

**Secure Estate Strategy for Children and Young People -  
Consultation Document  
Equality Impact Assessment Initial Screening –  
Relevance to Equality Duties**

**1. Name of the proposed new or changed legislation, policy, strategy, project or service being assessed.**

The Youth Justice Board (YJB) and the Ministry of Justice (MoJ) have published the *Strategy for the Secure Estate for Children and Young People in England and Wales – Plans for 2011/12-2013/14 (Consultation Document)*.

The document reflects the YJB's proposals for the secure estate for children and young people during the period 2011/12 to 2014/15. This strategy will enable the YJB in delivering its objectives and to set a clear agenda for the development of the under-18 secure estate.

**2. Individual Officer & Unit responsible for completing the Equality Impact Assessment.**

Karl Mittelstadt, Project Manager, Secure Estate Strategy (Youth Justice Board for England and Wales)

**3. What is the main aim or purpose of the proposed new or changed legislation, policy, strategy, project or service and what are the intended outcomes?**

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.

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

The table below outlines the specific aims and objectives of this consultation exercise:

Aims/objectives	Outcomes
Reconfiguration of the secure estate following the reduction in the number of young people being sentenced or remanded to custody.	<p>A strategic approach to the provision of secure places for children and young people is developed and implemented to:</p> <ul style="list-style-type: none"> <li>• better align provision to meet demand</li> <li>• better meet the needs of young people</li> <li>• build enhanced units for those young people whose needs cannot adequately be met as part of the mainstream regime</li> <li>• further improve leadership as a commissioner by setting clear specifications of services and where possible setting out the outcomes for young people that providers are expected to deliver.</li> </ul>
To continue improving regimes delivered to young people.	<p>Regime standards improve and young people achieve better outcomes, including, importantly, a reduction in re-offending. This will include working with co-commissioners to:</p> <ul style="list-style-type: none"> <li>• be more responsive to the needs of young people</li> <li>• commission regimes that are based on purposeful and active days</li> <li>• ensure successful resettlement outcomes for young people.</li> </ul>
To meet spending review commitments.	<p>The YJB is committed to:</p> <ul style="list-style-type: none"> <li>• meeting agreed Ministry of Justice (MoJ) objectives to deliver spending targets</li> <li>• achieving best value for money.</li> </ul>

#### 4. What existing sources of information will you use to help you identify the likely equality issues of different groups of people?

In developing the policy proposals contained in the Secure Estate Strategy, the YJB has used data from a variety of sources, including:

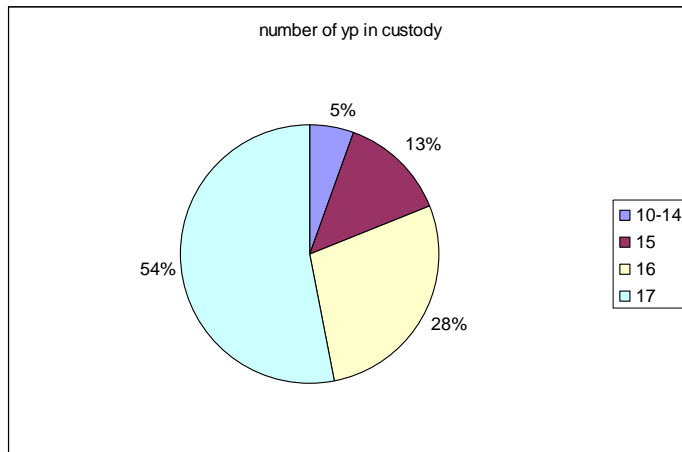
- Internal data sources such as Secure Accommodation Clearing House System (SACHS) and Youth Justice Management Information System (YJMIS);
- YJB/MoJ Annual Workload Data 2009/10;
- HMIP and Ofsted reports including the bi-annual report into young people's views undertaken by HMIP;
- Commissioned research – such as the recently published evaluation of Keppel Unit at Wetherby and external research and publications - referenced at the end of this section;
- Management information collated by YJB monitors.

#### Current under-18 custodial population

In 2009/10, the average monthly population of young people placed in custody was 2,418 in England and Wales.

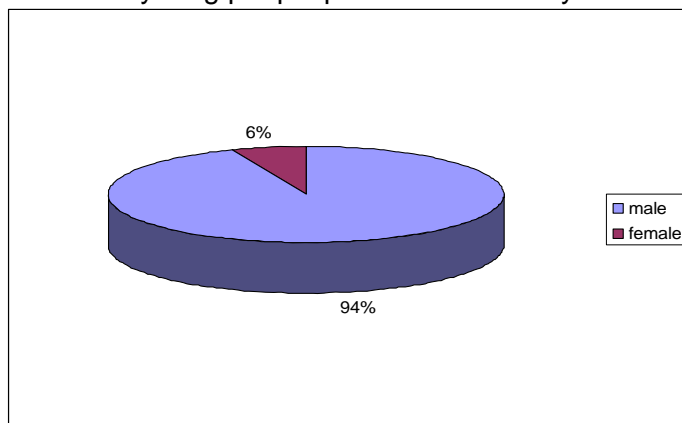
### Age

95% of all young people placed in custody in 2009/10 were aged between 15 and 17.



### Gender

94% of all young people placed into custody in 2009/10 were male.



Social-scientific theory and research suggests that this can be explained by:

- socialisation theories and the reduced likelihood of females resorting to violence to resolve conflict; and/or
- differential treatment by the justice system.

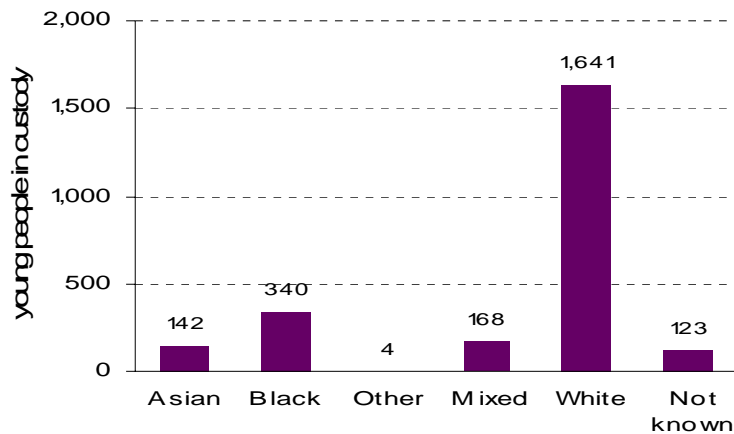
Research by the YJB<sup>1</sup> states that the number of young female offenders rose by 18% between 2004 and 2007. Nationally, 42% of young female offenders were on Referral Orders; with the next most common sentence being a Supervision Order (19%). Custodial sentences were issued to 9% of all convicted young women. The research found that young males were twice as likely to be sentenced to custody as their female equivalents. However, slightly more females received a more restrictive community penalty than would have been expected from their case characteristics – the chances of a male receiving a more restrictive community sentence were 20% lower than that of females. Females accounted for 22% of all disposals given to young people in 2009/10.

<sup>1</sup> [http://www.yjb.gov.uk/publications/Resources/Downloads/girls\\_offending\\_fullreport.pdf](http://www.yjb.gov.uk/publications/Resources/Downloads/girls_offending_fullreport.pdf)

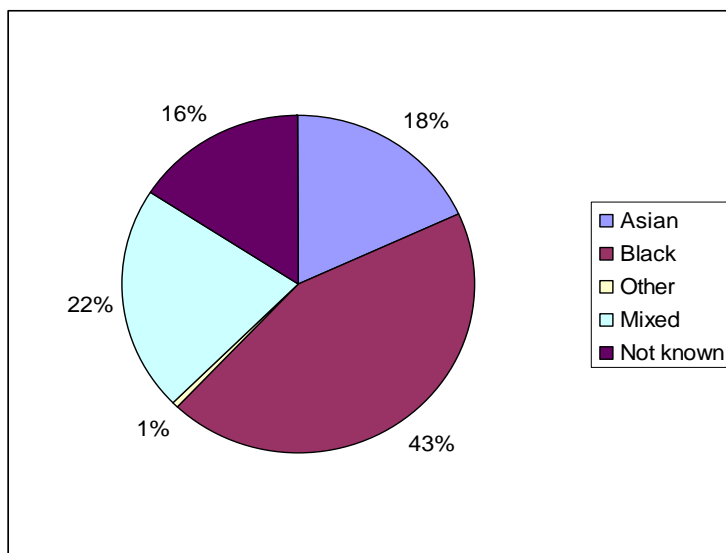
Young females in 2009/10 accounted for around 8% (416 out of 5,130) of all custodial sentences given by the court.<sup>2</sup>

### Ethnicity

The majority of young people placed in custody between 2009/10 were White.



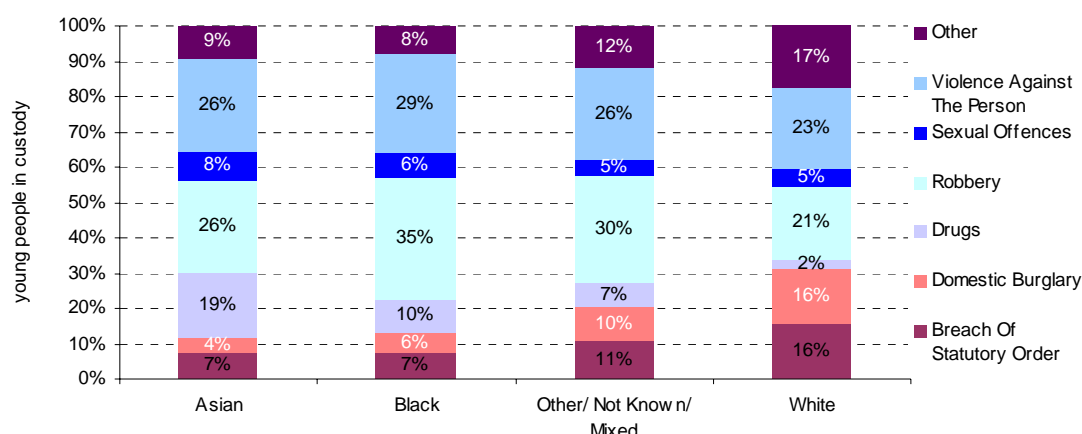
14% of young people in the secure estate were black. Young black people were over-represented in the under-18 custodial population when compared to the general population (Black British and Black Other made up 2% of the general population according to 2001 Census).<sup>3</sup> Young Black people made up the majority of young people from ethnic minority backgrounds placed in custodial establishments.



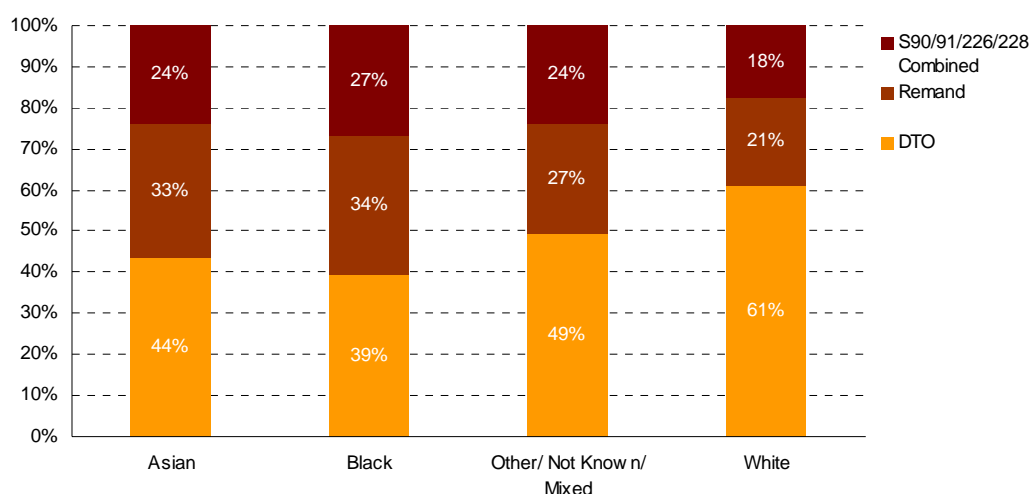
Young Asian people are more likely to be convicted of a drugs offence, whilst young black people are more likely to be convicted for a robbery. Young White people are more likely to be convicted of a domestic burglary.

<sup>2</sup> Youth Justice Board, Ministry of Justice: *Youth Justice Statistics 2009/10 England and Wales: Statistics bulletin*, 2011 (p 3-4).

<sup>3</sup> <http://www.statistics.gov.uk/census2001/profiles/commentaries/ethnicity.asp#ethnic>



Young Black and Asian people are more likely to have received a more severe custodial population compared to their White counterparts.



The House of Commons Home Affairs Committee report titled, '*Young Black People and the Criminal Justice System*' (2006-2007<sup>4</sup>) stated that when young Black people have been charged with an offence, they are significantly less likely to be given unconditional bail and more likely to be remanded in custody compared to their White counterparts. In 2004/05, 8.1% of Black people under-18 were remanded in custody, compared to 5.1% for Asian and 4.4% for White people of the same age-group.

Young people of mixed race ethnicity were also the victims of a racially discriminative justice system. According to that report, "[y]oung black people and young people of 'mixed' ethnicity, when sentenced, are more likely to receive more punitive sentences than young white people. Whereas black young offenders accounted for 6% of total offences in 2004–05, they received 11.6% of total custodial sentences".<sup>5</sup> If there is evidence that different ethnic groups are treated differently, it is important to find out how these differences occur, and how to take effective corrective action.

<sup>4</sup> <http://www.statewatch.org/news/2007/jun/uk-hasc-young-black-people.pdf>

<sup>5</sup> Home Affairs Select Committee: '*Young Black People and the Criminal Justice System*' (2006-2007) at p.13

More recent findings<sup>6</sup> suggest that there are still significant levels of missing data in Youth Offending Team (YOT) records of ethnicity, and recording practices need to be improved. There will of course, be some occasions where young people will refuse to record their ethnicity as their preference.

### Gender Identity and sexual orientation

There is a lack of research on this subject in the United Kingdom. However research undertaken in the US<sup>7</sup> indicates that youth justice services are characterised by a profound lack of acceptance of Lesbian, Gay, Bisexual, and Transgender (LGBT) identity, based in large part on misconceptions about sexual orientation and gender identity. These include myths that youth, by virtue of their age, cannot be LGBT or that LGBT youth simply do not exist within the youth justice population. In reality, sexual orientation and gender identity for many individuals are established at young ages, and emerging research in the US indicates that approximately 13% of youth in detention facilities across the country are LGBT. The failure of some youth justice professionals to recognise the existence of LGBT youth has left them ill equipped to meet the needs of this largely hidden population

We cannot confirm that similar situation exists within youth justice system in England and Wales, but the research certainly makes us aware of these issues.

### Disability and Learning Difficulties

The Joint Inspection of Youth Offending Teams Annual Report, 2006/07, found that 62% of young people in contact with youth offending teams had 'schooling difficulties' and, in some cases, were unable to access services in the same way as other children in the locality.<sup>8</sup>

Various research suggests that prevalence of mental health problems for young people in contact with the criminal justice system ranges from 25% to 81%, being highest for those in custody. Based on the figures in this literature, it could be indicated that the rates of mental health problems are at least three times as high for those within the criminal justice system as within the general population. The most common disorders for both the normal population and the population of young offenders were conduct disorders, emotional disorders and attention disorders. Substance misuse is also a particular problem.<sup>9</sup>

### Faith or Religion

The religious affiliation of young people in the criminal justice (in particular those in the secure estate) is generally not recorded nationally. However, services delivered to young people in custody are responsive to the religious needs of young people.

There is a question on the relationship between religious discrimination and discrimination which is connected with other protected characteristics. It is really important to bear in mind an 'indication of the extent to which religious discrimination overlaps with racial discrimination'. Within the social sciences, the historically dominant

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<sup>6</sup> May T., Gyateng T., Hough M. *Differential treatment in the youth justice system*, 2010 (P VI)

<sup>7</sup> Majd K., Marksamer J., Reyes C. *Hidden injustice: Lesbian, Gay, Bisexual, and Transgender Youth in Juvenile Courts*, 2009

<sup>8</sup> Talbot J. *No one knows: prisoners voice: experiences of the criminal justice system by prisoners with learning disabilities and difficulties* 2008 (P 74)

<sup>9</sup> Jacobson J., Talbot J. *Vulnerable Defendants in the Criminal Courts: a review of provision for adults and children*, 2009 (P 37)

tradition has tended to understand religion as a dependent variable of ethnicity and/or culture. In this tradition, to varying degrees, religion has been seen as certainly a functional and sometimes an almost instrumental reinforcement of a primary category of ethnicity.<sup>10</sup>

## **5. Individual strands of the strategy**

In meeting the objectives stated above, the Secure Estate strategy contains a small number of specific proposals which are subject to consultation with stakeholders. These can be summarised as follows:

- In response to the sustained decrease in demand for custodial places, continue to decommission secure places. Reflecting the fall in demand for places for the 10-14 year-olds, the reductions in commissioned places are now likely to be proportionately higher in the Secure Training Centre (STC) and the secure children's home sectors. This will ensure the estate can operate efficiently by ensuring savings from reducing excess capacity.
- Build on emerging good practice in providing intensive support in enhanced units such as the Keppel Unit at Wetherby Young Offender Institution (YOI) and the Willow Unit at Hindley YOI. This will help to ensure that the needs of the most challenging and vulnerable young people in custody can be met effectively thus hopefully improving rehabilitation and reducing reoffending.
- Build on existing work with Local Authorities to assist young people in the resettlement process. In the longer term (and in a period that may extend beyond this strategy) we will consider developing a limited number of smaller, satellite sites that either aid post release resettlement back into the community, offering open living accommodation, or offer semi-secure step down accommodation. We are mindful of the extent of our commissioning powers in taking forward these proposals, and will, in many cases, be working in partnership with 3rd sector providers and Local Authorities. This will seek to ensure that rehabilitation outcomes for young people are improved thus reducing reoffending.
- Explore whether powers under the Criminal Courts (Sentencing) Act 2000, as amended by s.34 of the Offender Management Act 2007 (OMA) enables the commissioning of alternative accommodation for a small number of young offenders in order to improve our ability to manage risk and ensure better outcomes for young people. This proposal would require legislation to take forward.

### Assessment

#### **- Decommissioning**

We recognise the risks in further decommissioning and there is a likely adverse impact on 10-14 year old boys and 10–16 year old girls. However this is mitigated by the continuing decrease in demand and alternative appropriate provision being made available within the estate. The YJB regularly reviews its current provision against possible future demand and adjusts commissioning decisions accordingly. In doing so, specific characteristics of young people in custody are taken into account – including age, gender, ethnicity as well as specific needs presented.

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<sup>10</sup> Paul Weller. *Religious discrimination in Britain: A review of research evidence, 2000-10*, 2011 (P 9 – 10)

Further reductions to the secure estate may have an adverse impact on the ability of families to maintain regular, face-to-face contact with the young person. This impact is mitigated by providing placements that are best equipped to deal with any specialist needs.

When placing young people in custody the YJB works hard to ensure that the establishment in which they are placed best suits their individual needs. Distance from home is one of the issues considered by the YJB placements team. However, a reduction in the size of the secure estate, in response to falling numbers of young people in custody, means that on some occasions a young person may be held further from home. Ensuring the most appropriate placement to meet a young person's needs will be the primary consideration.

#### **- Identifying and meeting young people's needs**

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 have very complex physical and mental health needs. The development of enhanced provision will better enable the YJB to meet the needs of all young people, especially those with:

- learning difficulties
- speech and language problems
- behavioural issues
- mental health conditions.

This, in turn, will ensure that the needs of the most challenging young people in custody can be met effectively thus improving rehabilitation and reducing reoffending. The recently published 'Keppel Unit Process Evaluation 2011'<sup>11</sup> suggests that the unique environment is more likely to contribute to a positive reduction in risk factors than had the young people been placed elsewhere.

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 continue to enhance access to accredited, relevant and transferable training for all youth justice practitioners working in secure establishments. This will include necessary training on identifying and addressing the specific needs presented by children and young people.

The needs of young people will effectively be met if comprehensive assessment and information sharing processes are in place. The YJB will continue to improve this practice by issuing 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 planning.

#### **- Resettlement**

The planned improvements to resettlement provision will not have an adverse impact on any specific group of young people currently placed in custody. As commissioners, the YJB will ensure that any potential provider must have in place a clear strategy for selecting and working with young people. These strategies must have a clear focus on having in place procedures to effectively meet the individual needs of all young people.

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<sup>11</sup> See <http://www.justice.gov.uk/guidance/youth-justice/specialist-resources/keppel-unit/index.htm>



This will include having in place arrangements to monitor outcomes by protected characteristics. Where provision is delivered by outside providers, the need to monitor this is a contractual requirement.

#### **- Alternative accommodation**

We recognise that it is a challenge for current service provision to meet the needs of all young people in the secure estate. As mentioned before, a small minority present very complex physical and mental health needs, especially those with:

- learning difficulties
- speech and language problems
- entrenched and serious mental health conditions
- psychiatric disorders (where diagnosed/diagnosable).

We are exploring whether we could place these kinds of young offenders in alternative accommodation using powers under s.34 of the OMA. This, in turn, will ensure that the needs of the most challenging young people in custody can be met effectively thus improving rehabilitation and reducing reoffending. Should the YJB make use of this provision in the future, robust monitoring arrangement will be in place to monitor outcomes of young people placed in alternative provision.

#### **6. Are there any gaps in information that make it difficult or impossible to form an opinion on how your proposals might affect different groups of people?**

Internal data supports the development of policy proposals outlined in the strategy. Information broken down by age, gender and ethnicity is readily available and allows reasonable assessments to be made.

However there is currently a gap in recording disability. This is largely due to issues around clearly defining and recording disabilities in existing case management tools. Plans are already in place to redress this inconsistency as part of the introduction of a new assessment and sentence planning system eAsset. As part of these developments, young people's health and medical conditions will be recorded and reports will be available. A separate EIA was completed during the feasibility and consultation stage of this project. A statement of intent on the Assessment Framework is available on the YJB website.

#### **7. Consultation**

The consultation document will be published in the Youth Justice page of the Justice.gov.uk website. A Welsh version on the consultation document will also be made available. A dedicated mail box has been created to ensure that all consultation responses are managed correctly: [secureestatestrategy@yjb.gov.uk](mailto:secureestatestrategy@yjb.gov.uk)

The target audience will be: 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 services managers; forum groups for different diversity groups; Parliamentarians; and young people. In addition, the YJB has commissioned Barnardos and Voice to undertake a study to gain the opinions of young people who are currently in custody. In undertaking this work, Voice and Barnados will ensure the sample is reflective of the current make-up of the wider custodial population.

The YJB will also specifically engage with 3rd sector representatives in London. The YJB will ensure that representatives of diverse sections of society are included on the invite list in order to facilitate meaningful dialogue.

Finally, we would like to hear from you should you have any queries or comments on the above assessment. We are particularly keen to understand whether more could be done to maximise positive equality impacts or minimise adverse impacts. Your comments will feed into the wider responses made as part of the consultation process. We are committed to publishing a summary of the responses received.

Please direct any comments you may have to [secureestatestrategy@yjb.gov.uk](mailto:secureestatestrategy@yjb.gov.uk).

#### **8. Please provide details of how you will monitor evaluate or review your proposals and when the review will take place.**

The policy proposals contained within the document are still subject to consultation. Full Equality Impact Assessments (EIAs) will be completed at a later stage and consultation feedback will help inform those assessments. As part of the publication of the final Secure Estate Strategy an implementation plan will be developed outlining how the Government wishes to implement commitments made in the strategy. In developing final policy proposals, as well as this implementation plan, further EIAs will be completed for each strand of work and equality issues identified by the public consultation process and EIAs for this strategy will help to inform the policy proposals.

#### **9. Summary**

The Secure Estate Strategy consultation document outlines proposals for the secure estate for children and young people in England and Wales during the period 2011/12 to 2014/15. This strategy will enable the YJB to deliver its priorities, and to set a clear agenda for the development of the under-18 secure estate. Its main aim is to ensure that the YJB meets its overall objectives of:

- reconfiguring the secure estate to align with falling demand;
- continue to improve regimes delivered to young people; and
- ensure spending review commitments are met.

It is anticipated that the policy proposals contained within the consultation document will have a positive impact on meeting the specific needs of young people across the secure estate. A summary of the results of the consultation will be published in due course and the Strategy and relevant equality impact assessments will be finalised and published.

Promoting equality, working in a non-discriminatory way and valuing diversity are fundamental. The YJB will continue to collect data on discrimination and will review qualitative information in order to promote effective practice.

*Name of Senior Manager:* Ray Hill

*Department:* Youth Justice Board

*Date:* July 2011