



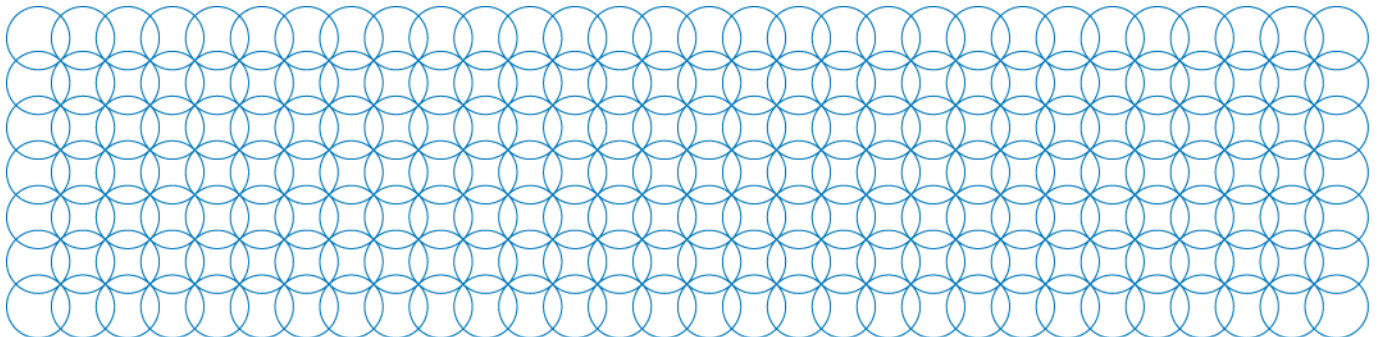
Strategy for the Secure Estate for Children and Young People in England and Wales

Plans for 2011/12 – 2014/15
Consultation Document

Consultation Paper CP13/2011

This consultation begins on 19th July 2011

This consultation ends on 11th October 2011





Ministry of
JUSTICE

YB Youth Justice
Board

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

Plans for 2011/12 – 2014/15

Consultation Document

**A consultation jointly produced by the Youth Justice Board for
England and Wales and the Ministry of Justice. It is also available on
the Ministry of Justice website at www.justice.gov.uk**

About this consultation

- To:** Existing secure estate providers
Youth justice practitioners and service providers
Children's charities and related third sector pressure groups
Co-commissioners in health and education
Local authority children's services managers
Parliamentarians
Young people in the youth justice system and their families
- Duration:** From 19/07/2011 to 11/10/2011
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- Or via Email to: secureestatestrategy@yjb.gov.uk
- If you have any complaints or comments about the consultation **process** you should contact the Ministry of Justice consultation co-ordinator at consultation@justice.gsi.gov.uk.
- Alternatively, you may wish to write to the address below:
- Ministry of Justice Consultation Co-ordinator Legal Policy Team, Legal Directorate 6.37, 6th Floor, 102 Petty France London SW1H 9AJ

Response paper:

A response to this consultation exercise is due to be published in November 2011 at:
<http://www.justice.gov.uk>

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Foreword

Foreword by Frances Done, Chair, YJB

The Ministry of Justice Green Paper *Breaking the Cycle*¹ sets four priorities for the criminal justice system: protecting the public; punishing and rehabilitating offenders; transparency and accountability; and decentralisation. The purpose of this consultation document is to set out the Youth Justice Board's proposals for the secure estate for children and young people in delivering those priorities, and to set a clear agenda for the development of the estate during the period 2011/12 to 2014/15.

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

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

Reflecting obligations under national and international law, we recognise that the protection of children's rights is central to any period in custody. As such, custody must ensure the emotional health and well-being of children and young people by keeping them safe and protecting them from harm.

Considerable improvements have been achieved since responsibility for commissioning the secure estate was transferred to the YJB in April 2000. There are encouraging signs of progress with fewer children and young people entering youth custody and a reduction in reoffending rates for children and young people finishing custodial sentences. The recent, significant reduction in the number of children and young people in custody means that the secure estate is now going through a period of change. This presents an opportunity to consider the most appropriate way of reducing surplus capacity and ensuring decommissioning plans reflect the changing age profile of those coming into custody. It also provides an opportunity to consider whether different regimes can deliver improved outcomes for children and young people while offering better value for money.

¹ HM Government (2010) *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*, London: Ministry of Justice.

In preparing our proposals for the secure estate we have taken account of the priorities set out in the Green Paper and the principles driving reform across Government, in particular: increased accountability, better value for money, and payment by results.

This consultation document seeks your views on our proposals for the development of the secure estate and we look forward to receiving your response.

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

Custody is the appropriate sanction for those young people who commit the most persistent and most serious crimes. It punishes offenders and protects the public. As this consultation sets out, custody is also an opportunity to set young people on a more constructive path. It is critical that young people face up to and address their offending behaviour.

Time spent in custody must be purposeful. Young people need to engage in appropriate education and training that will enable them to make a positive contribution to society on their release. Custody must not be treated as an isolated part of the youth justice system. Reoffending rates of young people leaving custody have to improve. Effective rehabilitation requires close co-operation between custodial providers and support in the community so that young people have access to services that will help prevent further offending.

However, while this 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 future of youth custody provision. Therefore, the responses to the issues raised in paragraph 104 and 105 will be of particular interest in shaping the future policy debate around the whole youth justice agenda.

Subject to parliamentary approval, the responsibilities of the Youth Justice Board, including those concerning the secure estate, will transfer to the Ministry of Justice. I look forward to developing and delivering a strategy with youth justice partners that will ensure a safe, secure and effective custodial estate.

Introduction

1. The Youth Justice Board for England and Wales (YJB) works in partnership across the community and commissions the secure estate to:
 - prevent offending
 - prevent reoffending
 - protect the public and support victims and
 - promote the safety and welfare of young people in the criminal justice system.
2. In April 2000, the YJB was given statutory responsibilities for the secure estate for children and young people². The functions included:
 - commissioning and purchasing secure places for young people under the age of 18
 - placing young people sentenced or remanded to custody by the courts and
 - assessing future demand and planning to meet this demand.
3. The YJB does not work directly with young people, nor does it send young people to custody. However, by discharging the duties set out above, the YJB is able to ensure that:
 - a strategic approach to the provision of secure places for children and young people is developed and implemented
 - regime standards improve and are consistently applied and achieved
 - provision is made for the diverse needs of young people in custody
 - better value for money is obtained and
 - an appropriate volume and geographical spread of secure places is achieved.

² Youth Justice Board Order 2000
(<http://www.legislation.gov.uk/uksi/2000/1160/contents/made>).

4. In 2005 the YJB published its first three-year *Strategy for the Secure Estate*³. This described the progress made since assuming commissioning responsibilities and outlined the principles that would guide the work for the three years 2005/06 to 2007/08. The YJB has continued to work to the principles outlined in this document in subsequent years.
5. The revision of our strategy is driven by three distinct influences:
 - reconfiguration of the secure estate following the reduction in the number of young people being sentenced or remanded to custody
 - the need to continue improving outcomes for young people, thus reducing reoffending and
 - the need to meet spending review commitments.
6. In October 2010, the Government announced that the YJB would be abolished and its functions brought within the Ministry of Justice. During the period of transition and once transferred, statutory functions with regard to the secure estate will continue to be delivered centrally.
7. The proposals contained within this document reflect the views of both the YJB and the Ministry of Justice.

The consultation

8. It is very important that we hear views about our proposals from all interested parties. While the consultation is open to anyone, it is designed to seek views from those individuals and organisations who are affected by, or those who have a particular interest in, the area of youth justice generally and youth custody in particular.
9. The YJB is leading on the consultation and, as part of this process, has commissioned independent organisations to gather the views of young people.
10. We will provide a summary of responses – including the views of young people – following the consultation exercise. This summary will provide an overview of those who responded, as well as providing a synopsis of responses received. It will, furthermore, clearly set out what has been learned from the exercise and how the development of the strategy has been influenced by the responses received.
11. The summary document will be made available online following the consultation period.

³ Youth Justice Board (2005) *Strategy for the Secure Estate for Children and Young People 2005/06 to 2007/08*. London: YJB.

12. In conducting this consultation, the YJB is following the good practice outlined in the *Code of Practice on Consultation* published by Department for Business, Enterprise and Regulatory Reform (now the Department for Business, Innovation and Skills) in 2008⁴.

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

Background and context

The secure estate for children and young people

13. The secure estate for children and young people comprises:

- young offender institutions (YOIs) for boys aged 15 to 17
- special YOI units for girls aged 17
- secure training centres (STCs) for boys and girls aged 12 to 17 and
- secure children's homes for boys and girls aged 10 to 17.

14. The table below provides a breakdown of beds currently commissioned by the YJB.

Table 2: Secure estate for children and young people (April 2011)

	Number of beds commissioned	Number of establishments	% of commissioned beds
YOIs (boys)	2,007	8	79.2%
YOIs (girls)	41	3	1.7%
STCs	301	4	11.9%
Secure children's homes	183	10	7.2%
Total	2,532⁵	25	100%

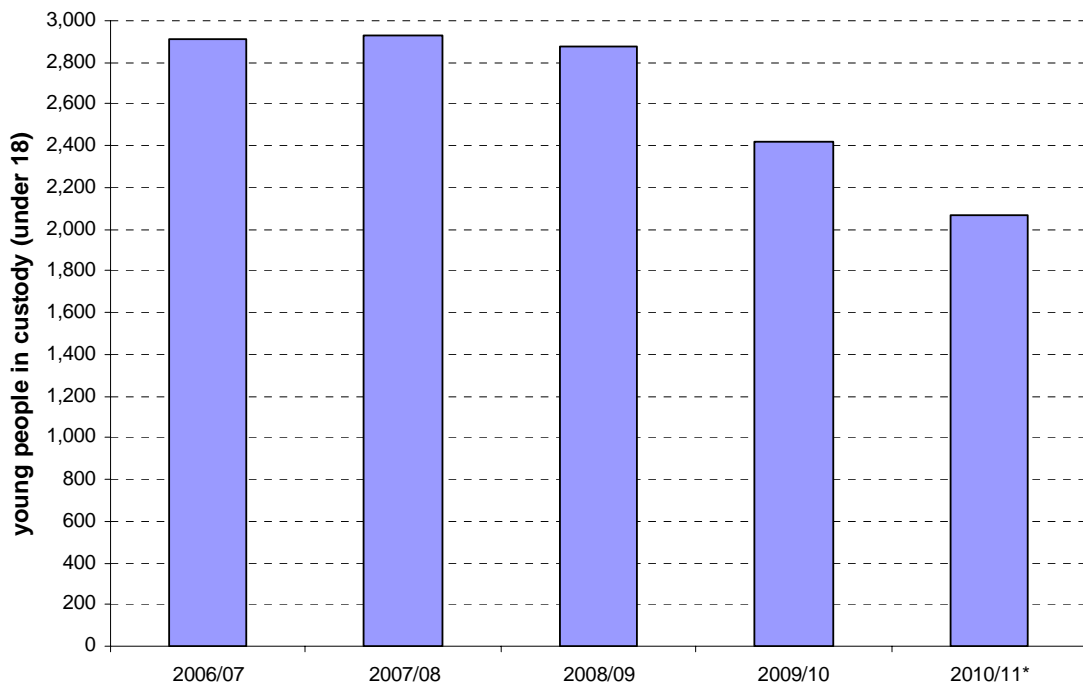
Progress and challenges

15. There are encouraging signs that the youth justice system is performing well. Both the number of young people entering the system and the number of young people in custody have reduced. In 2009/10, there were 155,856 disposals given to children and young people of which 5,130 were for custody. Both figures are down 28% from 216,011 and 7,097 disposals respectively in 2006/07.

⁵ Figures reflective of most recent decommissioning activities in New Hall and Stoke Heath YOIs.

16. There were an average of 2,067 under 18-year-olds in custody at any one time in 2010/11, down 29% from 2,914 in 2006/07⁶.

Chart 1: average number of children and young in custody 2006/07 – 2010/11

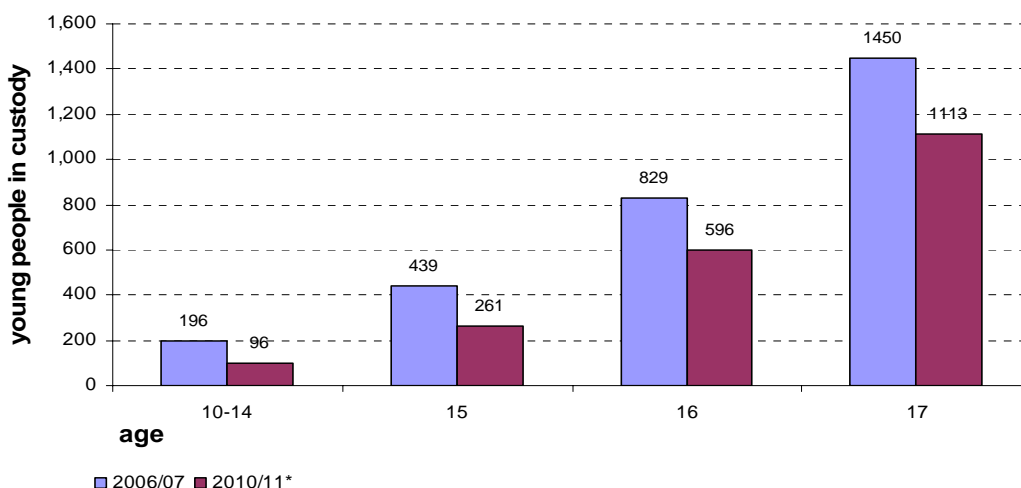


*Source: SACHS, 2010/11 data is provisional

17. As the table below outlines, there are variations in demand by age with marked decreases in demand in the younger age cohorts. The biggest decreases seen for young people aged between 10 and 14 (51% decrease) and 15-year-olds (41% decrease).

⁶ Source: Youth Justice Statistics 2009/10, England and Wales, YJB and Ministry of Justice, provisional data for 2010/11.

Chart 2: Number of young people in custody 2006/07 compared to 2010/11



*Source: SACHS, 2010/11 data is provisional

18. In addition to the sharp contraction of demand, the services provided to young people in custody have improved significantly since 2000, when the YJB was given responsibility for commissioning. Reflecting commitments made in the YJB's previous strategy⁷, this includes changes made to:

- ***the configuration of the estate***

Significant progress has been made towards the development of a distinct secure estate for under 18-year-olds. Today, only 10% of secure places are commissioned in YOIs which also care for young adults. This compares to 71% in April 2000 when the YJB took over commissioning responsibilities.

- ***commissioned services***

These have become more distinct in their focus on children and young people. This specifically includes the introduction of:

- improved safeguarding arrangements through investment in safer physical environments and the introduction of safeguarding managers, social workers and independent advocacy services in YOIs
- specialist provision for young people who have committed sexual offences

⁷ Youth Justice Board (2005) *Strategy for the Secure Estate for Children and Young People – Plans for 2005/06 to 2007/08*. London: YJB.

- enhanced provision for young people on long-term sentences
 - enhanced provision for young people with particularly complex risk factors and
 - improved resettlement provision.
19. As a consequence, youth custody today is certainly safer now than previously⁸ and the frequency of reoffending rate for young people leaving custody is continuously falling⁹. Yet, despite this progress, it is unacceptable that the reoffending rate for children and young people leaving custody remains high at 71.9%¹⁰.

⁸ Her Majesty's Inspectorate of Prisons/YJB (2011) *Children and Young People in Custody 2009-2010 – An analysis of the experiences of 15-18-year-olds in prison* London: HMIP

⁹ Offenders released from custody have seen a 29% reduction in the frequency of re-offending; reoffending of juveniles results from the 2008 cohort, Ministry of Justice.

¹⁰ Source: Youth Justice Statistics 2009/10, England and Wales, YJB and Ministry of Justice.

Principles and priorities

20. The government's Green Paper *Breaking the Cycle*¹¹ sets four priorities for the criminal justice system:
 - protecting the public
 - punishing and rehabilitating offenders
 - transparency and accountability and
 - decentralisation
21. The paper furthermore states that the youth justice system aims *(...) to prevent offending by children and young people between the ages of 10 and 17, while safeguarding their welfare.*
22. The outcomes in paragraph 20 should also be the priority for youth custody. Custody continues to play an important part in the youth justice system for the small number of children and young people for whom a community sentence is not appropriate.
23. Custody can offer an opportunity for young people to address their offending behaviour and ensure they do not offend again. It can provide structure and discipline and an opportunity for engagement in purposeful activity, including re-engagement in education and training. It can furthermore provide access to treatment and support, including enhanced services for children and young people with more complex needs. While it can be challenging to address all the issues that young people present with in custody, it should be a significant step in a rehabilitation process that spans custody and the community.

Principles

24. A set of clear principles should underpin the development of the secure estate. These principles should be as follows:

A distinct, specialist secure estate for children and young people

- The secure estate for children and young people should be recognised as specialist provision and commissioned services should recognise the distinctive approach required. This can best be delivered in a dedicated secure estate.

¹¹ HM Government (2010) *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*, London: Ministry of Justice.

- 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.
- The built environment should be conducive to working effectively with children and young people and living units should be relatively small (even if within larger establishments).

Recognising diversity

- Children and young people in the secure estate should not be disadvantaged on the grounds of gender, ability, sexual orientation, race, ethnicity or religion.
- Staff should proactively engage with all young people to identify and meet the specific needs of all young people placed in custody.

Appropriate placements

- Children and young people should be placed in the establishment that is best able to meet their needs and give them the maximum opportunity to address their offending behaviour.

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

- In accordance with existing legislation, secure establishments should minimise the likelihood of harm to young people through rigorous safeguarding measures which will:
 - have regard to the need to safeguard and promote the welfare of children and young people
 - protect them from harm from self
 - protect them from harm from adults
 - protect them from harm from peers and
 - actively seek and incorporate the views of children and young people into existing practice.

Effective assessment of need

- An early and comprehensive assessment of need should be undertaken. This will then allow establishments to target resources at offending behaviour and any wider identified needs, thus enabling the successful engagement of young people in custody. The assessment should also lead to the development of stable resettlement arrangements.

Full and purposeful day

- 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.
 - Children and young people should receive appropriate physical health, mental health and substance misuse services.
 - Children and young people should attend programmes designed to address their offending behaviour.
25. We consider these principles to be an essential platform for protecting the rights of young people and ensuring the safety and well-being of both young people and staff in secure establishments. 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 articulated in the European Convention on Human Rights, the Human Rights Act (1998) and the United Nations Convention on the Rights of the Child) as those children in any other setting.

Priorities for 2011/12 to 2014/15

26. The following sections of this consultation document set out how we propose to reflect the principles outlined above in our future work. Specifically, we will work towards:
- reconfiguring the secure estate to provide more enhanced provision within a smaller estate and further movement towards distinctive provision for under 18-year-olds and
 - improving the rehabilitation of young people in custody and reducing the risk of reoffending by commissioning services that ensure young people have access to effective regimes.
27. The delivery of these priorities will depend upon strong collaborative partnerships with local and national agencies that ensure all delivery partners contribute to keeping children and young people safe and reducing reoffending. Furthermore, this work will contribute to addressing existing health inequalities and enabling the effective engagement with families.
28. Promoting equality, working in a non-discriminatory way and valuing diversity are fundamental to building strong communities and addressing disproportionalities that are evident within the youth justice system. We will therefore continue to use data on disproportionality and will review qualitative information in order to promote effective practice at a local level.

29. We will work with the Welsh Assembly Government to consider how to take forward our plans in the devolved administration in Wales. We welcome further views on how we can work with Welsh services and providers to help reduce reoffending and improve public safety in Wales.

Box 1: The Welsh Perspective

Many of the services that are essential for the successful rehabilitation of children and young people entering custody are devolved to the Welsh Assembly Government. This means that there are often different policies, practices and commissioning arrangements for education, health and social welfare in Wales. In addition, as some children and young people from Wales are held in the secure estate in England, it is necessary to address the added complications that these differences can bring.

In recognition of this, the YJB and the Welsh Assembly Government outlined their plans for young people from Wales entering custody as part of *The All Wales Youth Offending Strategy*¹² in 2004. A commitment was made to ensure that all Welsh children and young people entering custodial facilities in England are afforded the same rights as their English counterparts and as other children and young people in Wales. The principal aim is that children and young people from Wales who serve a custodial sentence should do so within an environment that maintains their connection with their families, their culture and their communities.

While there remains an aspiration to maintain and increase the amount of secure accommodation for children and young people within Wales, this must be set against the welcome fall in numbers of young people from Wales now in custody and the shrinking secure estate. Working together, the YJB and the Welsh Assembly Government are developing a bespoke service specification for Welsh young people held in the secure estate. Our intention is to ensure that Welsh young people's distinct educational, vocational, health and cultural needs are addressed in the language of their choice no matter in which country they are held. A bespoke specification is under development in Hindley YOI and, together with a bespoke placement protocol for young people, this will allow young people from northern Wales to receive appropriate services.

The YJB continues to work with the Welsh Assembly Government to test and refine this approach before determining how it might be extended to other institutions with significant number of Welsh young people.

¹² Youth Justice Board and Welsh Assembly Government (2004) *The All Wales Youth Offending Strategy*. London/Cardiff.

Reconfiguring the secure estate for children and young people

Effective commissioning to reduce reoffending

30. Effective commissioning arrangements in the secure estate are based on a comprehensive understanding of all needs presented by children and young people in custody. The recent changes to both the overall number and profile of young people in the secure estate provide an opportunity to refine our current understanding. This will require a critical review of all existing evidence and more effective work with our co-commissioners to ensure services provided reflect the needs presented.
31. Commissioning of secure accommodation and the placement of young people should remain a national function. This allows for the effective management of population pressures across the estate and ensures that there is a sufficient supply of secure beds to meet demand. This approach is also more cost-effective and has contributed significantly to the improvements seen across the secure estate in recent years.
32. On assuming commissioning and placement responsibilities in 2000, the YJB inherited a complex and somewhat fragmented secure estate comprising three distinct sectors. Each sector has its own distinct history and regulatory framework.
33. The differences in cost per place across the types of secure provision are an important consideration. These differences can be explained by the different ratios of staff to young people in the different types of establishment, and the requirements of the rules and operating standards in each sector.
34. While commissioning from three very distinct sectors presents challenges in terms of coherent, consistent service provision, the YJB considers wholesale reform – which would require considerable legislative change – as neither practical nor cost effective. Against the backdrop of spending review commitments, the focus therefore should remain on achieving better value for money from existing provision.
35. To drive further improvement, we propose to use our commissioning powers to:
 - provide leadership as a commissioner in setting a clear specification of the services and, as far as possible, the outcomes for young people that providers are expected to deliver. These should be based on regular analysis of needs

- allow providers more freedom thereby increasing their ability to innovate and deliver services that will have the greatest impact on young people
 - use competition and market testing to encourage a greater range of effective providers and improve efficiency across the secure estate
 - work with our partner commissioners to create a more coherent national framework for working collaboratively, both at a commissioner and provider level. This would include the need to agree joint priorities and desired outcomes, in addition to planning the development and evaluation of services
 - work with our national and local partners to ensure appropriate alignment and integration of services both during and after custody
 - explore how local authorities can have greater accountability for rehabilitation and resettlement outcomes, plus closer involvement in the process for commissioning services in custody and
 - explore how a payment-by-results approach could increase local accountability and improve resettlement outcomes for children and young people leaving custody.
36. The Ministry of Justice and the National Offender Management Service (NOMS) has published a competition strategy for adult offender services¹³. This strategy document sets out some overarching principles for the use of competition across all justice services. These principles will inform how we use competition to deliver our objectives for the secure estate for children and young people.
37. In addition, 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. We are undertaking research to examine this issue.
38. We recognise that it is a challenge for current service provision to meet the needs of all young people in the secure estate. A small minority of young people in custody present with a very complex range of both physical and mental health needs. It can be a challenge for secure establishments to meet the needs of these young people effectively while maintaining stability across the estate.

¹³ Ministry of Justice (2011) *The competition strategy for offender services* London: Ministry of Justice

39. We therefore propose to build on emerging good practice in providing intensive support in enhanced units such as the Keppel Unit at Wetherby YOI and the Willow Unit at Hindley YOI. This will ensure that the needs of the most challenging young people in custody can be met effectively.

Box 2: The Willow Unit, Hindley YOI

In April 2008, Hindley YOI opened the Willow Unit for young people with significant mental health needs, including severe emotional, social and behavioural difficulties. These young people are unable to engage effectively with the residential regime and, in the past, would often have been located within the healthcare or segregation units. Some would have been transferred to another establishment.

The unit was developed in close partnership with Manchester Mental Health Trust. It not only takes those young people who are willing to engage in work to address their behaviour and learn coping mechanisms, but also those who are much less willing to engage with constructive activities and require more focused one-to-one interventions.

Staff are trained in understanding and working with attachment disorders and adolescent development and work alongside a team of specialist staff including a clinical psychologist, a speech and language therapist, and a learning disabilities nurse.

Officers work twelve-hour shifts which helps to provide continuity of care and to build strong relationships between staff and young people. Each young person has an individual management plan progress which is monitored at weekly, multi-disciplinary staff meetings. The plan covers all aspects of their well-being and behaviour and has the aim of re-integrating them into the main residential units.

40. In a small number of individual cases we believe that the present secure estate is not always the best place to manage certain young people. In these circumstances, we are exploring whether our powers under the Powers of Criminal Courts (Sentencing) Act 2000, as amended by s.34 of the Offender Management Act 2007, enable us to commission a small number of places on a spot purchase basis in alternative accommodation to improve our ability to manage risk and ensure better outcomes for these young people.

41. Furthermore, the YJB is already in the process of working with local authorities and others to develop new services to assist young people in the resettlement process. In the longer term, and over a period that may extend beyond this strategy, we will consider developing a limited number of smaller, satellite sites that aid resettlement back into the community, some of which may be open or semi-independent living accommodation. This will happen within our existing commissioning powers.
42. We are also exploring how we can apply a payment-by-results approach to custodial providers, by introducing more outcome-based measures into our contracts.

Responding to decreased demand

43. In response to the sustained decrease in demand for custodial places, the YJB has already decommissioned a number of beds across all sectors over the last two years. Current predictions indicate that the number of children and young people in custody will continue to fall in the coming years, but at a much slower rate. The result will be a smaller estate with fewer beds in each sector.
44. Decommissioning to date has largely come from public YOIs and the reduction in demand from the younger age group has yet to be fully reflected in the decommissioning programme. Reflecting the fall in demand for places for 10 to 14-year-olds, the reductions in commissioned places are now likely to be proportionately higher in the STC and secure children's home sector.
45. The YJB views STCs and secure children's homes as broadly interchangeable while recognising that there are some young people for whom only a secure children's home environment is appropriate.

Table 3: Beds decommissioned as % of that sector since April 2009¹⁴

Sector	Number of beds de-commissioned	% de-commissioned from total secure estate¹⁵	% de-commissioned from that sector¹⁶
YOI (boys and girls)	959	27%	32%
STC	6	2%	0.2%
Secure children's home	36	1%	13%
Total	1001	28%	

46. The YJB is mindful that further reductions in demand are dependent on a number of factors, including policy initiatives and youth offending team (YOT) performance. The YJB will continue to monitor the number of young people in custody carefully in order to update its plans and match supply with demand.

47. We recognise that there are risks in decommissioning as the estate consolidates into fewer, more dispersed sites. Specific risks are that:

- the demand for custodial places could outstrip existing provision should there be a sudden increase in the number of young people being remanded or sentenced to custody
- once de-commissioned, it can be very difficult to re-commission places
- the reduction in sites makes matching supply and demand on a geographical basis more difficult
- resettlement activity becomes more challenging in a geographically dispersed estate and
- population management becomes more challenging and safeguarding risks may increase as the estate operates closer to capacity.

¹⁴ The YJB commenced its decommissioning programme in April 2009.

¹⁵ As a percentage of beds commissioned in April 2009.

¹⁶ As a percentage of beds commissioned in April 2009.

48. We will continue to manage these risks when taking forward the proposals outlined in this document.

A distinctive estate for children and young people

49. As outlined in our proposed principles, the commissioning and provision of distinct services for children and young people in custody remains a priority. This is for a number of reasons, as follows:

- custodial services must meet young people's entitlements under law¹⁷
- approaches to safeguarding and promoting welfare must reflect child protection legislation¹⁸
- young people in custody are still developing and their (offending) behaviour is different to that of adults
- sentence planning processes and interventions are most effective when they reflect the developmental needs of young people
- the education and healthcare needs of young people are different to those of adults.
 - Young people under school-leaving age in particular should receive a full timetable of education, training and purposeful activity.
 - Emerging mental health problems may be masked by challenging behaviours.
- there is a need to work with families and parents, where appropriate, to affect positive long-term behavioural changes.

50. 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 requirements 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.

¹⁷ In 2002, Justice Munby ruled that children in custody have the same rights and entitlements under the 1989 Children Act and human rights legislation as those children in any other setting.

¹⁸ The Children Act 2004 places explicit responsibility for safeguarding and promoting welfare on providers of custody for children and young people.

51. There are many very good examples where the YJB and NOMS have introduced improved provision and an increased focus on young people. However, for the future we would question whether the development of appropriate services and management processes would not be further facilitated by establishing more distinctive governance arrangements.
52. We propose to work with NOMS to move towards a more distinctive custodial provision by:
- implementing a workforce development strategy which attracts, recruits and trains staff who want to work with some of the most challenging young people in our society
 - creating an estate that is operationally separate from the adult system. In particular, this means creating a bespoke operating manual and policies for the YOI estate for young people and moving towards a more distinct operational structure and
 - developing more effective processes and support for managing transitions into the young adult secure estate.
53. In addition, we will continue working with Her Majesty's Inspectorate of Prisons for England and Wales, Ofsted and the Care Quality Commission to create a more coherent inspection regime and joined up approach across all types of accommodation in the secure estate for children and young people.

Improving rehabilitation and reducing reoffending

54. The YJB does not directly deliver services to young people in the secure estate. However, as commissioners, it is important that we have a very clear view about the services that should be provided and the outcomes that we expect from our providers.
55. We wish to see an estate that offers better value by being more responsive to the needs of young people. We propose giving providers greater freedom to direct resources as they wish, while making them more directly accountable for addressing offending behaviour. It is vital that secure establishments prepare young people for successful resettlement by working in partnership with mainstream children's services education providers and health services.
56. In doing so, this will complement broader, cross-governmental work to:
 - address health inequalities
 - work with hard-to-reach families and
 - improve outcomes for children who are, or have been, looked after by local authorities.
57. However, young people themselves must tackle the problems that led to their offending behaviour. They must be challenged to face up to the nature and consequences – for their victims, for society, and for themselves – of their behaviour.
58. In our role as commissioner we must, therefore, provide clear advice on the cost-effective interventions that evidence and emerging practice tells us are more likely to help address offending behaviour. We wish to see adequate resources being made available to providers in order to support young people in tackling their offending behaviour and changing their lives. At the same time, secure providers must be made more accountable for the results delivered.
59. This means providers should:
 - facilitate the re-engagement with sustainable education and training that can provide relevant skills and qualifications
 - deliver a purposeful and active day
 - provide programmes that address offending behaviour and improve the resilience of young people placed in the secure estate. This will include working restoratively and with families where appropriate.
 - ensure access to appropriate health provision – including mental health services.

60. In meeting these challenges, the YJB continues to rely on the support and input from other government departments, as well as the effective delivery of services locally. However, while the commissioning of services in the secure estate is at the core of the YJB's functions, it is often only at the margins of its co-commissioning partners' work. It is therefore necessary to continue to contribute to the effective commissioning of services by partner agencies such as the Department for Health and the National Health Service (NHS), the Young People's Learning Agency (YPLA) and local authorities and other organisations which may be involved in education commissioning following the YPLA's abolition in March 2012.
61. Were we to work solely with those agencies and departments with responsibility for England we would not be able to meet our responsibility to children and young people from Wales. In Wales, the YJB works closely with the Welsh Assembly Government Department for Health and Social Services and the Department for Children, Education, Lifelong Learning and Skills. In addition we engage with the devolved inspectorates:
- Estyn
 - Care and Social Services Inspectorate for Wales and
 - Health Inspectorate Wales.
62. Throughout this section, where we refer to agencies that operate in England only, this will be noted in the text. Parallel and equivalent work will be undertaken with devolved bodies.

Safeguarding

63. The starting point for successfully engaging young people is making them feel safe. Effective safeguarding is therefore of paramount importance to reducing reoffending.
64. Safeguarding young people in the secure estate is a challenging issue. It is imperative that our work, and that of our providers, aligns with current legislation and guidance to ensure the safety of some of society's most damaged young people.
65. We continue to expect all secure establishments to adhere to their statutory duty to effectively safeguard and promote the welfare of children and young people, which should include:
- protection of harm from self
 - protection of harm from adults and
 - protection of harm from peers.

66. We furthermore continue to expect providers to meet their statutory duty to ensure that appropriate procedures are in place to enable the effective safeguarding of children and young people in their care. These procedures should include, but are not be limited to, arrangements to effectively respond to:
- child protection allegations
 - incidents of self-harm and suicide
 - incidents of violence and bullying
 - vetting and barring and
 - workforce development and staff training.
67. We recognise that effective safeguarding of children and young people in secure establishments depends on local authority children's services fulfilling their statutory duties. It is therefore important to have in place robust information sharing and partnership working arrangements between secure establishments and local authorities as well as other agencies working with young people in secure establishments.
68. The YJB has achieved significant progress in recent years by making changes to secure establishments by:
- investing capital in particular areas of safeguarding such as first night facilities, cubicle showers and safer cells
 - implementing recommendations from two comprehensive safeguarding reviews across the secure estate
 - providing funding for safeguarding managers, social workers and advocacy services for young people and
 - undertaking a number of in-depth reviews of practice areas such as full searching, complaints and separation.
69. During the period of this strategy we propose to:
- continue with the implementation of recommendations from the Independent Review of Restraint (IRR), including working effectively with NOMS and other stakeholders to develop and improve behaviour management systems, including restraint, in STCs and YOIs.
 - continue to ensure that all establishments have effective restraint minimisation strategies in place and that they are monitored against them
 - continue to ensure that custodial facilities are adequate for children and young people

- ensure providers implement recommendations arising from our reviews of full searches, separation, complaints and helplines
- develop a new performance management framework for public YOIs. The framework will gather together performance information from a variety of sources, including information on the safety and well-being of young people. Where the data highlights concerns, or where areas of practice are considered high risk, the YJB will conduct assurance reviews, looking in detail at practices on-site. The YJB will work to develop a methodology for these reviews including the range of tests that will be conducted and the make-up of the team who will carry out the reviews. This approach will allow the YJB to have an oversight of all the relevant information about the safety of young people in custody while looking in detail at key areas where necessary and
- continue with our rigorous monitoring of STCs.

Workforce development

70. Workforce development is a key part of our strategy. However, it is also one of our most challenging programmes. The YJB's vision for the workforce in secure establishments is that all staff working in secure establishments are 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 and debriefing sessions.
71. The YJB has, in recent years, implemented a workforce development strategy and established a National Qualifications Framework for Youth Justice, in close conjunction with relevant sector skills councils. We are committed to enhancing access to accredited, relevant and transferable training for all youth justice practitioners working in secure establishments. We recognise that training as well as career progression must be made as attractive as possible in order to develop a well-equipped workforce – both at practitioner and management level, including, crucially, Prison Service Governors.
72. There are particular cultural and organisational challenges for achieving our ambitions in the public YOIs. This is no criticism of Prison Officers, who do an admirable job in difficult circumstances, and with fewer resources than in the other sectors of the secure estate. However, very often, career development opportunities for Prison Officers lie outside the young person's estate, making the retention of high-quality staff particularly challenging.
73. We will continue to work with NOMS through a joint Workforce Development Board.

74. In addition, we are already developing a number of initiatives to develop the secure estate workforce through:

- speech, language and communication needs awareness training with The Communications Trust
- access for the secure estate to the online Youth Justice Interactive Learning Space (YJILS)
- the development of training to support the introduction of the new case management and sentence planning process and
- developing bespoke training for staff who work with high-risk young people on indeterminate sentences.

Placement process

75. The effective engagement of young people begins with the correct placement decision being taken. Based on the information provided by youth offending teams (YOTs), the YJB Placement Service will take the following factors into consideration before placing a young person:

- individual risks, the full range of needs and the particular circumstances of the young person as assessed by the responsible YOT
- previous history within the secure estate
- YOT placement recommendation
- the availability of places and their location
- the court warrant and
- discussions with prospective secure establishments so that the current profile of young people in that establishment can be considered.

76. Placement decisions are made on an individual basis and are always reflective of the needs of the young person being placed.

77. Current placement options are limited to the commissioned secure estate. Reflecting the complex needs presented by a small number of young people in the current estate, the YJB will explore:

- placing a young person with exceptional health, welfare or behavioural issues into a more appropriate facility outside the custodial estate and
- developing a limited number of smaller, satellite sites that aid resettlement back into the community, some of which may be open or

semi-independent living accommodation to assist young people in the resettlement process.

Assessment and sentence planning

78. Assessments of young people need to be comprehensive. This will, in turn, ensure effective planning for both remanded and sentenced young people and will drive resource allocation so that young people receive the interventions that will have the greatest impact on changing their behaviour. Poor assessments mean that resources will not be used to best effect.
79. The current assessment and planning interventions framework used in the youth justice system and secure establishments was developed over the last decade and has adapted, where necessary, to take account of political and practice developments. However, a number of drivers for change have emerged recently, providing a mandate to review the current framework in order to establish the case for its update.
80. These drivers include:
 - the assessment of risk and protective factors, which is the foundation of current assessment and planning, has been increasingly criticised in academic literature. This coincides with the simultaneous development of theory and practice models which are based around factors which increase a young person's likelihood of desisting from offending
 - greater alignment with existing assessment frameworks, especially the Common Assessment Framework, is needed and
 - evidence emerging from inquests following deaths of young people in custody and YOT reviews of practice in relation to serious incidents in the community have highlighted limitations of the current framework.
81. A proposal for a new assessment and planning intervention framework is currently being developed. These proposals build on the work to improve case management skills within the secure estate and are designed to significantly improve the quality of, and process by which, information is transferred from the community to custody and back out again.

82. The YJB has already outlined roles and responsibilities in relation to the sentence planning process¹⁹. We will issue further guidance that provides clear divisions of responsibility across multi-agency teams. This will give practitioners and managers a comprehensive overview of how to plan and co-ordinate services based on what we know about effective practice, provide clarity on the case management and sentence planning requirements of secure settings, and provide consistency with the approaches taken by YOTs to help achieve a more end-to-end approach to sentence and remand planning – including for those young people remanded to custody.

Mental and physical well-being

83. The services provided to young people in custody should match those available in the community. The YJB recognises that the physical and mental health needs of some young people in custody are both complex and significant and that young people should have access to appropriate provision to address these needs.
84. The provision, where required, of appropriate treatment and support is fundamental to addressing offending behaviour. If young people with particular impairments are not identified and not offered relevant support, they will be unable to engage with the programmes and activities designed to help them stop offending. This includes recognising the importance of effective engagement with families and parents/carers where appropriate.
85. Meeting the physical and mental health needs of young people in custody can reduce the likelihood of immediate reoffending and can also reduce the likelihood of young people becoming adult offenders. Young people in custody are still developing and there is an opportunity during this crucial period of adolescence to promote health and resilience and help prevent mental illnesses from developing in later years.
86. In response to the particularly complex needs of some young men in YOIs, the YJB commissioned an enhanced support unit at Wetherby YOI. Emerging evidence suggests this may be one way of effectively addressing more complex support needs.

¹⁹ Youth Justice Board (2010) *Case Management Guidance – Planning and delivering interventions in custody and resettlement into the community*. London: YJB.

Box 3: The Keppel Unit, Wetherby YOI

The Keppel Unit is a 48-bed unit (four units of twelve) that accommodates young men aged 15 to 17 with particularly complex needs who are unable to cope in the mainstream YOI regime.

Many of the young people placed in the unit have mental health problems and have been socially excluded from a young age. The unit's dedicated workforce receives an eight-week training programme which includes mental health awareness, pro-social modelling, behaviour management, child protection training, sex offender training and suicide, self-harm and resilience training. Young people can access an enhanced range of programmes and services such as education and development courses, substance misuse work, bereavement counselling, sex offender treatment, and anger management. There are regular care plan reviews to identify priorities for interventions.

For young people on short sentences, the process also engages the relevant agencies with regard to what should happen in the community once the young person is released. All young people are encouraged and supported to engage in the unit's activities, which include shared meal times, gym sessions and visits to the library. Other activities include music and media projects and the chance to learn how to care for animals.

The critical view

"The Keppel Unit is among the most impressive custodial facilities to have opened in recent years. In a very short time, a committed group of staff have established a safe, supportive and purposeful unit in which the risks and needs posed by some very damaged and complex young people are effectively addressed."

Dame Anne Owers, HM Chief Inspector of Prisons (2009)

87. Given the success of the Keppel Unit, we therefore plan to expand the provision of smaller, more enhanced units that can better meet the particularly complex needs of some young people in custody. These units could support not only mental health needs but also significant learning needs and could address speech and language difficulties.

88. In addition, we plan to improve existing regimes. We particularly welcome proposals in the cross-government mental health strategy *No Health without Mental Health*²⁰ and Ministry of Justice Green paper to divert young people from the criminal justice system where appropriate. However, more needs to be done to address the needs of young people who have offended and who have mental health and complex support needs. We will therefore continue to work with the Department of Health and the NHS to ensure health services are strategically commissioned and based on assessed needs²¹.

A full and purposeful day

89. As the Green Paper *Breaking the Cycle*²² makes clear, custody should not allow offenders to simply spend their time in custody without purpose. The routine and structure of a period in youth custody should be used to give young people a purposeful and meaningful day and instil in them an ethos of positive development.

90. It is not acceptable that only half of sentenced young people surveyed in YOIs have said that they thought they had done something in prison to make them less likely to offend in the future; even though almost all of them said they wanted to stop offending on release²³. Custody must therefore provide young people with the chance to recognise and take responsibility for their actions, and the chance to learn how to change the patterns of behaviour which risk becoming a way of life into adulthood.

91. It is important that children and young people have access to effective and well-designed programmes and interventions that are known to work. Current provision is a combination of programmes funded centrally by the YJB, such as Juvenile Enhanced Thinking Skills (JETS), and programmes developed locally by individual establishments. Consequently, the range and content of programmes available in secure establishments varies.

²⁰ HM Government (2011) *No health without mental health. A cross-government mental health outcomes strategy for people of all ages*. London: HM Government.

²¹ The Department of Health and NHS already have existing responsibilities for commissioning health services in YOIs and will have responsibility for STCs and secure children's homes in the future.

²² HM Government (2010) *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*, London: Ministry of Justice.

²³ HM Inspectorate of Prisons (2010) *Children and young people in custody, 2009-10. An analysis of the experiences of 15-18 year olds in custody*. London: HM Government.

92. The YJB has in the past undertaken significant work to identify the key elements of effective practice and to disseminate these in formats useful for practitioners. We are committed to build on this work and are currently undertaking a wholesale review of this process with a view to incorporating an improved system into wider changes in line with our organisational design.
93. However, further progress needs to be made in ensuring that interventions delivered in custody are known to be effective. Currently:
- the evidence base on effective interventions in custody is limited
 - access to programmes designed specifically for young people is limited and
 - there is no clear system for quality control and accreditation of interventions designed specifically for young people, particularly in the public YOIs.
94. As commissioner, the YJB will work to identify the most effective interventions for young people. In particular we will:
- continue to encourage providers to share knowledge of existing practice and support
 - continue to test and evaluate new approaches and programmes in custody to provide clearer guidance on the most cost-effective programmes and interventions that emerging practice tells us are more likely to help to address offending behaviour
 - work with NOMS to address the barriers to developing effective interventions delivered in public YOIs.
95. Where appropriate, this could include lessons learned from other sectors working with young people with emotional and behavioural difficulties.
96. For all young people in custody, education should be central to the regime. Provision should be tailored to reflect young people's educational development to date. A significant proportion of young people in custody have special educational needs and behavioural and emotional difficulties that mean they find it difficult to engage in learning. Particular attention needs to be paid to supporting young people with speech and language difficulties. For this group there needs to be an alternative approach with an appropriate curriculum.

97. Responsibility for commissioning and funding education in public YOIs currently sits with the YPLA. Following the abolition of the YPLA in March 2012, we will work with the Department for Education to develop a long-term approach to commissioning education and training in custody, ensuring services reflect the assessed needs and abilities of young people. We will seek to find different approaches to education provision for those young people in custody who have had most difficulty in engaging in mainstream education in the community and to facilitate improved transitions from custody to community.

Resettlement

98. The provision of effective resettlement services is vitally important to reducing reoffending and achieving positive outcomes for young people who leave custody. If more young people are to lead crime-free lives when they leave custody then they require support both during and after their period in custody to enter education, training or employment, find suitable accommodation and access other mainstream services.

99. Effective preparation for resettlement must start when a young person is first placed in custody. Crucially, this should, where appropriate, involve the effective engagement of a young person's family. This should be a staple part of the work of secure establishments.

100. The successful resettlement of young people requires input from different partners. There are already a number of existing initiatives overseen by the YJB that will improve the way children and young people are supported and managed when making the transition from custody to the community.

- ***Assessment and case management***

Regular and comprehensive assessments of need and effective case management are fundamental to ensuring resettlement needs are identified early, that mainstream community and children's services are signposted, and that robust resettlement arrangements are in place prior to release.

Current proposals build on planned work to improve case management skills within the secure estate, and are designed to significantly improve the quality of and process by which information is transferred from community to custody and back out again. This will have the benefit of significantly improving the continuity of assessment and intervention in relation to individual young people as they cross critical boundaries. These proposals are still subject to final agreement.

- ***YOT access to eAsset pilot***

A pilot has been set up to provide practitioners in 13 participating

YOTs with the ability to view, electronically, the most up-to-date information on young people in the secure estate for whom they have responsibility. This will close the information loop that starts with the YOT supplying information on young people to the YJB Placement Service and then subsequently to the relevant secure establishment. This pilot will be evaluated to judge the feasibility and desirability of a national roll-out to all YOTs.

- ***Local authority resettlement partnerships***

Resettlement consortia in the North-West, South-West, Wessex and West Yorkshire, plus the London Youth Reducing Reoffending Programme have all been operating successfully. These approaches have seen groups of local authorities working with their nearest secure establishment(s) to plan and achieve effective resettlement outcomes from the point of entry into the secure estate until the end of the placement and beyond as needed. Enhanced support is offered to young people to enable sustainable access to education, training and employment and accommodation. Limited funding will be provided in some areas for 2011/12, after which local areas will decide whether to take on responsibility for consortia using funding from their youth justice grants and elsewhere.

The partnership approaches in London, the South-West, Wessex and the North-West are each being evaluated and results are expected in 2012.

- ***Integrated Resettlement Support (IRS)***

Until March 2011, ring-fenced funding was provided to 107 YOTs in England and Wales (those with higher custody rates) to provide support services to all young people coming out of their custody. This financial year the funding is not ring fenced but has been included in the main YJB YOT grant. From the next financial year, available funding will be redistributed to all YOTs as part of the revised funding formula being developed by the YJB. We hope that YOTs will continue to invest in IRS services to meet local priorities.

- ***Wales***

In Wales six YOTs have piloted a multi-agency 'panel' approach similar to that used for youth inclusion support panels. The aim is to ensure the needs of young people leaving custody are met through robust resettlement planning, initiated at the point of entry into the secure estate and holding all local partners to account through the integrated delivery of services.

- ***Bespoke resettlement provision***

Brent Knoll halfway house pilot in Bristol, run by a voluntary sector organisation, Making the Change, provides interim accommodation and a package of interventions for young people leaving Ashfield YOI with unresolved accommodation problems.

- ***Improving resettlement communication***
We will facilitate a process for governors, directors and managers of establishments to formally escalate risks associated with individual resettlement plans to the relevant local authority, thus ensuring appropriate plans are in place in good time before young people leave custody. There will be a similar mechanism for local authorities to escalate any concerns with establishments about the plans for their young people in custody, whether remanded or sentenced..
- ***Release on Temporary Licence***
We know that the use of Release on Temporary Licence (ROTL) can have benefits for some young people. In the longer term, and over a period that may extend beyond this strategy, we will therefore consider developing a limited number of smaller, satellite sites that aid resettlement back into the community, some of which may be open or semi-independent living accommodation. This will happen within our existing commissioning powers. We will also work with our partners to seek more opportunities to commission services that provide young people with continuous support across custody and the community similar to the resettlement broker service in the Heron Unit at Feltham YOI.

Box 4: The Heron Unit, Feltham YOI

The Heron Unit is a thirty-bed enhanced resettlement unit within Feltham YOI. It was commissioned as part of the Mayor of London's *Time for Action* strategy and is one element of the *London Youth Reducing Reoffending Programme (Daedalus)*. The programme is co-ordinated by the London Criminal Justice Partnership involving joint working with the YJB, the London Development Agency, NOMS, the Greater London Authority, London Local Authorities and Rathbone Youth Charity. The two-and-a-half year pilot commenced in September 2009 and is being fully evaluated.

The aim of the unit is to break the cycle of youth reoffending by delivering an enhanced resettlement programme to young people from London boroughs. These young people receive enhanced, continuous support from a team of resettlement brokers, who work with young people both in custody and on release to the community, and facilitate access to sustained education, training and employment and other services as required in order to reduce their risk of reoffending upon release into the community.

Target group

The target group for the Heron Unit comprises young men who are:

- 15 to 17 years of age
- subject to a custodial sentence and

- from one of the London boroughs.

In addition to the core criteria above, young men are assessed to determine their levels of motivation and willingness to engage, with the complexity of their resettlement needs also being taken into account.

101. We will use the learning from all of the initiatives outlined above to improve the consistency of practice across establishments and support local authorities in realising the benefits of more effective resettlement.

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

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?

Responding to decreasing demand

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

A full and purposeful day

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

Effective 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?

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
- alternative (co-) commissioning arrangements
- further developments to regimes
- delivery mechanisms
- competition strategies
- the role of local authorities
- configuration of the estate
- the development and delivery of offending behaviour and other programmes
- improving resettlement opportunities

Consultation process

When responding, please provide the following information.

Full name	
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
Date	
Company name/organisation (if applicable):	
Address	
Postcode	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Impact assessment

An impact assessment has been published in a separate document and is located alongside this document on the Ministry of Justice's website (<http://www.justice.gov.uk>)

The consultation criteria

The seven consultation criteria are as follows:

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

Consultation Co-ordinator contact details

If you have any complaints or comments about the consultation process rather than the topics covered in this paper, you should contact

Ministry of Justice Consultation Co-ordinator
Better Regulation Unit
Analytical Services
7th Floor, Pillar 7:02
102 Petty France
London
SW1H 9AJ

Contact details/How to respond

Please send your response by 11th October 2011 to:

Debbie Woodgate

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1 Drummond Gate
London
SW1V 2QZ

Tel: 020 3372 7891

Email: securestatestrategy@yjb.gov.uk

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available on-line at <http://www.justice.gov.uk>.

A Welsh language version will be made available shortly and can be requested from Debbie Woodgate.

Publication of response

A paper summarising the responses to this consultation will be published in November 2011. The response paper will be available on-line at <http://www.justice.gov.uk>.

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Ministry.

The Ministry will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Thank you for participating in this consultation exercise.

Bibliography

Better Regulation Executive (2008) *Code of Practice on Consultation*. London: Department for Business, Enterprise and Regulatory Reform.

HM Inspectorate of Prisons (2010) *Children and young people in custody, 2009-10. An analysis of the experiences of 15-18 year olds in custody*. London: HM Government.

HM Government (2010) *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*. London: Ministry of Justice.

HM Government (2011) *No health without mental health. A cross-government mental health outcomes strategy for people of all ages*. London: HM Government.

Youth Justice Board and Welsh Assembly Government (2004) *The All Wales Youth Offending Strategy*. Cardiff: Welsh Assembly Government.

Youth Justice Board (2005) *Strategy for the Secure Estate for Children and Young People 2005/06 to 2007/08*. London: YJB.

Youth Justice Board (2010) *Case Management Guidance – Planning and delivering interventions in custody and resettlement into the community*. London: YJB.

HM Government (2010) *Youth Justice Statistics 2009/10, England and Wales*. London: Ministry of Justice.

