaken by Voice. We recommend that serious consideration be given to the use of online courses and more flexible learning methods to support the needs of this diverse group.

- Lack of personal development courses, such as anger management and understanding offending behaviour. Again over 70% of the young people interviewed at Cookham Wood identified being able to attend personal development courses as a key factor that would prevent re-offending. Young people need to feel prepared to deal with the challenges they will face on release, in particular how to avoid situations and behaviours that lead to reoffending, such as dealing with substance abuse issues, consequential thinking and anger management. Whilst YOI's do offer a range of personal development courses, young people tell us that these are often cancelled due to the changing cohort, lack of young people available and lack of suitably trained staff.

We recommend that greater priority is given to funding personal development courses within the secure estate.

- Use of ROTL. We are pleased that the benefit of using ROTL to support resettlement had been identified by the YJB. We would recommend greater use of ROTL for children and young people to have taster days at colleges and employment programmes.

Voice has been a provider of advocacy services to young people in YOIs and STCs for many years and it is disappointing that, despite our representations, it is still the case that advocacy does not count towards targets as part of the full and purposeful day. This seriously impacts on the accessibility of advocacy for young people and limits to effectiveness of the service as advocates struggle to meet young people in a place and at a time that fits around activities that do count as full and purposeful. We strongly recommend that this situation is rectified and advocacy included as an activity which counts fully towards these targets.

## **Resettlement**

Accommodation, employment and training on release and support around benefits continue to be in the top five issues for which children seek the



support of advocates within Young Offender Institutions (YOIs) and Secure Training Centres (STCs) (Voice and Barnardo's, annual reports 2010/11).

Effective resettlement of children will have a direct impact on reducing reoffending rates. Effective resettlement will reduce both the financial and human cost of offending on both the child and the community.

Voice welcomed the development of the Resettlement Consortia and Dadealus project at Feltham. However, we are concerned that decisions about both funding and the co-ordination of resettlement projects across the secure estate have been made prior to the completion of the evaluation of the Consortia and Dadealus which could have provided helpful information to inform decision making. We are particularly concerned about the cessation of the Resettlement Programme Board, and the consequent loss of their role in the development and dissemination of good practice in regard to resettlement.

Whilst resettlement remains a key issue for children and young people in the secure estate, we believe there should be a dedicated project board and staff to develop, implement and evaluate resettlement projects. Otherwise vital learning will be lost, with potential significant financial implications.

The Resettlement Alliance produced a comprehensive response to the MOJ Green paper 'Breaking the Cycle' which focused solely on resettlement. We believe the recommendations from this response, which are listed below have value to this current consultation and should be taken into consideration.

#### Youth Justice Board National Standards on Resettlement

- National Standards for the Youth Justice Board should be strengthened to highlight the importance of discussions about resettlement at the initial sentence planning meeting.
- The person responsible for chairing the initial sentence planning meeting (whether YOT or case manager from the establishment) must consider resettlement at that meeting as set out in National Standards. Unless the chair is satisfied that the child's parents or wider family will be able to appropriately resume care of the child on release from custody, solely with supervision from the YOT, the chair must authorise the YOT practitioner to make a referral to the local authority for an assessment under section 17 of the Children Act 1989 and where the child cannot return home, for accommodation under section 20.
- Where the parents are not present at that meeting, the YOT must be required to meet with them and ensure attendance at a restored sentence planning meeting. The failure of parents to attend this adjourned meeting should trigger an automatic

referral to the local authority for a section 17 assessment. This will ensure that children and young people with resettlement issues will have a clear plan.



- All children in custody should be made aware and supported to access advocacy services to ensure their voices are heard and they are actively involved in the planning of their resettlement.
- A senior officer in every local authority should have responsibility to ensure that children in need assessments are completed. The appropriate stakeholders are part of this process and plans developed. This would include the implementation of local working protocols to facilitate collaboration between key agencies and coordination of services.

### Accommodation

- A cross-Government action plan is developed and dedicated senior officials from the MOJ, Department for Education (DfE) and Department for Communities and Local Government (DCLG) will work with local authorities and criminal justice agencies to ensure that suitable accommodation for children leaving custody is an issue of urgent priority.
- Implement an escalation procedure in the secure estate to ensure a referral is made to the advocacy service if suitable accommodation on release is not in place for the young person at the release preparation meeting.

### Education, Employment and training

- As stated in the section on a *Full and Purposeful Day* greater range of education and employment courses need to be made available to children whilst in custody and Release on Temporary License (ROTL) should be used more frequently for children to have 'taster' days at colleges and employment programmes; and where the risk is manageable undertake education and training in the community.
- All children within the secure estate should receive careers advice and support including community-based programmes such as Princes Trust schemes.
- Children who have offended should be prioritised for government sponsored and endorsed apprenticeship schemes and other real opportunities for work.
- Children with diagnosed health difficulties should have access to evidence based support to help them maintain their employment placements.

### Health



- Children must be properly supported during early years to avoid unnecessary and costly drifts into custody. When they are sentenced to custody their holistic health needs must be comprehensively assessed at entry with good quality screening tools. They should receive evidence based support for their health inequalities whilst in custody which is integrated with that being provided for their multiple needs.
- On release, children should be fast tracked into integrated services (planned prior to release) which allow children and their families to capitalise on gains made whilst in custody.
- Good quality training and tools must be made available to GP commissioning consortia to ensure these children and families with the highest needs receive continuous high quality care on release. These children and families often don't engage effectively with primary care services and who pose the highest costs to the public purse in the longer term if not properly supported.

#### Substance misuse

- Ensure that there is a continuity of community based service provision for those in need of substance misuse services as part of an overall package of post-custodial support. This will involve a high degree of information sharing between custodial support services, community services, social worker and the YOT case manager.

#### Family

- The government should consider developing a long-term strategy to support the families of children in the secure estate and invest in good quality interventions such as family group conferencing and multi-systemic therapy.
- The learning from programmes to support foster carers to divert children from custody should be used to train and support foster carers who are supporting children and young people who have been in custody.

#### Finance, Benefits & Debt

- Children leaving custody should be provided with comprehensive information and support to access benefits.

**Job Title:** Head of Reducing Reoffending  
**Date:** 10 October 2011  
**Company Name:** HMYOI Warren Hill, Hollesley, Woodbridge, Suffolk IP12 3JW

### **Principles and priorities**

Do you agree with the principles stated in this document?

Yes. I like the idea of a distinct, specialist secure estate, and YP should be supervised and cared for by staff who are committed to working with them – custody, community, STC's and SCH's – staff should be able to work in all sectors and transfers between should be available.

Appropriate placements: YP should be placed in the establishment best able to meet their needs – this is a change from 'closest to home'. There is an argument for both of these, however even when we had 13 male custodial establishments YP were often far from home, and now we are down to 7 this is even more true, so would agree it is worth trying meeting needs and thus reducing chances of them reoffending.

Full and purposeful day: YP should attend programmes to address their offending behaviour – absolutely agree – will these programmes be developed? Currently we don't have much for YP – will we be allowed to develop our own – non accredited?

Point 34 – focus on achieving better value for money from existing provision – please bear in mind that the PS is by far the least well funded, if quality and reduction in reoffending is required then money can not be saved year on year.

Point 35 – outcomes based on regular analysis of need – these are already done but can often not be acted upon due to funding or requirements of SLA, please do not dictate but communicate with custodial establishments. Next point states that providers will have more freedom – that's great, but what about the differences which would arise and what about the input of the LA who require us to offer similar to what is offered in the community? This is then addressed by 'work with partners to ensure alignment and integration of services during and after custody' – how can this work if you are allowing providers more freedom?

Explore how LA's can have greater accountability and for commissioning services in custody – so why have the YPLA just been given another year of contract management?

Point 40 – commissioning of places on a spot purchase basis in alternative accommodation – if this means places in psychiatric units or secure mental health facilities for example – great, YP with mental health needs are really let down in the current estate.

Point 41 – new services – what are these?

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

Do you agree with the aim of developing enhanced units?

Yes. We have a unit at Warren Hill which is due to close which could be used – Carlford unit. Decision shouldn't be too long as building will deteriorate. When Carlford was used as a specialist LTU it was very successful and the behaviour of YP was much better than that on main site for a variety of reasons, one because it was small, all knew each other and had to learn to live together as could be there for some time, two because ratio of staff to YP was higher, three because of consistency of small staff group, allowed relationships to be built.

What more could be done to meet the needs of YP in custody?

As outlined in the consultation doc, we need more interventions and the staff to deliver them. Know this is in the plan but it's urgently required, it gives us targets for sentence plans and a means of addressing behaviour/actions/thoughts which can reduce the chances of re-offending. JETS is not enough, it's too long and isn't available to enough YP.

### **Responding to decreasing demand**

Do you agree with the proposals?

Yes, in principle but downside is that with reduction in capacity means YP further from home. Upside is that establishments would be specialists and if we went down the distinctive secure estate route then there would be good continuity of service for any necessary transfers. Would advocate the alignment of services between establishments so that YP's learning/training/education is not affected if transfer is necessary.

What role should market testing play?

Potentially get a cheaper service, but would it be better? If we go down the distinctive secure estate route the SLA's for all would have to be the same.

### **A distinctive secure estate**

What further work could be undertaken?

I like the idea because you'd get the appropriate staff for the age group – BUT – for PS staff opportunity for promotion would be very limited and imagine a lot would opt for the adult estate instead as there would then be more opportunities.

Point 49 – YP USLA should receive a full timetable – we already offer 25 hours per week which equates to the community – but we do this for USLA and OSLA is this going to only be USLA?

Work with families and parents – who is it envisaged will do this work – YOT's?

Point 51 – establishment of more distinctive governance arrangements – I agree this would improve the development.

Point 52 – how is it proposed to develop a workforce strategy to recruit and train staff?

Development of a more effective process for managing transition to adult secure estate – yes this is really needed.

Point 97 – abolition of YPLA – but contracts have been left with them (or EFA)?? You need to include custodial establishments – why do we need a third party, why can the LA and the establishment not provide the education?

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

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

Interventions such as JETS are very costly due to the dictates of the accreditation – preparation and supervision etc are extremely costly, also it is far too long. ETS in the adult estate has been withdrawn because of lack of evidence of it's worth and cost. Off the shelf interventions are more suited to this age group as we can then meet individual needs. We can use psychology departments to identify the interventions required for the individual but which can then be delivered through 1:1 or small group work – by psychological assistants, officers etc on the basis of affordability.

What role should the YJB play?

Only a small one, other than providing the funding, the YJB should hold a directory of acceptable interventions, which is then available to all establishments so that we don't all have to devise our own – majority of YP have very similar needs. As a new need comes along (eg the current need for gang interventions) the intervention only needs to be developed once, either in custody or community.

### **Effective resettlement**

What are the most effective ways for the YJB to support providers so that custody and community are better connected and complement each other? As previous, YJB should have a directory of interventions/services including contacts in custody and community, which can be accessed through the web site. Establishments can then take responsibility for making contacts and running the necessary interventions. Perhaps we should apply to deliver and provide needs analysis evidence to show the need so that we aren't all doing the same thing? Establishments must/should not deliver the same interventions all the time, we should have rolling programmes so that a YP with multiple needs can address them all, or as many as possible in custody, to be completed in the community – if we all ran the same things this is very doable and joined up.

## Consultation Response

Governor  
HMP YOI Warren Hill

### Principles

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

I believe that a specialised secure estate for working with Children and Young people in terms of a recognition of the needs of this estate is an appropriate way forward. Aligned to this will need to be a robust supportive strategy for transition into the over 18 estate and a workforce development plan that recruits individuals with the right skills and understanding of child and adolescence needs and with the ability and development to exercise the right levels of care and control to ensure the safety and well being of children and young people.

If this is to be the way forward there will need to be a recognition and benefits package aligned to the career development of staff to attract the right candidates and provide the right opportunities which may not necessarily be promotion related due to the nature and distance of establishments limiting the ability to progress and move around within the estate.

I agree that children and young people should have a full and purposeful day, we are limited at present in accredited interventions for young people and need to recognise how this affects the transition of longer term young people into the adult estate. It could be feasible to train our staff to undertake assessments on Adult Offending behaviour programmes prior to transition to inform on the placement into the over 18 estate.

Consideration should be given to the assessment tool and whether this should be linked more to the adult model to ensure a smooth transition of information sharing.

I feel the future is to develop more specialised units/ establishments to target the needs of young people particularly in terms of Mental Health provision, communication and language needs and to develop units that can deal with some of our more difficult young people who can disrupt the progression of others. We also need to develop closer alignment with families of young people enabling the establishments to provide interventions which rebuild family ties.

Consideration needs to be given to placement of young people and the need for secure moves if the Good order or discipline of the establishment

is affected, the ability to develop specialised units would ensure that we provide the best experience to and target the needs of individuals.

There needs to be better links into the community and a means of linking more into the wider community so that the role of the secure estate does not finish at the gate.

Bev Bevan  
Governor  
Warren Hill

## Response from the Welsh Government

### **MINISTRY OF JUSTICE CONSULTATION: 'STRATEGY FOR THE SECURE ESTATE FOR CHILDREN AND YOUNG PEOPLE IN ENGLAND AND WALES'**

The Welsh Government welcomes the opportunity to comment on the above consultation and takes a keen interest in all matters relating to our children and young people, particularly those who are placed in the secure estate. We also welcome the inclusion of paragraph 29 on working with Welsh providers in the section on Priorities for 2012 to 2014/15 and that the *Welsh Perspective* acknowledges that many of the services that are essential for the successful rehabilitation of children and young people entering custody are devolved to the Welsh Government. This relationship and understanding between the secure estate and the services that support them are vital, and we are keen to continue our partnership working with you.

There is an undoubted divergence in policy between the UK and Welsh Governments, and whilst this brings many challenges, those challenges can be turned into opportunities to exchange a wealth of experience and knowledge, learn from each other, and work both strategically and operationally to reach a better understanding and improved outcomes for all, particularly for children and young people made vulnerable through offending.

The close working relationship we have enjoyed with the Youth Justice Board has been effective as demonstrated by the outcomes achieved in reducing first entrants and reoffending and we need to ensure that strategically a positive and committed working relationship in terms of both legislative and policy development as well as operational delivery continues.

Central to our approach is that young offenders are young people first and offenders second. Welsh Ministers are committed to responding to the needs of this vulnerable group of children. In time, we want to be able to manage all of our youth justice services in Wales ourselves.

#### **Consultation Questions:**

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

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

We are broadly in agreement with the principles stated in the Consultation document, and welcome continued input and discussion with YJB and Ministry of Justice, and all our partners involved in this important agenda.

We also understand that the initiation of these changes and reforms to the secure estate are due to a welcome reduction in numbers of children and young people in custody, re-offending and first time entrants in the youth justice system. This is an excellent signal for future trends, and we recognise the influence of YJB in achieving this.

We wish to ensure that the Apprenticeships Skills, Children and Learning Act (ASCL) 2009 for children and young people in custody, is fully considered and acknowledged in proposals made following this consultation. The Act (ASCL) 2009 imposed duties on the local authority where a young person is in custody (the host authority) to provide suitable education with the aim of aligning education of young people in custody more closely with mainstream education. The Welsh Government published final statutory guidance in April 2011 setting out the responsibilities of local authorities in Wales under the ASCL (Act). A copy of the guidance was sent to all custodial establishments in England and Wales and it

is important that all custodial settings meet these new requirements so that young people from Wales are not disadvantaged through being placed in a custodial establishment outside of Wales.

## **2 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?
4. What more can be done to meet the needs of young people in custody?

With reference to the proposal to develop smaller enhanced units to address the complex needs of a small number of young people (para 18), in principle, from a safeguarding perspective we support this.

It is important that those vulnerable children with complex needs, particularly around mental health, are recognised and responded to quickly, to prevent an unnecessary escalation of issues and further detrimental effects. Although it can be difficult to balance, the needs of these children should always be a priority. We need to ensure that staff are trained to recognise and meet the needs of young people, including those who have one or more of the protected characteristics under the Equality Act, e.g. disability; race; religion or belief. We would like to see a commitment to working with relevant third sector organisations around equality issues for children and young people in the secure estate. This is further referenced within our response around workforce planning under heading **4 'A distinctive secure estate'**.

The Welsh Government is committed to ensure that, where possible, children should be placed close to their home. We want this to continue within the youth justice system, unless access to specific services require otherwise.

We strongly support the development of a bespoke service specification for Welsh young people held in HMYOI Hindley and its planned roll out to all secure settings with Welsh young people.

## **3 Responding to decreasing demand**

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

The Welsh Government accepts that the effective commissioning arrangements in the secure estate are based on a comprehensive understanding of all needs presented by children and young people in custody.

It is vital that due time and consideration is given before any decision to decommission an establishment is made, particularly when as referenced in para 47, once secure accommodation is decommissioned, to re-commission again is difficult.

We would want to see close monitoring and evaluation of the effects decommissioning itself has on the children and young people held in the secure estate. Any change or transfer to a new secure estate (due to capacity issues/capacity), especially when there has already been disruption and crises in their young lives, can lead to a reaction and trigger often negative behaviour. It is essential the well being and considerations of the children and young people are a priority throughout this change process, and the frustrations, stress and worries they may have are listened and responded to.

We are concerned about the impact of these proposals for Wales, particularly as for many of our children and young people held in custody it would mean moving outside of Wales, away from many devolved services and care structures, and more importantly away from their homes. We would like assurance that Wales will not be affected by decommissioning proposals, and particularly in light of the references given in paras 43 – 45 we would like assurance that our only Secure Children’s Home, ‘Hillside’ is not affected.

#### **4 A distinctive secure estate**

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

We fully support the principles and priorities discussed in the Consultation around the creation of a distinct, specialist secure estate for children and young people. We would however, suggest and support further participation work with the children and young people themselves, ensuring their views and experiences form the basis for decisions around developing youth provision. We do not want youth provision to be an ‘add-on’ to adult provision, and stress the need to recognise this distinction.

We would like to see stronger emphasis on staff training, to develop their understanding of children and young people held in the secure estate. Without a robust and well trained workforce, many of the innovative and positive objectives we wish to achieve could be compromised. In addition, we can anticipate the children for whom we are seeking to improve outcomes may be subject to differing entitlements, this will need to be reflected in workforce development and training.

With reference to para 24 of the Consultation, it is not clear what staff training will be given to ‘proactively engage’ and ‘identify and meet special needs’ of young people. As referenced earlier (Heading 2) we would like staff to receive training which will meet the needs of young people who have one or more of the protected characteristics<sup>1</sup> under the Equality Act (2010). It would have been useful for the Consultation to have provided more detail around ‘disproportionalities’ within the youth justice system (para 28), and how the data on disproportionality will be used. We strongly agree that promoting equality, working in a non-discriminatory way and valuing diversity is fundamental and a priority to achieving an effective youth justice system. Para 84 refers to identifying and supporting young people with ‘particular impairments’ so that they can engage with programmes. It is unclear whether this refers to disability, and if so we need to ensure that staff are trained to identify such ‘impairments’ so that all programmes can be attended by young people whatever their disability.

We would recommend that the entire training selection and recruitment process is scrutinised and reviewed, so that based on evidence, there is a clearer understanding and focus for improving this important area which effectively leads to getting the right people working with children and young people held in the secure estate, and that they continue to receive relevant and up to date training.

We would expect that any youth secure estate provides an environment which embraces and balances offending behaviour, a recognised need for safety and security, with the welfare needs of the children and young people. It will also be essential to develop greater integration between the secure estate and community based services, to seamlessly transfer care and support for children and young people throughout their journey from point of sentence, custody, resettlement, rehabilitation and beyond. No matter how much investment is placed in secure accommodation, or support and assistance given to children

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<sup>1</sup> Equality strands: Age; Disability; Gender Reassignment; Marriage or Civil Partnership; Pregnancy & Maternity; Race; Religion or Belief; Sexual Orientation; Sex (Gender)

and young people whilst in custody, it is of little value if on leaving the secure estate and adapting back into the community, opportunities, support and services end. The Welsh Government recognise its responsibility for developing this effective coverage of support and care for young people, but we need the distinct youth justice secure estate to complement our objectives and the effective integration of services. We would like Youth Justice Board to work with us to assist and facilitate integration between the secure estate and our community based services in Wales.

The Welsh Government's commitment to Children & Young People's Rights has created a unique rights-based policy approach that differs from approaches taken elsewhere in the UK. This has had a major impact on the devolved and non-devolved policy landscape in Wales, especially for youth justice, improving children's outcomes and thereby improving their wellbeing. We would expect, therefore, promotion of and commitment to a UNCRC rights-based approach to policies relating to children and young people.

As referenced throughout our responses, it is vital that Welsh Government continue to be included in consultation and discussions with you, and youth justice stakeholders across the public and third sector, on these important aspects of the youth justice system.

## 5 A full and purposeful day

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

We support the view that there should be a **full and purposeful day** as set out in paras 89 to 97. In particular we would endorse the view that for all young people in custody, learning should be central to the regime and that provision should be tailored to reflect young people's educational development to date and their identified learning needs.

Many of the young people in custody may have had a poor school experience and for many the educational support offered in custody offers an opportunity to re-engage in learning with a robust, yet flexible and person-centred approach. Often young people in custody have a more positive experience of education than they had at school and for many children and young people, custody provides a stable environment for them to engage in learning and to make significant personal progress in improving their skills and achieving qualifications, as well as improved self confidence and improved self esteem.

Learning for children and young people who offend is at the interface between devolved and non-devolved functions. During the 12 years since devolution, arrangements have been developed between the Welsh Government and the YJB which have enabled the two distinct policy approaches to work in tandem to support young people from Wales who enter the criminal justice system and to help prevent reoffending. It is therefore critical that the UK Government provides a structure and mechanisms that can build on this and provide a fit for purpose and contextualised approach.

This will enable the Welsh Government to feed into the decision making process so that the rights of children and young people from Wales are taken into consideration in line with Welsh Government objectives and the duties which have been placed on Welsh Ministers under the Children and Young Persons Rights (Wales) Measure 2011<sup>2</sup>.

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<sup>2</sup> The main duty within the Measure will be placed on Welsh Government Ministers, and between May 2012 and April 2014, Welsh Ministers and the First Minister will have to have due regard to the substantive rights and obligations within UNCRC and its optional protocols in the development of policy and legislation. Then from May 2014, Welsh Ministers and the First Minister will have due regard to the UNCRC in the exercise of all their functions.

To understand the effectiveness of interventions undoubtedly means undertaking comprehensive evaluations, assessment and review and learning and improving from the results of these appraisals. We agree that this must become a regular and intrinsic part of any interventions and changes planned for the youth justice secure estate.

## **6 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 endorse the view that the provision of effective resettlement services is vitally important to reducing reoffending and achieving positive outcomes for young people who leave custody including support for the young person to build on progress made whilst in custody by entering education, training or employment at the point of release; with support continuing post-release if necessary.

It is good to note that in Wales there are six YOTs piloting a multi-agency panel approach to ensure the needs of young people leaving custody are met through robust resettlement planning, initiated at the point of entry into secure estate and holding all local partners to account through integrated delivery of services.

In Wales we have a distinctive approach to supporting families with complex problems and needs, and recognise the importance and positive effects of effective engagement with families for children and young people in the secure estate. Our Integrated Family Support Services (IFSS) aims to reform services provided to vulnerable children and families in Wales. The key principle of IFSS is to support families to stay together by empowering them to take positive steps to improve their lives.

The design and implementation of our IFSS programme takes full account of the interface with the youth justice system, with Youth Offending Teams being relevant partners on Integrated Family Support Boards. It is vital that the necessary links being made will continue, to ensure there are clear referral pathways to IFSS through the range of agencies that contribute to youth justice services, including youth offending teams.

To ensure that the many benefits and positive effects of IFSS are realised for children and young people made vulnerable through offending, their families and communities, Welsh Government need the secure estate in Wales to work closely with IFSS. We would welcome the Youth Justice Board in facilitating this integration, providing operational and strategic experience and expertise on the specific issues relating to supporting children and young people at risk of or involved in the youth justice system.

### **Safeguarding & Information Sharing**

We welcome the references to more focussed and improved safeguarding arrangements. Since 2000, this has been achieved through safer physical environments and the introduction of safeguarding managers, social workers and independent advocacy services

Within the Consultation document it states that effective safeguarding depends on local authority children's services fulfilling their statutory duties. However, the principles of safeguarding require all statutory partners to place an equal priority on safeguarding arrangements, and the statement places the responsibility back again on social services. References in future documents should make clear that while Social Services has a key statutory role, the integrity of safeguarding services can only be maintained when all partners recognise their equal statutory responsibilities to safeguard the welfare of children

and young people. What is not clear from the Consultation document is what evidence there is to suggest that partnership working and information sharing in this context is or is not happening. There is also little indication as to what steps are to be taken to improve the sharing of information and partnership arrangements, if that is what is required.

Within the Consultation document referring to 'Assessment and Sentence planning' (paras 78-82) reference is made to a number of drivers for change. From a safeguarding perspective, we are pleased these drivers include the assessment of risk evidence emerging from inquests following deaths in custody and YOT reviews of practice in the community. With reference to para 80 and 'greater alignment with existing assessment, especially the Common Assessment Framework', we would highlight that we have plans for potential change around this Framework, to include a possible assessment of our core processes, management and review of care plans within our proposed Social Services (Wales) Bill which aims to simplify and integrate core functions and improve the way we safeguard some of the most vulnerable people in Wales. To effectively make these improvements to the Framework and streamline our core functions, we would welcome your specific engagement around this.

Para 81 of the Consultation states that a proposal is currently being developed for a new framework, which it is said will build on work to improve case management skills and the quality of and process by which information is transferred between the community and custody. We welcome any proposal to build on experience and improve the framework if it will help further safeguard children and young people in custody.

The Welsh Government is leading a Sharing Personal Information (SPI) Programme that aims to ensure that public, third and private sector providers share personal information about individuals legally, safely and with confidence. The Programme's priorities include developing the Wales Accord for the Sharing of Personal Information (WASPI) as the single basis for all Information sharing and protocols and ensuring organisations collaborate locally to provide the appropriate support, advice and training to managers and practitioners in its use. Further information is available at <http://wales.gov.uk/topics/improvingservices/sharingpip/?lang=en>

The Welsh Government welcome the Youth Justice Board working with us on this specific area of youth justice.

# YOUNG MINDS

The voice for young people's mental health and wellbeing

## **YoungMinds response to the Consultation on the Strategy for the Secure Estate for Children and Young People in England Wales**

We welcome the proposal to help meet the needs of young people with mental health problems in the justice system. However, we do not agree with your statement that suggests that there is only a minority of young people in the justice system with mental health problems. Research studies show that there is a high prevalence of young people with diagnosable mental disorders in the justice system. The Psychiatric Morbidity Among Young Offenders in England and Wales report from the ONS, suggests that at least 95% were assessed as having one or more disorders and a very large proportion, about 80% were assessed as having more than one. Other studies have estimated a lower prevalence, but they all show that there is a much higher prevalence of mental health problems amongst young people in the justice system, than there is amongst those living in the community.

Young people under 18 in the criminal justice system are at a higher risk of suicide, compared to those living in the community. Recent figures show that at least 7 children committed suicide whilst under the care of their local youth offending team. The Children's Commissioner's report 'I think I must have been born bad', cites research which found that young people in prison are 18 times more likely to take their own lives than others of the same age. Research from Barnardo's has found that 8% of 12-14 yr olds who were in contact with the justice system had attempted suicide.

If the proposals are only aimed at young people with severe mental illness, then we would suggest that thought should be given to how other young people who may have less severe, but significant mental health problems are supported. As the statistics above suggest, a majority of the prison population are in need of mental health support.

### References

[http://www.childrenscommissioner.gov.uk/content/publications/content\\_503](http://www.childrenscommissioner.gov.uk/content/publications/content_503)

<http://www.justice.gov.uk/publications/statistics-and-data/prisons-and-probation/safety-in-custody.htm>

[http://www.cypnow.co.uk/Social\\_Care/article/1097586/details-young-offender-deaths-revealed/?DCMP=EMC-CONCYPNow%20Daily](http://www.cypnow.co.uk/Social_Care/article/1097586/details-young-offender-deaths-revealed/?DCMP=EMC-CONCYPNow%20Daily)



**Secure Foundation**

**A response to the Ministry of Justice Consultation Document**

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

**by the**

**Independent Steering Group**

**of the**

**Young Offenders Academy Project**

**October 2011**

## 1. Summary of suggestions for reform

This submission follows the sequence of the Consultation Document.

- It is disappointing that most of the consultation focuses on the present spending review period and is confined to making suggestions for improvements to a fundamentally flawed system.
- Most if not all the establishments which form the young persons secure estate are inappropriate buildings in unsuitable locations with staff who lack relevant training and are not primarily focused on the education and development of vulnerable and difficult children.
- A clear set of principles should underpin the development of a distinct and secure estate for children and young people. There must be evidence of progress towards this before 2014/15.
- It is not accepted that wholesale reform of the secure estate is neither practical nor cost effective. This is essential in order to achieve satisfactory results.
- Effective use should be made of Section 34 of the Offender Management Act 2007 without further delay.
- A genuinely distinctive secure estate for children and young people must be established. This will only be achieved by ceasing to commission NOMS to provide any custodial places for this cohort.
- The placement process does not give sufficient priority to the need to place children near families or eventual area of resettlement.
- Few children and young people are engaged in sufficient purposeful activities while in custody.
- Resettlement planning is inadequate, not sufficiently coordinated with external agencies and obstructed by distant custody.
- Section 105 provides an opportunity to articulate wider ambitions beyond the spending review period. Unless these suggestions are addressed well before 2015 the changes and improvements will be merely incremental.

## 2. The Secure Foundation proposals and the youth justice policy context

The idea for a Young Offenders Academy arose from many years' work with young people using the services of Foyers which provide accommodation, training and support to enable users to make the transition to independent adulthood. The original concept was for the provision of an integrated range of services on a single campus for local young offenders before, during and after community and/or custodial disposals. The emphasis is on a local catchment area with coordinated education, mental health, supervision and support services with an entirely new approach to local accountability.

In 2007, under the guidance of an expert multidisciplinary Steering Group a scoping study was undertaken entailing extensive national research and consultation. This found that the model was viable and would result in reduced youth custody and levels of reconviction. In July 2008 the report **Young Offenders in East London – A New Approach** was published and recommended the establishment of a pilot project. This was followed in July 2009 by a detailed and costed development plan for the proposed pilot project, **Young Offenders: A Secure Foundation**.

Prior to the 2010 General Election, considerable work was undertaken with Shadow Ministers in readiness for the establishment of pilot projects if the Conservative Party formed the new Government. Supplementary reports were prepared which demonstrated that the model would be viable and meet similar needs not only in London, but any other major conurbation.

After the General Election the coalition Government imposed a constraint on capital investment. The Ministry of Justice also published a Green Paper, **Breaking the Cycle**<sup>1</sup>. This asserts that “the safety and security of the law abiding citizen is a key priority of the coalition Government. Everyone has the right to feel safe in their own home and in their community. When that safety is threatened those responsible should face a swift and effective response: punishing offenders, protecting the public and reducing reoffending”.

The Green Paper addresses all these priorities, setting out how an intelligent sentencing framework, coupled with more effective rehabilitation, should break the cycle of crime and prison which creates new victims every day. It acknowledges that despite a 50% increase in the budget for prisons and managing offenders in the last ten years, almost half of all adult offenders released from custody reoffend within a year. Of critical importance to Secure Foundation, the Ministerial foreword states that “It is also not acceptable that 75% of offenders sentenced to youth custody reoffend within a year. If we do not prevent and tackle offending by young people then the young offenders of today will become the prolific career criminals of tomorrow”. The Secure Foundation Steering Group made a constructive response to the Green Paper and emphasised the potential of the proposals to improve the performance of the youth justice system.

In January 2011 the final report of the project was published, **Secure Foundation: Young Offenders Academy – Towards a Pathfinder**, bringing together all previous research and consultations and setting out revised proposals whereby the objectives could be achieved with minimum capital investment. This envisages making use of existing mainstream secure facilities and not building a new custody unit within the campus. This was called the final report as it was considered that the Steering Group had now done all it could to make available detailed information and proposals and only the Government could decide whether to proceed and put them into effect.

There has been increasing public interest in the failure of the youth justice system. This was heightened by the riots which took place in London and other cities in August 2011. There is now a realistic prospect of City and business leadership with determination to establish a Secure Foundation pilot for London. The intention is to move without further delay from research and consultation to substantial action. The objective is to reduce youth crime and improve safety for businesses, staff, customers and the wider community in the capital. A successful pilot in London would result in replication to other major conurbations.

### 3. Responses to the Consultation Document

#### 3.1. Introduction

In responding to the Green Paper the Steering Group expressed serious regret that the Ministry of Justice did not seek to address the future shape of the custodial estate for under 18s. It expressed the firm judgement that **most if not all the establishments which form the young persons secure estate are inappropriate buildings in unsuitable locations with staff who lack relevant training and that they are not primarily focused on the education and development of vulnerable and difficult children.**

The foreword to the Consultation Document by YJB Chair Frances Done is encouraging, stating “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”<sup>2</sup>. She explains that the review “provides an opportunity to consider whether different regimes can deliver improved outcomes for children and young people while offering better value for money”. Minister Crispin Blunt in his foreword explains

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<sup>1</sup> Breaking the Cycle: Effective Punishment, Rehabilitation & Sentencing of Offenders. Cm 7972. December 2010.

<sup>2</sup> Strategy for the Secure Estate for Children & Young People in England & Wales. MoJ-YJB. Consultation Document. CP13/2011. July 2011.

that “while the consultation focuses on the spending review period with all the accompanying constraints, it is an opportunity to begin a debate about the medium to long term custody provision. Therefore responses to the issues raised in paragraphs 104 and 105 will be of particular interest in shaping future policy debate on the youth justice agenda”.

This assurance is most welcome but not sufficient. Without it the whole process of consultation would be confined to making suggestions for improvements to a fundamentally flawed system. While some improvements have indeed been made since responsibility for commissioning the secure estate was transferred to the YJB in 2000, the review should begin by acknowledging that the system as a whole is not working. Too many children are detained at great expense and with a very poor return in terms of levels of reoffending. Too much damage is done to vulnerable children who are not better equipped for crime-free adulthood. Communities suffer from high levels of crime and antisocial behaviour. Instead of this, the review suggests that the MoJ and YJB are complacent, consider the present system to be broadly satisfactory and needing only adjustments within the prevailing contractual and commissioning arrangements for the next few years, but might be prepared to look at more radical options for the longer term. This is a wasted opportunity and a serious disappointment.

### **3.2. Principles & priorities**

#### **Principles (25)**

It is agreed that “a set of clear principles should underpin the development of the secure estate”. “A distinct, specialist secure estate for children and young people” is essential. This must be recognised as specialist provision requiring a distinctive approach with no part of it to be commissioned from NOMS.

Children and young people should be supervised and cared for by staff who are committed to working with them and who have received appropriate training. Also, the built environment should be conducive to working effectively with children and young people. There must be evidence of progress towards these three principles before 2014/15.

The importance of recognising diversity is agreed as is the requirement to place children and young people in the establishment that is best able to meet their needs and give them the maximum opportunity to address their offending behaviour. Due to the present lack of suitable establishments, steps must be taken to record all unsuitable placements so that the scale of failure is accurately measured for post 2014/15 planning.

Maintaining the safety and wellbeing of children and young people in custody as outlined, should indeed be a principle as should the early comprehensive assessment of needs which is a precondition for effective engagement and eventual resettlement. For these principles to become established collaboration with service providers and agencies outside the secure estate should be specified.

It is agreed that all children and young people in custody should have access to a full and purposeful day of activities which include education, training, recreation and programmes appropriate for physical and mental health, substance misuse and address offending behaviour. To state this as a principle within the document is seriously misleading. At present it can only be an aim or an objective. Once more, collaboration with organisations and agencies outside the walls will be a requirement for achievement. As HM Chief Inspector of Prisons told The Guardian “few prisons holding young men manage to provide them with even 10 hours a day out of their cells”<sup>3</sup>. The degree to which this “principle” is not met in the period up to 2014/15 should be recorded for future planning purposes.

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<sup>3</sup> HM Inspector of Prisons, Nick Hardwick. The Guardian. 15 September 2011.

### **Priorities (26)**

The Consultation Document acknowledges the importance of strong collaborative partnerships with local and national agencies in order to reflect the principles outlined above. It would be more honest to admit that such partnerships are essential in order to make progress towards achieving and then embedding such principles.

### **3.3. Reconfiguring the secure estate for children & young people (31)**

It is stated that “commissioning the secure estate should remain a national function”. It is claimed that this “allows for the effective management of population pressures, ensures sufficient supply to meet demand”. This statement confuses the commissioning process with the placement practice. Clearly there is a need for an overview of quality control and for flexibility in placement practices, but custody places could be commissioned locally in compliance with arrangements outlined in the Open Public Services White Paper<sup>4</sup>. The document claims that national commissioning is “more cost effective” but does not explain the comparator. It also claims that this approach has “contributed significantly to the improvements seen across the secure estate in recent years”. These are clearly not improvements in outcomes, results or cost effectiveness and the improvements are not listed.

It is stated that the difference in cost per place across the types of secure provision “can be explained by the different ratios of staff to young people in the different types of establishment”(33). This is only partially true. There are also significant differences in accounting practices and conventions which result in places in Young Offenders Institutions being substantially understated.

The Secure Foundation Steering Group disagrees with the assertion(34) that wholesale reform of the secure estate is “neither practical nor cost effective”. It believes that such reform is essential to achieve realistic and attainable improvements in results and much better value for money. However, it reluctantly accepts that such reforms are to be delayed until 2014-15 and notes that the focus will therefore be confined to “achieving better value for money from existing provision”.

All the means of using the YJB’s custody commissioning powers to drive improvements(35) are agreed as steps in the right direction. However, new and different methods of consulting and collaborating with partners, providers, local authorities and others will be necessary for effectiveness. Similarly, the participation of these parties in the design of research into reoffending outcomes must be sought from the beginning(37).

The recognition that the “present secure estate is not always the best place to manage certain young people”(40) is welcomed and overdue given that the Offender Management Act has been in operation since 2007 and Sec 34 of this legislation allows the use of alternative accommodation. The Secure Foundation has submitted proposals for the implementation of this provision and secondary legislation should be tabled and executed without further delay. This would make a small but worthwhile contribution to the reduction of the youth custody population in the mainstream secure estate and improve outcomes for some particularly vulnerable children and young people.

Work with “local authorities and others to develop new services to assist young people in the resettlement process”(41) should be accelerated. Development of “a limited number of smaller satellite sites...which may be open or semi-independent living” should not await “the longer term”. Legislation is not required, this could be done within existing commissioning powers and should be implemented without delay. The facilities and opportunities are there to be grasped.

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<sup>4</sup> Open Public Services White Paper. HM Government. Cabinet Office. July 2011.

### **3.4. A distinctive secure estate for children & young people (49)**

All the reasons cited for establishing a distinctive secure estate for children and young people are correct. In addition it should be noted that with the raising of the school leaving age to 18 the entire youth custody population should be in school if they were not remanded in custody or serving custodial sentences.

The Consultation Document acknowledges that there is “potential for tensions to arise” between the YJB and NOMS as the provider of c.80% of custodial places(50). This amounts to little more than 2% of the predominantly adult custodial population which is the core business of NOMS. There is not merely a potential for such tension but a reality which actually results in lack of appropriate governance and accountability. While it would be possible “to work with NOMS to move towards a more distinctive provision” by the proposed means, the outcome would be unacceptable compromise(52). Implementing a separate workforce development strategy and career structure for all staff is essential. An operationally separate secure estate with its own operating policies and practices is essential.

The Secure Foundation Steering Group is convinced that the objective of a genuinely distinctive estate for children and young people will only be achieved by ceasing to commission NOMS to provide any custodial places for this cohort. The human and physical assets presently operated as Young Offenders Institutions should be transferred to the Department for Education. As most of the establishments are inappropriate buildings in unsuitable locations with staff who lack relevant training the YJB would only commission such places until more suitable arrangements are made with public, private or third sector providers under the terms outlined in the Public Service Reform White Paper.

In these circumstances it would be appropriate for all the inspection regimes for children and young people in custody to be combined under OFSTED in future(53). It is noted that the present commissioning arrangements are to remain until 2014/15. All decisions made during this interim period should take account of the intention to achieve complete separation thereafter.

### **3.5. Improving rehabilitation & reducing reoffending**

The intention to allow service providers greater freedom to achieve outcomes rather than specifying inputs will require a cultural change by the YJB(55) but constitute a positive step to improve education, health and other services. The lack of coordination between other Government Departments and agencies, particularly in respect of education, health and training, but also the police, courts and other agencies, is one of the weaknesses of the present arrangements and requires Ministerial commitment to overcome.

### **3.6. Safeguarding**

The Consultation Document is correct in identifying making young people feel safe as an essential precondition to successfully engaging with them(63). Effective safeguarding depends on local authority Children’s Services fulfilling statutory duties. There must be significant improvements in information sharing and partnership working arrangements between secure establishments, local authorities and other agencies for these purposes.

The implementation of the Independent Review of Restraints(69) and more effective behaviour management systems across all secure establishments will be improved and gain increased public confidence by the introduction of much greater transparency and local accountability.

### **3.7. Workforce development**

The YJB is correct in identifying a vision for the workforce in secure establishments to be “recruited specifically for – and are committed to – working with children and young people, are adequately trained to deal with the challenges that this group presents and to effect change, and are supported by management with thorough supervision”(70). The absence of this prospect within the public Young Offenders Institutions(71) is one of the main reasons why the YJB must cease commissioning with NOMS. Any improvements which can be made through the joint YJB & NOMS Workforce Development Board(73) will be of marginal value but not achieve the ultimate objective of a discrete secure estate.

The importance of speech, language and communications for all children and young people in custody is only beginning to be recognised. This should be prominent throughout all education, development and offending behaviour management and not only within Workforce Development.

### **3.8. Placement process**

The factors to be taken into account when making placement decisions are agreed(75). However, the statement that such “decisions are made on an individual basis and are always reflective of the needs of the young person”(76) is merely an assertion. Too little attention is given to the need to place each young person as near as possible to the location of post custody resettlement. Further research is needed on the adverse consequences of distant custody on effective resettlement.

Sec 34 of the Offender Management Act 2007 must be put into effect without delay in order to make available more alternatives to mainstream custody for particularly vulnerable young people(77). Small satellite sites, with open or semi-independent living accommodation to facilitate resettlement, should be commissioned promptly. Such provision would compensate to some extent the dislocation caused by placing young people in custody far from home.

### **3.9. Assessment & sentence planning**

The pressing need to improve the assessment process is agreed(78). This will require much better multi-agency cooperation and the sharing of data between service providers inside and outside custody(81).

### **3.10. Mental & physical wellbeing**

Insufficient attention is given to the fact that many children and young people enter custody with very poor mental and physical health. Early diagnosis and assessment are necessary and must be linked with suitable treatment and support services. Meeting the physical and mental health needs of young people in custody can reduce the risk of reoffending(85) but resettlement planning must include the maintenance of services after discharge from custody. Without such continuity even good quality assessment and treatment for the relatively short duration of most custodial sentences would not be sustained.

The provision of additional small, enhanced units to meet the complex and special needs of some young people in custody(87) would be welcome. However, investment in such units should not be at the expense of the provision of more local facilities needed to reduce distant custody.

### 3.11. A full & purposeful day

The absence of a full and purposeful day for all children and young people in custody is one of the most serious weaknesses in the present management of the secure estate. This is the factor which most blights the daily life experiences of young people in custody. The fact is that time, which is in the unqualified control of the management for 24 hours a day, is not put to good use but wasted. The statement that “[further progress needs to be made in ensuring that interventions delivered in custody are known to be effective](#)” is a gross understatement. The Chief Inspector of Prisons reports that “few establishments holding young men met our expectation to provide 10 hours each day out of cell”.<sup>5</sup> Even if 10 hours were busily engaged with worthwhile and wide ranging activities, this would be insufficient for children and teenagers.

Clearly standards of literacy and numeracy are only one indicator of failure. The fact that many young people enter custody functionally illiterate and innumerate and are discharged an average of four months later with little or no improvement, is evidence of failure. Within this field and operating in a strictly controlled environment substantial improvement is attainable and would be great value to the success of subsequent resettlement and rehabilitation. Failure to make progress demonstrates the lack of consistent focus and the application of best practice across the entire subject of providing a full and purposeful day.

As elsewhere, it is essential to learn from much more successful approaches employed by other EU member states. Collaboration with external agencies working with young people with emotional and behavioural difficulties(95) should also be a regular requirement.

It is proposed that young people with speech, language and communication difficulties as well as those who are functionally illiterate and innumerate need an alternative to the mainstream curriculum. It is also necessary to maintain the special needs “statement” of some young people while they are in custody and ensure that this is transferred seamlessly to an appropriate school on discharge. It is unacceptable that such statements are presently allowed to lapse during custody.

### 3.12. Resettlement

It is entirely correct that “[the provision of effective resettlement services is vitally important to reducing reoffending and achieving positive outcomes for young people who leave custody](#)”(98). This must start which each young person is first placed in custody(99) and be the subject of regular exchange of data with external agencies and frequent review with all parties including those responsible for supervision, education, accommodation, vocational training, mental and others. Where possible this should engage members of the young person’s family or steps taken towards family reconciliation. The absence of one partner’s contribution can result in a lack of cohesion which impairs results.

Initiatives overseen by the YJB which improve the way children and young people are guided and managed in transition are significant and deserve financial support. Once again the distance between custody and the community into which the young person is to be resettled is a major obstacle. This makes visits to custody by YOT staff, family members and resettlement service providers less frequent and more expensive and reduces the prospect of building effective links well before discharge.

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<sup>5</sup> HM Chief Inspector of Prisons. Annual Report 2010/2011. HC 1454.

### 3.13. Local authority resettlement partnerships(100)

These new partnerships are very important, partly because they are the first practical application of the concept of “justice reinvestment”. Although the pilots are of very modest scale and duration, careful evaluation will be essential as this will provide data of value in future consideration of the devolution of youth custody budgets and responsibilities to local authorities.

It would be sensible to pilot a Mark2 Youth Justice Reinvestment Pathfinder Initiative led by private and third sector partnerships in order to test more imaginative approaches to the same concept. The resulting savings from reduced reoffending rates can be invested in improving community safety initiatives.

### 3.14. Release on temporary licence

There are a variety of ways in which release on temporary licence can be expanded with the objective of reducing reoffending by improving resettlement planning. More effective communications between custody and external agencies is an essential prerequisite. Programmes such as the Heron Unit at YOI Feltham which was based partially on the proposals for the Young Offenders Academy presented to Ministers in 2008, demonstrate the value of continuity of support and integration of services throughout sentence and resettlement.

## 4. Section 105 “Wider Ambitions”

The first 104 questions of the Consultation Document are confined to matters to be addressed within the current spending review period 2011-2015. The Consultation Document also assumes that secure accommodation will continue to be commissioned from the three existing sources. Only section 105 provides an opportunity to articulate wider ambitions beyond the spending review period. Views are invited regarding the longer term constitution of a vision for the secure estate.

The Secure Foundation Steering Group makes no apology for repeating the view that **most, if not all, of the establishments which form the young persons secure estate are inappropriate buildings in unsuitable locations, with staff who lack relevant training and that they are not primarily focused on the education and development of vulnerable and difficult children.** Too many children are in custody in these establishments and while improvements have been made and must continue, the outcomes will remain very poor until the fundamental defects are acknowledged and most of the existing buildings demolished.

It is worth observing that until the middle of the twentieth century every major town had a lunatic asylum or enclosed mental hospital for patients. The introduction of Care in the Community in the 1970s led to the closure of these establishments which have since been demolished or turned into private apartments. (One of the adverse and avoidable consequences of Care in the Community was that some inpatients subsequently found themselves in prisons). The fact was that Government recognised that there was no place for such institutions in modern society and was sufficiently bold to close them. The same must be done with youth prisons. They are wrong and fail the children incarcerated within them as well as the wider community. Preparations should commence immediately so that the programme for closure can commence in 2014/15.

- Custody should be the very last resort for children, with a maximum of 1,000 at any time needing a secure environment in which the focus is on their education and development in order to make the transition to independent, crime-free adulthood.
- Services for children and young people who are also offenders should be integrated and coordinated before, during and after custodial and/or community sentences.

- Services should be delivered within a local catchment area with local service providers, including schools and colleges and locally accountable with local communities engaged in transparent governance.
- The lead Department for all aspects of the youth justice system including the new locally managed secure estate should be the Department for Education, linking with Children's Services locally.
- Local authorities should become responsible for the youth custody budget and for the delivery of all custodial and community disposals, making use of the YOTs and other agencies and services. In practice, clusters of local authorities would develop or purchase places for local children and young people to match the orders of the courts.
- All new secure accommodation should allow for both closed and open facilities with the intention of enabling children and young people to move between such facilities depending on progress and engagement.
- The YJB or its equivalent within the Department for Education, would exercise quality control functions for all custodial and community disposals and oversee placement policy and practice.
- The development of small satellite accommodation units as alternatives to custody and to facilitate local resettlement should be accelerated and widely distributed.
- There should be a small number of specialist secure units for particularly vulnerable and/or predatory children and young people, but the focus should be on ensuring that local facilities are staffed, designed and managed to provide suitable services for the widest variety of complex needs.
- There should be increased investment in the development of improved community disposals with the courts exercising new functions to review progress and revise sentences as appropriate. Models from EU member states merit study and replication.

The Foyer Federation is the accountable body for Secure Foundation. The Steering Group comprises: **David Chesterton**, Chair, **John Plummer**, Project Director, **David Barrie CBE**, Chair Make Justice Work, **Angela Camber**, Patron of the Griffins Society & former London Probation member, **Michael Chuter**, FD National Children's Bureau, **Dr Kevan Collins**, CEO London Borough of Tower Hamlets, **Lord Dholakia DL OBE**, Deputy Leader of the Liberal Democrats in the House of Lords, **Sean Duggan**, Director The Centre for Mental Health, **John Graham**, Director Police Foundation, **Patricia Lankester**, Bowland Trust, **Paul McDowell**, CEO NACRO, **Prof. Rod Morgan**, Bristol University & former Chair YJB, **Lord Ramsbotham GCB CBE**, former Chief Inspector of Prisons, **Jane Slowey CBE**, CEO Foyer Federation and **Anne Sofer**, former Director of Education.

## Response from a youth offending team volunteer

**From:** Janet Nordoff [j.nordoff@glyndwr.ac.uk]

**Sent:** 21 July 2011 11:57

**To:** Secure Estate Strategy

**Subject:** training staff

Hi Debbie,

I have read the strategy document with interest, there are some great ideas for progress in the document which are pleasing to note. This email is not so much a comment on the consultation itself but rather to share my thoughts about children held in YOIs and the training needs of staff. I am currently undertaking my PhD in youth justice and the secure estate, hence this email and am an ex juvenile justice social worker and latterly yot social worker. I am currently a Senior Lecturer in Therapeutic Child Care at Glyndwr University, North Wales.

Five years ago we developed a FdA in Therapeutic Child Care which has been a great success both here and now moving into Ireland. It encompasses core concepts of working with vulnerable children, like attachment, child development, social and communication skills etc. It is a two year award, mostly taught on line. Our students are primarily residential care workers and foster carers.

I used to deliver the Cert in Effective Practice which the YJB ran out a few years ago. I have not seen the Foundation degree and so am not sure exactly what this covers in terms of children. One of my concerns is that, whereas the social care sector has sought to develop its children's workforce, this does not seem to have been given the same priority in YOIs/YOTs etc.

I continue to volunteer for my old YOT and so am still in contact with yot workers, all hard working committed people I may add. However, I feel that people who come to work in YOTs from non professional backgrounds like health or social work, do not necessarily have the knowledge that is necessary for understanding the needs of vulnerable children and which would support tackling offending behaviours by children.

In short, I feel that more is required in this area, particularly YOIs and that staff require more in terms of developing skills and knowledge in core concepts of working with troubled children which is what our programme offers care workers for children. Hope this doesn't sound like a plug for the course Debbie, just an observation about youth justice training/education given the strategy document and consultation period,

Kind regards  
Jan Nordoff