



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

**Y Pwyllgor Cymunedau a Diwylliant
The Communities and Culture Committee**

**Dydd Iau, 21 Mai 2009
Thursday, 21 May 2009**

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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn ogystal,
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.
In addition, an English translation of Welsh speeches is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Alun Cairns	Ceidwadwyr Cymreig Welsh Conservatives
Janice Gregory	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Lesley Griffiths	Llafur Labour
Mark Isherwood	Ceidwadwyr Cymreig Welsh Conservatives
Bethan Jenkins	Plaid Cymru The Party of Wales
David Lloyd	Plaid Cymru The Party of Wales
Joyce Watson	Llafur Labour

Eraill yn bresennol
Others in attendance

Keith Towler	Comisiynydd Plant Cymru Children's Commissioner for Wales
Catriona Williams	Prif Weithredwr, Plant yng Nghymru Chief Executive, Children in Wales

Swyddogion Gwasanaeth Seneddol y Cynulliad yn bresennol
Assembly Parliamentary Service officials in attendance

Annette Millett	Dirprwy Glerc Deputy Clerk
Stefan Sanchez	Clerc Clerk

Dechreuodd y cyfarfod am 1.02 p.m.
The meeting began at 1.02 p.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Janice Gregory:** Good afternoon everyone and welcome to the Communities and Culture Committee. Before we move to the main business, I remind everyone to switch off any BlackBerrys, pagers or mobile telephones now. Simultaneous translation from the Welsh language to English is available on channel 1 of the headsets. Channel 0 provides amplification of sound. There is no fire drill planned for today, so in the event of a fire alarm sounding, we must ensure that we leave the room and the building as directed by the ushers, who will guide us to the nearest safe exit and assembly point outside. We are running slightly late. I have received apologies from Lynne Neagle and Eleanor Burnham. I understand that Alun Cairns is running slightly late at the moment. There are no substitutions this afternoon. As Members will be aware, we are in public session for the first part of the afternoon, during which we will be taking evidence from Keith Towler, the Children's Commissioner for Wales, and from Catriona Williams, who is the chief executive of Children in Wales. After this, we will move into private session for the agreement of the reports on the inquiry into

newspapers in Wales and the broadcasting inquiry. I am expecting the meeting to finish on time.

1.03 p.m.

Ymchwiliad i Gyfiawnder Ieuenctid—Casglu Tystiolaeth Inquiry into Youth Justice—Evidence Gathering

[2] **Janice Gregory:** Welcome, Keith. You are a regular visitor to the National Assembly, so you know how we work. First, I wish to thank you for agreeing to come to give evidence to this very important inquiry that the Communities and Culture Committee is undertaking into youth justice. Thank you also for the paper that you submitted. I am sure that everyone around this table has been in a meeting of one kind or another and heard your opinions on a number of issues relating to children in Wales and has been as enthused as I have. We are on a tight schedule this afternoon. We have a series of questions, which I intend to move straight to. Of course, you can expand on those and, if there is anything that you want to add at the end, please feel free to do so. Lesley Griffiths has the first questions.

[3] **Lesley Griffiths:** Hello Keith. There has been recent scrutiny of the youth justice system across the UK by the United Nations Committee on the Rights of the Child. In your very detailed paper to committee, you talk about what needs to be done to improve experiences for young people held in the secure estate. Could you expand on that? Could you also tell us what you feel Welsh Ministers need to do to improve those experiences?

[4] **Mr Towler:** Yes, I am happy to do that. You will be aware that I have made a couple of visits to young offender institutions as the children's commissioner. I have been to Her Majesty's Prison and Youth Offender Institution Parc in Bridgend and to Ashfield in Bristol, so I have seen, at first hand, some of the things that I am talking about. You will also know that I was involved in youth justice for quite a long time before becoming children's commissioner, so I am quite well versed in this subject. The thing that has struck me, particularly when we went to the UN Committee on the Rights of the Child to talk about youth justice across the UK—and I led on the evidence giving on behalf of the four commissioners—is that we are faced with a situation whereby the UN committee has been struggling to understand the differences between devolved Government targets and what the UK state party was required to do. For example, with regard to the age of criminal responsibility, the Welsh Assembly Government has a very clear commitment to young offenders being seen as children first and offenders second, but we have an age of criminal responsibility as low as 10. The devolved Government in Wales says that it is committed to a rights-based piece of work, but there is that low age of criminal responsibility. So, I was very pleased with the concluding observations of the UN committee. The Welsh Assembly Government needs to ensure that the Westminster Government, which is the responsible state party, starts to address those concluding observations. When Dr Kamal Filali and Lucy Smith, the UK rapporteurs to the UN, visited the UK recently, they reminded Jane Hutt, the Minister here, and all of us who were present that the concluding observations are obligations on the state party and that, therefore, we really need to see some progress. It is incumbent on the Welsh Assembly Government to ensure that very strong representation goes to the UK state party to ensure that we start acting on this.

[5] On the specifics and what the Welsh Assembly Government can do now, it is still not good enough to have young people in the secure estate whose mental health needs are not being addressed or dealt with. I am very much aware, and a very keen supporter, of the education pilot scheme that is going on, but that needs to be extended across the secure estate for any child who is normally resident in Wales and finds themselves in an England-based YOI or, indeed, in Parc. I am extremely concerned about how far away from their home areas many children and young people in the secure estate are held. Some very practical areas of

responsibility are devolved to the Welsh Assembly Government, and I believe that the refreshed all-Wales youth offending strategy really needs to concentrate on practice outcomes. There should be less of the strategic work here and more consideration of how we are going to improve the quality of experience for these children in the secure estate.

[6] **Lesley Griffiths:** Do you think that responsibility for security should be devolved to Welsh Ministers?

1.10 p.m.

[7] **Mr Towler:** I am on record as saying that I think that that would make a lot of sense. Devolving youth justice is a huge issue. If we were beginning to think about devolving the management of the secure estate, that would raise questions around devolving criminal justice. The example that I would give—and this is relevant to your discussions here—is the debate that we had and that is probably still going on about devolving police authority responsibility. We have a situation whereby we have Westminster Government targets in relation to anti-social behaviour, which are crudely measured in terms of how many anti-social behaviour orders are being delivered. There are chief constables in Wales who hold a very good and firm line, who do not see the number of anti-social behaviour orders as a measure of success. That does not mean that they are not working really hard and effectively on reducing anti-social behaviour, but it does mean that their police authority is almost viewed as a failing authority. So, if we start to think about devolving a component of youth justice, we need to think about it in the much broader context. That is a big debate, and I would welcome it. While that is going on, we have to focus on the current failings for so many children and young people. There are some practical steps that we can take, within our devolved areas, to start influencing that change. However, the management of the secure estate, in relation to proper devolution in youth justice, cannot be looked at in isolation. It is a much broader issue.

[8] **David Lloyd:** You make the point that, in the area of youth justice, your statutory powers, as Children's Commissioner for Wales, are insufficient to safeguard some aspects of children's rights and welfare. What discussions, therefore, have you had with Welsh Ministers about issues affecting Welsh children in the secure estate? What specific further action is needed to protect children's rights and welfare?

[9] **Mr Towler:** The first point that I would like to make is that it is quite confusing for children and young people when they or their families make contact with me, as the Children's Commissioner for Wales. There is an understandable expectation that I, as the children's commissioner, should be able to review their individual case. That is outside my powers and remit, although it does not stop me from making representations, and I do make representations quite frequently. I have been on record as saying that, with regard to abuses of children's rights, I see the youth justice system as being an area in which that is occurring at a frequent rate. I liaise regularly with the Youth Justice Board in Wales, and it provides me with regular updates on the sentencing figures. We are in liaison with it at the moment with regard to looking at how youth justice can work towards increasing children's participation, all of which is positive and good. Nevertheless, children who are caught up in that process do not have a children's commissioner who can function in the way that I think the commissioner should function. Indeed, that is clear in the concluding observations of the UN committee.

[10] I went to Parc and Ashfield young offenders institutions, at the invitation of the governors of both. I have seen the staff there working really hard, doing the best that they can in very difficult circumstances. Members of my team regularly go to Parc and Ashfield to meet with children and young people, to talk about advocacy and the plans that they have for their release. We have a very good relationship. I have not yet been to Stoke Heath young

offenders institution. I would like to go there to see what is going on. We are trying to do the best that we can; nevertheless, it is a big and substantive issue.

[11] Sir Al Aynsley-Green, the Children's Commissioner for England, does have, within his remit, the ability to review areas such as asylum and youth justice. The difference between his powers and mine is that he has to make representations to the Westminster Government that he would like to conduct a review, and the Westminster Government has to agree. That is the sticking point. I know that Sir Al Aynsley-Green did make representations to say that he would like to conduct a review. That was received with interest, but not agreement. So, we do not have children's champions or commissioners working in the way that we would expect.

[12] **Mark Isherwood:** Over the years, the commission has expressed concerns about the independence of advocacy in care. How satisfied are you with the provision of independent advocacy services in secure establishments, and after release back into the community? What do you consider to be the additional support services that are required to help children and young people access services?

[13] **Mr Towler:** The provision of advocacy services for children in the secure estate is patchy and incoherent. I continue to support the idea of my staff going to secure estates reasonably regularly so that we do the best that we can to bring to young people's attention the fact that they have a right to advocacy and that we can help them in any practical way. However, it is not my responsibility, as children's commissioner, to provide advocacy services, so we try to make connections with local advocacy providers.

[14] The inherent difficulty with the secure estate is the environment, and it is difficult for a young person to say, 'Can I have a word with you and talk about this?', even if the children's commissioner is there. Even though—and I repeat the point—the staff and officers whom I have met in the secure estate want to be as open as possible, you cannot get away from the fact that the environment militates against children and young people feeling confident to ask whether it is their right to get advice on whatever it is they are concerned about. That concerns me, as does the fact that advocacy does not work within the secure estate as well as I would like it to. My resourcing, of sending in officers from time to time to those two institutions, does not sufficiently meet that demand. I should not be plugging the gap.

[15] To go back to your point on the refreshed youth offending strategy, I look forward to seeing it. Those are the kinds of planks that we need to put in place to improve practice outcomes for children in a tangible way. That is what we need to do. We need to focus on the practice issues: who will deliver this, how will it be funded, and how will we secure it? Given that the Youth Justice Board for England and Wales has developed some really good monitoring, it knows who is going into the secure estate and what the flow is. It is not beyond the wit of a youth offending strategy to start to predict who is coming out and when, what their resettlement needs are, what the accommodation should look like, and what advocacy they require. We are not talking about huge numbers. The youth offending strategy needs to drill down into such outcomes so that we are not in the position of not knowing how we can access those services.

[16] What I also sense from the youth offending institutions that I have visited is that they are open to this, and they would like to work in this way. When I went to YOI Ashfield, what surprised and concerned me was that the officers there said strong and encouraging things about their relationship with the Rhondda Cynon Taf youth offending service, but they also said that they did not have that level of relationship with other youth offending services in Wales. That is a critical thing for them to be saying.

[17] **Joyce Watson:** I have a tiny supplementary question to tease out the issues. You

summed it up by saying that we are not talking about huge numbers of children, so we should be able to protect them, and society should be concerned about their welfare. I want to tease out whether you think that there is a misfit between the public's perception of the need to protect vulnerable children when they are at home being abused and when those vulnerable children are in a secure estate. I ask that because that perception often drives the agenda, however well intentioned we are. We try to do our job as politicians, you try to do yours as commissioner, and the police try to do their job, but I wonder whether we can carry with us some sort of public empathy, which is clearly needed.

[18] **Mr Towler:** Absolutely. I could not agree more with what you imply. The whole safeguarding agenda is just critical in this debate. To go back to the practical application of the principle of their being children first and offenders second in the youth offending strategy, that means that safeguarding or protection is the No. 1 priority of that system; it is not about punishment or reform, but about safeguarding. I do not know the percentage of children and young people in the secure estate who have come from looked-after backgrounds, but I know that it is incredibly high. They do not just change from being vulnerable in one system to not being vulnerable in another; they are children.

1.20 p.m.

[19] **Joyce Watson:** Thank you for that. I could have guessed the answer, but I wanted to tease it out into the public domain.

[20] You highlight in your paper—and you have alluded to this quite a lot this morning—the differing levels of service provided to Welsh children and young people in Parc prison in Bridgend and Ashfield in Bristol. Would you like to expand on what you mean by 'differences' and on the quality of service being received?

[21] **Mr Towler:** The principal issue that I have become concerned about in my time as commissioner is the provision of child and adolescent mental health services. I have had several promises of level 2 and 3 children and adolescent mental health service provision being made available at Parc. The staff at Parc keep asking why this is not happening. It is in the gift of the Welsh Assembly Government to make this happen. When I went to Ashfield, I met two young people from Wales who had very challenging behaviour, and there were absolutely no plans in place for them, although the staff were doing the best that they could in that institution. I also met three young people from England who had similar challenging behaviour, and their care plans were sorted. It was very clear who was going to fund them, what the resettlement packages looked like, and where they fitted in. It is not good enough that the same did not apply to those from Wales, and it represents a fundamental breach of the UN Convention on the Rights of the Child. What we need is fewer idle promises and more action. We need that CAMHS provision to be made available. If we have an agreement, that is fine, but we really need the youth offending strategy to say when it will come on-stream, how it will be made available, what links are being made back to local communities, and how the total care package will work for these vulnerable children. Mental health services are a real principal concern for me.

[22] **Bethan Jenkins:** As a point of information, I think that the figure on looked-after children is 50 per cent. That is from Children in Wales's evidence, and it is a stark figure.

[23] What type of secure estate structure would you like to see in Wales? On rehabilitation, touching on what is happening in Finland, non-custodial centres and the provision of psychiatric units has substantially decreased the number of people being held. Do you see something similar being replicated in Wales? Have you looked at other systems that could prove beneficial for us to look at as a committee?

[24] **Mr Towler:** The UN committee makes this really clear. We need real investment in providing alternatives to custody. There is no doubt about that. A range of community-based options is needed that magistrates can be confident about using and understanding. I will come back to the point about sentencing later. I will park that for a moment and come back to it.

[25] On secure provision, we will never be in a situation in which we can do away with secure provision for children who are caught up in that system—for their own protection and safety, as much as anything else. That is fundamentally true. The counterbalance to what I am saying is that we cannot afford to work it in that way, and what we really need are small units located in Wales for children who are normally located here, and which operate on a human scale. I do not like institutions that are tagged onto massive prisons and called young offender institutions. I do not believe that secure training centres operate a care model. I just do not see that. I do not think that the children and young people whom I have met and who have been through the secure training centre model would say that that was a care environment. The issue is about a secure care environment. The only way in which you can deliver a secure care environment, I think, is to have small units that work much closer to home, rather than something that is based on a prison system.

[26] **Bethan Jenkins:** Would that involve social services and so forth?

[27] **Mr Towler:** Yes. What goes on in Hillside, with the care package provided there, is excellent. So, yes, I would like to see local authorities taking some responsibility, but we are talking about quite a big initial investment. As we said previously, we are also talking about quite small numbers, so the investment in capital for those small numbers would be upfront, and we would then have to find the revenue. I know that there is a debate going on at the moment about WAG saying, ‘We have capital; who will provide the revenue?’, but, if we sorted that out, we would be in control of sentencing. We could then start to reduce the number of children, even the quite small number that currently exists, required to be in secure conditions, as long as we developed good alternatives to custody.

[28] On the sentencing guidelines, I was at a meeting of the Dyfed branch of the Magistrates’ Association a month or so ago, where I heard about the reorganisation of the magistrates’ courts in Mid and West Wales. That means that youth courts are closed in that area, and, as a consequence, children and young people must travel long distances to be sentenced and for their remand hearings. I am told that no young person has been sentenced in an adult court as a consequence of that. If that had happened, it would be a complete breach of the UN Convention on the Rights of the Child, and it just should not happen. However, I have met magistrates who have said that they are trained for adult courts, but who have young people appearing before them. They will remand them on bail or in custody but they are not trained to deal with them. They do not understand the youth courts system, and they actually feel quite vulnerable as magistrates in that situation. I am looking into this matter and will make representations about it.

[29] That goes back to the issue of having a devolved youth justice system. If we had a devolved youth justice system, we could set sentencing guidelines for how we would like the youth justice system to work, and we would not place magistrates in the position of having to make very difficult decisions about children. Then, I would not have them telling me, ‘I am not trained to make those decisions’. We can talk about the management of the secure estate, sentencing guidelines, and Her Majesty’s Courts Service, but that decision by the courts service, which it may have made for very good reasons according to its own rationale, cuts across what we are all trying to achieve with the youth offending strategy. If that practice is not reversed, I will have very strong things to say to the UN committee on the UN Convention on the Rights of the Child, namely that these children might not be being tried by adult courts, but may be going through adult courts.

[30] **Mark Isherwood:** Following on from that, I recently attended a centenary event of the child and youth court in Mold, where mock trials of 100 years ago were held as well as versions of today's trials. There was a panel of magistrates there who had been trained, so the training is available, but, as you said in your experience, it is ad hoc. Regardless of whether the youth justice system is devolved, could we not improve the take-up of training within the provision that already exists?

[31] **Mr Towler:** In my experience, youth court training for magistrates is very good indeed. Someone who chairs a youth court panel will have had experience of sitting in a youth court, will be well trained, and will understand the whole process and system in relation to young people. We often forget that magistrates are volunteers who are working in their local communities, so their motivation for being a part of this is to work and to make a contribution to society. We sometimes lose sight of that. So, training, development and a commitment to wanting to sit on a bench requires individual commitment. We do not pay these people, but we make a number of requirements of them. I have a lot of time for what magistrates do, and they do a really good job. However, I get very concerned when I hear them talk about being placed in a vulnerable position themselves by the administration of the courts system—because that is where we are at. You could say the same of people working in the secure estate who also feel vulnerable in relation to safeguarding. We are placing people working in the system in a very difficult position.

[32] **Mark Isherwood:** You have largely answered my next question, because you highlighted mental health as one of your main concerns in relation to the CAMHS provision. Do you have anything to add to what you said earlier about the action that you feel Welsh Ministers could take to broadly address your concerns about mental health provision?

1.30 p.m.

[33] **Mr Towler:** When we have this debate, people get a little confused between additional learning needs in education and CAMHS provision. One thing that we could clearly do is just signal that these are actually two different things that need to happen. That is the first thing. I would like you to pursue a guarantee from the Welsh Assembly Government that tiers 2 and 3 of CAMHS support will be made available to children in the secure estate. I see evidence of this happening, but I think that people who work in the secure estate, the youth justice board and the youth offending service understand that the tier 1 work is the responsibility of all of those agencies, and they do the best that they can. They become vulnerable when they identify needs with no real expertise—they know that it is something else. They will start to feel vulnerable about that if we do not have tiers 2 and 3 available for those children. I think that that is an absolute given; it just has to be in place.

[34] **Lesley Griffiths:** In your paper, Keith, you refer to children and young people who have special educational needs statements and how, when they are in a secure setting, these are not acted upon. I have visited Stoke Heath and this issue was raised with me by a prison visitor on behalf of a young person. Could you tell us more about your concerns about this issue and what you believe is the quality of provision of services provided to children and young people in secure settings?

[35] **Mr Towler:** When I went to Ashfield—and I am sure that it was not just because I had turned up—I could see that people have made a real effort to look at the curriculum diversion that goes on between England and Wales and to do the best that they can to address that. When it comes to additional learning needs, I think that they really struggle to understand what they can deliver and how they can deliver it. There are Welsh speakers working in Ashfield; they make what effort that they can, to do what they can to work that through. There is no doubt that the pilot work that the Welsh Assembly Government has

taken forward is really quite good and starts to unpick what needs to happen within the secure estate, looking at how we can maintain a relationship within education in the resettlement plan, thinking through what the additional learning needs are, and thinking through what kinds of skills and qualification base there might be. There is some really good and effective work going on, but it needs to be extended.

[36] Even within the pilot scheme there are still gaps in terms of careers provision and advice, and in relation to education and skills development. I see that the secure estate is trying to do some really good things about all of that, but you cannot get away from the dislocation from school life. Even in terms of a relationship with school, we have the technology nowadays to maintain online relationships between schools in terms of casework. We could do all of that work. I remember us looking very hard, when I was working at Nacro, at how a student goes into secure accommodation in the middle of a GCSE year could maintain a relationship with the school, pursuing his or her education without too much hindrance, given the circumstances. It is not right to say that all of those children who will find themselves in the secure estate have made no progress at all within the education system. We tend to stereotypically think that they will all be children who have either been suspended or excluded from school and have no relationship with education, and anything that we do will be better than nothing. I do not believe that that is true. Again, it is a small number of children. If we were in some control of this system, we would be able to deliver it. I think that the secure estate does its best, but it is working in difficult circumstances.

[37] **David Lloyd:** Still on education provision in the secure estate, we have heard from the youth justice board, as part of this review, that there is a shortage of training places for 16 and 17-year-olds in the community, and that there are often delays between the release of a young person and their access to a training place. The youth justice board is working with the Assembly Government to rectify this situation by establishing in-reach careers advice to English establishments. To what extent will this address the needs of Welsh young offenders, and what further action is needed to improve education provision in secure estate settings?

[38] **Mr Towler:** The youth justice board is very tuned into what needs to happen; with the Welsh Assembly Government, it has done some good work. I would not want to give you the impression that I am critical of that at all—it is doing some effective work. It is the youth justice board itself that has evidenced these gaps, and it has been very open in saying that it needs some assistance with this. The youth justice board team in Wales is committed to doing what it can and to working well and effectively with colleagues in the Welsh Assembly Government. Therefore, from that point of view, I am really quite pleased. What we have to ensure is that we have people from the careers service, particularly in relation to skills, who are able to programme in regular visits to the secure estate. Of course, children in a secure estate may be there for only three, four or five months. Because of the turnover rate, you cannot make an annual visit. Therefore, we need to programme in a commitment to developing practice that addresses the career and skills needs of those children. That is within our gift, because it is devolved planning, and that is something that the refreshed youth offending strategy could begin to do.

[39] There are a few things that I would like to see in the refreshed youth offending strategy. There are some things that I would like the youth justice board specifically to pick up: I would like the youth offending strategy to be explicit and clear about its relationship to the United Nations Convention on the Rights of the Child, and reference the UNCRC and the right and articles contained within it. I would like it to demonstrate how the work that it develops will address the concluding observations of the UNCRC. That is something that we could really pressure the Welsh Assembly Government to ensure happens. We are equal partners in the youth offending strategy, so that is what we expect to see happening, and that sort of thinking needs to inform what the UK state party does in relation to the concluding observations. If we have that commitment to education—we have not yet talked about

housing and accommodation, which is another big area—we must see writ large within that a rights-based approach to delivering positive outcomes for children.

[40] **David Lloyd:** That sounds like a recommendation to me.

[41] **Janice Gregory:** Absolutely. I have already got two. [*Laughter.*] Staying with the issue of the youth offending strategy, Mark has the next questions.

[42] **Mark Isherwood:** I was advised of this 10 seconds ago. [*Laughter.*] With regard to the all-Wales youth offending strategy, you have expressed concerns about young people being placed a long distance—up to 200 miles—away from their home authorities and the problems with support services that that creates. How should the strategy be refreshed or amended to reflect that, and does the strategy reflect the right balance between the preventative agenda, custody and resettlement?

[43] **Mr Towler:** I have not seen what the refreshed youth offending strategy looks like. I am also interested in the committee that has been established to oversee its implementation. It is pretty clear what I hope to see within the refreshed strategy. I would say that an issue for you might be to ensure that we have the skills that we need at the committee level—the Wales Youth Justice Committee—to ensure delivery and a real understanding of practice outcomes for children and young people caught up in the youth justice system. Therefore, although it is useful to refresh the youth offending strategy, we need to look at the membership of that committee to ensure that we have the skills—I am sure that we do, but it is worth asking the question, because I do not know what the membership is—to ensure that, from a very informed base, we are addressing what the education, skills, housing and accommodation and mental health issues are, so that we know what the practice issues are and we can begin to address those.

1.40 p.m.

[44] On whether the balance is right between the use of custody and the use of the alternatives, there is no doubt in my mind—although the custodial rates are falling or have fallen recently, we are still not sure whether that is a downward trend that will continue or whether it is a blip—that we need an increased level of alternatives to custody in our commitment to a youth offending strategy. The thing that the youth offending service has done really well—the youth justice board and the Welsh Assembly Government have been a clear part of this—is make a real commitment to preventative work. That is one of the absolute strengths and successes of the all-Wales youth offending strategy so far. We need to ensure that we do not lose that preventative focus and that we maintain it, to try to stem the flow that comes into what we call the system. When children and young people get into the system, there needs to be development, and some real effort needs to be put into alternatives to custody and sentencing provision.

[45] Something that magistrates say to me an awful lot—the Dyfed magistrates said this—is that they need to understand what the alternative sentence options are and that they need feedback. When they give a young person a community-based sentence or custody, they do not get to hear what happens unless that young person appears in court again and the magistrates happen to be the same. Magistrates need to have confidence in alternatives to custody so that they will use them. We need something that embraces them as partners in this process, recognising that we are not going to compromise their decision making, because they need to do that. They need feedback on how good community sentences can be, so that they can use them with confidence. We have lost sight of that a bit, and we probably need to address it. It would be interesting to know whether there are Magistrates' Association members on the committee for Wales, and whether we think about sentences as part of that system and process. I believe that we have the balance wrong on some of that.

[46] **Mark Isherwood:** Can we find that out from research?

[47] **Janice Gregory:** Yes. Bethan Jenkins is next.

[48] **Bethan Jenkins:** You will know—you have met with her—that Leanne Wood did a paper on this issue. Some of the points in her paper were on the provision in the Children and Young Persons Act 2001 for alternatives to custody, such as reparation orders. Do you think that that is being utilised enough as an alternative to custody?

[49] **Mr Towler:** It is not being used as much as it could be. We have seen real success from restorative justice and restorative programmes. Going back to your question, Mark, what we should see in the all-Wales youth offending strategy is a commitment to restorative approaches, because that would build beautifully on a preventative approach, which is about trying to identify children and young people who are at risk and working with them in their local community to try to address that risk. A restorative approach would be about community healing and the community moving forward when a young person gets caught up in the system, and about victims feeling very much a part of that process. Sentencers need to have confidence in restorative justice. All of that would begin to stem the need for security and secure accommodation, and we would have a civil society that understood that children get into trouble and do naughty things. We all have a responsibility to ensure that we manage that without doing damage to them. At present, recidivism rates for secure training centres and YOIs are far too high, and I would argue that, from a rights perspective, that is doing damage to those young people. So, we do not use that well enough.

[50] One thing that the four UK commissioners are considering is whether we could do a piece of joint work on alternatives to custody. There might be some strength in the four commissioners doing some research on that and, if we can agree it, coming up with something that might help people to consider the responsibilities that we have to young people who are caught up in this system. That would be quite powerful, it would have application across each country of the UK, and it might focus minds a bit on what we are doing to young people in this system.

[51] **Joyce Watson:** I stopped you saying anything earlier about housing provision, but I am going to give you an opportunity to say something now. You rightly say that it is a high priority for you. Having made that statement, what action do you think Welsh Ministers need to take to improve the links between mainstream and specialist services, to meet the housing needs of children and young people who are clearly at risk of going into custody? What further action is needed to meet the resettlement needs of Welsh young offenders?

[52] **Mr Towler:** It is now acknowledged that, when the legislation for the establishment of the youth offending teams was being drawn up—and hindsight is wonderful—the big mistake that we made at that point was not thinking about housing and accommodation as a statutory partner in the process. We have been on the back foot ever since with regard to accommodation needs. The use of bed-and-breakfast accommodation as a platform from which you can manage an effective alternative to custody is shocking, and it still happens. What can we do about that in Wales? I get criticised for saying this, but we have single plan arrangements in Wales, and, across Wales, we will see that the youth offending services are very much a key part of them. However, in practice, what I hear is that in some parts of Wales, youth offending services have started to almost be seen—and this is what I get criticised for saying—as isolated, multi-agency, specialist teams, operating ‘over there’. Some practitioners in some services see the YOT as being in a very rich place, with many resources attached to it.

[53] What we ought to see—and the Welsh Assembly Government ought to ensure this—

is the single plan arrangements for children and young people being the overarching plan within which our work on youth offending fits. So, we could think about accommodation and housing service provision, because it is within the single plan framework, rather than thinking about it as yet another service that needs to be somehow bolted on to the youth offending service. We need to mainstream our thinking about the rights and needs of children who are, at the moment, caught up in a very punitive system. I think that the single plan is the route to ensuring that housing and accommodation providers are encapsulated in what youth offending services need to be delivering.

[54] I visited the Llamau project in Cardiff recently, where I saw fantastic work. Young people there were talking to me about how they have to prove whether they are intentionally or unintentionally homeless. As a result, they cannot access benefits or support, and they rattle about—I learnt a new phrase, ‘sofa surfing’, which is when they go around different friends’ houses—or are sleeping rough. If any of those young people find themselves in front of magistrates, with no fixed abode, they are so vulnerable to a custodial sentence, which is sometimes not proportionate to the offence. That places magistrates in a ridiculous situation. So, we should see resettlement programmes and the provision of good, decent accommodation for people who are coming out of prison within the context of the single plan.

[55] **Bethan Jenkins:** I would like to hear about the role you think that the children and young people’s partnerships play in commissioning services that are responsive to children’s needs, and whether you have looked at any of the children’s plans to see whether that is happening on the ground.

[56] **Mr Towler:** We have the plans and we are starting to look through them now. I cannot give you a detailed answer as to where I think we are with that. We have made a decent start in relation to the single plans, but we are on a learning curve. We will want to see lots of development, and that is healthy. It is something that needs to grow incrementally, and being able to capture everything that we want in the first draft of single plans would be very difficult indeed. So, yes, we are looking at them.

1.50 p.m.

[57] In relation to youth justice in particular—and this is critical—article 12 of the UN Convention on the Rights of the Child in the context of sentencing decisions and all decisions in the youth justice system, is a big one for us in as much as we have a Welsh Assembly Government that is clear about rights to action and children’s voices being listened to. At the moment, they are not being listened to. So, there is an issue about commissioning services and children’s participation in that. The Youth Justice Board in Wales is also keen to work with us on getting children to participate in developing a response to those who get caught up in the secure system and in the youth justice system and I am keen to work with it on that. For example, who better to determine the effectiveness of an alternative to a custodial sentence than a young person who has been through that process? When we undertake effectiveness evaluations, we tend to look at recidivism rates: if someone has reoffended and whether the scale or proportion of their offending has been reduced. We are not terribly good at talking to young people about what made a difference for them.

[58] **Bethan Jenkins:** Do you think that there is conflict here, for example, between the punitive element of the UK Government’s response to all of this and the UN convention? Is the convention being undermined by that very point?

[59] **Mr Towler:** It is one of those situations where, if the UN convention were enshrined in UK law, we would find ourselves with some real legitimacy to say to the Westminster Government, ‘It is about time that you addressed this’. At the moment, we are constantly persuading the Westminster Government to get on board with the UN Convention on the

Rights of the Child. The fact that the UK Government is not on board with that presents real difficulties for us in Wales. What we can do, even within our current settlement, is improve outcomes for children and young people. We need to focus on that, but we must not lose sight of the fact that we are dealing with a Westminster Government that does not seem to have an appetite for making some moves.

[60] **Janice Gregory:** Mark, you have the next question.

[61] **Mark Isherwood:** I think that you have just answered three quarters of my question on article 12 and participation, but the latter part was: how effective are complaints procedures in secure settings?

[62] **Mr Towler:** We have a lot of work to do on complaints procedures. For me, it is the same issue as advocacy in that it takes a strong-willed young person to make a complaint about what is happening to them in a secure estate. We should put some effort into complaints procedures because I do not think that there are sufficient procedures in place. For example, I have heard that the secure estate is aware of the message about pain restraint techniques such as the nose distraction technique, which involves taking the palm of your hand and holding someone by the nose as a pain distraction technique. If I were a young person in receipt of that technique, I would complain. We do not hear many complaints about that. I know that the secure estate has acknowledged that that no longer needs to happen. However, if a complaints process worked well in the secure estate, you would expect young people to have complained about such techniques, but they have not.

[63] **Janice Gregory:** Thank you for taking the time to come to committee, Keith. You will be sent a transcript of your evidence this afternoon. I have already picked up three recommendations from what has already been said in committee, and there were probably several more in your evidence. Thank you, again, on behalf of the committee. No doubt, we will see you soon.

[64] **Mr Towler:** No doubt. It was my pleasure to attend and if you need any further clarification, please get in touch.

[65] **Janice Gregory:** We will now move on to our next visitor, Catriona Williams, chief executive of Children in Wales. Thank you for taking time to come here this afternoon and for the detailed paper that you were kind enough to submit. As with Keith, we will move straight to questions. Please feel free to expand on your answers. I know that you know how the Assembly works when taking evidence. The first question is from Lesley Griffiths.

[66] **Lesley Griffiths:** In the paper that you submitted to committee, you talk about the key differences between policy and practice in youth justice in Wales and England and how you believe the lack of devolved powers to Wales hinders the development of a distinctive Welsh youth justice policy. Can you expand on that?

[67] **Ms Williams:** I run the risk of sounding repetitive, following Keith. He has worked in NACRO, so he is very knowledgeable about this field. Keith, Howard Williamson and I were involved in pushing to have the original youth offending strategy written. I remember the arguments originally being about having children's rights. That follows on from what Keith said, about the, thankfully, rights-based philosophy in Wales being at odds with the rest of the UK. Even though the UK state party has ratified the UN Convention on the Rights of the Child, it is not really using that same philosophy in its policies, legislation and so on. The participation of children and young people and the inclusion of their voices are not embedded and mainstreamed into the working practices.

[68] For Children in Wales, and for our membership, where we are working with the

children's sector from all the different disciplines, including the voluntary and the statutory sectors, we find this area very challenging, because there are so many players who are not really engaged in the children's work. For example, we in Wales do not support ASBOs as part of our philosophy of crime prevention, whereas that was not the UK Government's philosophy originally, in which children were regarded as young criminals, which led to a huge rise in locking up children. For the children's sector and for me, they are the very same vulnerable children that we are dealing with in other spheres. Perhaps one of the classic, and strangest, policy phenomena was that the original parenting programmes came out of the youth justice parenting orders in England. Money came into Wales from supporting parenting orders. Now, parenting and supporting parenting is a devolved matter, clearly, from our point of view.

[69] Going back to your question, the divergence from the UN Convention on the Rights of the Child is fundamental, it is a problem, and it will become an increasing problem. The policy direction of Every Child Matters in England is good for England, but it does not sit comfortably with the Welsh groupings of policies. So, if you take Communities First and the Flying Start areas and the way in which some parents are being engaged in those agendas, it does not naturally have a cross-match with policies in England.

[70] **Mark Isherwood:** Other than devolution, what suggestions might you have to ensure that the diverging youth justice policies on either side of the border can actually work better together?

[71] **Ms Williams:** It is about the integration of the youth offending teams. There is a systemic structural problem with the fact that the youth offending teams have so many masters that it is difficult for them. They have the chief executive of the local authority, the youth justice board, and the home office, and they are supposed to be within the children's planning process. They are in the community safety partnerships, too. For a small country served by a small number of staff, it is too much. Integration and focusing on the children's plan and any structures around that planning process is probably the first improvement to make.

[72] The second is to listen to children within the system. I have heard managers say that they are quite pleased with joint inspections during which Estyn has asked what children have to say. That had not necessarily come from the Home Office side. So, making it allowable for them to spend some of their budgets on that type of activity would be welcome, because the funding of the operation should enable the Wales agenda, which does not happen at the moment.

2.00 p.m.

[73] **Joyce Watson:** Good afternoon. You express concern in your paper that high numbers of children and young people who commit offences in Wales are given custodial sentences. What are the consequences of this for those children and young people and what can we do to help address that?

[74] **Ms Williams:** Thank you, Joyce. I have just had a meeting with my Chair, who has been a child psychiatrist for many years. She said that one of the big problems is before, during and after. On the emotional wellbeing of children and young people, we know that at least 50 per cent are vulnerable because of their backgrounds, and probably all of them are to some extent. The detrimental effect of custody on their emotional wellbeing is huge. For example, if a young person from north Wales receives a custodial sentence, you read a lot about them having to drive 200 miles. Sometimes, it is to Exeter and sometimes it is to Durham; it is not a short long distance but a very long distance. They may have to get up at 4 a.m. to travel to a court in Gwynedd and be sentenced to travel back down to Exeter, all

within a short period. It is an endurance test. They are deprived of seeing their families if they are at a distance. Families who are on benefit are only reimbursed if they have a ticket, but it may cost £250 to get to wherever. It is very emotionally damaging.

[75] There is also emotional damage if you are a Welsh speaker, for instance, and I know that work has been done on that. There is something missing with regard to the soft information that is not measurable, but if you are a Welsh speaker it is not just about having access to a Welsh class—it is about whether or not you are allowed to speak on the telephone to your mam in Welsh when you are upset, in an environment a long way from home. You may not be allowed to speak to another young person from Wales in Welsh, because you may be planning an escape. There are many emotional issues, but that is probably the biggest disadvantage because if you are in custody you will have a bad experience. You may also be bullied. It is not just an England and Wales issue—within Wales you could have Valleys versus Cardiff or Newport versus Swansea issues, and different sorts of groupings, but in terms of a bullying environment you are much more isolated if you are a long way from home.

[76] The consequence is that the re-offending rate is incredibly high, so all you are doing is making matters worse for that individual child and you are creating a situation where it is more difficult for them to get back to their families or their caring environment—it might be foster carers or residential care workers—with whom they have lost contact. Once you leave custody, the support system is questionable if it is local. It is really damaging if it is far away.

[77] **Alun Cairns:** To what extent can the Welsh Assembly Government promote alternatives to custody and how would the devolution of powers over youth justice better enable Wales to address this issue?

[78] **Ms Williams:** We would have to have the money to provide the alternatives first—that would be critical to do it properly. Wales could design its own shape of facility—it could be intensive fostering or small units that do not have children dislocated from their communities, their families and their school, most importantly. Sometimes that has to happen, but in the majority of cases it is closer to home. I know of some pilot schemes in England that are looking at intensive fostering. I think that we have different sorts of young offenders in some respects in Wales. Sometimes, the system has been designed on the basis of large metropolitan street crime. There are different sorts of situations. Wales could actually look at its very small population of young people and begin to push to a much more preventive agenda.

[79] **Alun Cairns:** Are there any models elsewhere in the United Kingdom where communities might have taken slightly different approaches that we could learn from?

[80] **Ms Williams:** I would have to write to you on that, because I would need to take advice from those who are currently in the field. Some of the restorative justice programmes prevent children from getting into the beginning of the system and they are very good. Perhaps that is the other thing, going back to the first question. We need to be able to have our own services involved with the younger children—the under-10—beginning to look at support that might be needed on behaviour issues and problems in that regard, which the youth justice age range precludes.

[81] **Alun Cairns:** In terms of that very early age, is there any sort of assessment of any particular special needs or educational challenges that these individuals may have, which consequently lead to such behaviour?

[82] **Ms Williams:** That is a really good question in terms of where the focus on offending starts. As there is not an integrated approach to children, there will be services looking at

children's general behaviour, their wellbeing, health, special needs, additional learning needs, behaviour and so forth, but they will not necessarily be linking that into the youth justice system. If you did have a more integrated focus on that child, people who knew that they were also very definitely responsible for youth justice would actually think that. Therefore, they would then identify earlier children whose behaviour may well be leading to a downward spiral of criminal activity.

[83] **Alun Cairns:** In my assessment, it can be a significant issue in relation to school exclusion, for example, which could well be an early step in a situation where a special need has not been identified.

[84] **Ms Williams:** Yes. School exclusion is absolutely a precursor to a greater chance of offending. There are countries where you are not allowed to exclude children from school, such as Finland. There are different models in different parts of Europe from which we can learn how to identify. It does not mean that they have no crime, but school exclusion is a precursor.

[85] **Bethan Jenkins:** I think that you have touched upon this issue slightly but I just wanted to clarify it. You mentioned looked-after children, and children with mental health problems or special educational needs. Do you believe that under the current structure their needs are being met in the secure estate, or are there other ways in which we could be dealing with the situation?

2.10 p.m.

[86] **Ms Williams:** I have to say 'no'. There have been many improvements. Parc in particular has done some training with staff on children's rights, beginning to look at the attitudes that they have to the individual child, not just the offender. However, having said that, although there may be knowledge of the details, as a fact, of a child who has been looked after or who has been in contact with social services for one reason or another or his or her background, what is done to actually deal with any of the issues that come with that child is minimal. It is difficult enough for young people to be looked after within the community and for their mental and emotional health to be looked after. In the case of children who have been abused—and quite a lot of these children have—they are then put into another environment, so it is not just an issue of the lack of the service being put in to ensure that they are safe, but the methods by which their needs are dealt with. The staff are not trained in that field.

[87] **Bethan Jenkins:** I just want to touch briefly on the evidence that we received from the children's commissioner previously about child and adolescent mental health services, the delivery of tier 2 and 3 services and the need for that to be done much more effectively than it is currently. Is that disparity in services in that regard your experience as well?

[88] **Ms Williams:** It has been a long haul. Child and adolescent mental health services are really small; they are very small in the community. In Wales, at the moment, it is not even the case that every child who has been abused has even a basic service. The children locked away in secure establishments most definitely do not have a service. To go back to the preventive agenda, that is exactly the sort of thing that can be picked up in school. You can pick up on who the emotionally distressed children are in a primary school. It is possible to address some of those needs, with early intervention and the right resourcing. I agree entirely with Keith that we should be looking at the secure estate as another environment where children have the rights to all the services that they would have if they were in the community—at the same level and, possibly, at a more specialist level. As well as improving the outcomes for children as individuals, it would be beneficial in terms of the cost to society.

[89] One problem that we have with the children who go through the youth justice system is that the media gives the impression that they are a totally different group of children to the vulnerable children. They are given the ‘hoodie’ label, and the attitude is almost that they do not deserve services. That is where we are going wrong. I fully support Keith’s recommendation on child and adolescent mental health services.

[90] **David Lloyd:** I want to move on to consider the all-Wales youth offending strategy in the next few questions. In your paper, you state that the youth offending strategy represents the best approach to ensuring that the needs of individual children are met at an early stage, offending is reduced and custody avoided. How effectively does the youth offending strategy address the needs of children and young people in the secure estate currently?

[91] **Ms Williams:** As you will have gathered, I am probably not answering any of your questions because I am going back to the issue of prevention all the time. I believe that it is the main issue to be addressed. There are far too many children locked up, and far too many children are locked up for breaches—they do not turn up for a meeting and so they are locked up. I am obviously happy with the thrust of the youth offending strategy, because I was involved with Keith and Howard Williamson in pushing that agenda, but with regard to implementation, I go back to my point about the lack of integration with children and family services. There is not a child-centred approach, a youth approach or an entitlement approach in reality because it is very hard for the youth offending teams to deal with so many different masters. In fairness, as I think I said in my paper, originally, it was very difficult to get the youth offending strategy going because there was a blockage in Government in England. It did not want to know, but then there was a change in the chair of the youth justice board to someone with a more preventive attitude, and the current chair takes a preventive attitude. That can change, but we felt that it was the right direction. However, you need the resources to come through to get implementation. The key performance indicators are currently jointly developed, but they have to be influenced by what happens over the border. It would be so much easier if they were not influenced by England, as they could be really integrated for what we are trying to do in Wales.

[92] **Mark Isherwood:** You have already made several references to funding—and I think that there was some reference to it in almost all your answers. Are there any other areas in which you feel that funding is hindering the implementation of the strategy?

[93] **Ms Williams:** This rather overlaps with the remit of one of your other committees, but support for parents is one such area. It is very difficult for parents to phone up and say, ‘I am not coping with my child’s behaviour’. That is something really positive that resulted from the youth justice board’s original prevention committee. England has focused much more of its resourcing on parenting than Wales has. Parents need help when the problems are at the low level and are just starting. It is easy for parents to say how well their children are doing, but it is very difficult, across all communities, for parents to say, ‘I am really worried about how my child is behaving’. It is about that gap. We need to reinforce that we should be supporting good parenting, particularly within the school setting and across the sphere of education. If we did that, we would see a sea change in young people’s behaviour.

[94] We need a big investment in restorative justice and the alternatives to custody, and we need proper campaigns to recruit people. It is difficult to get people to be foster parents anyway. Getting people who would be willing to do intensive fostering in Wales is a top priority, and you would need the staff to go with that, to support them, because it would not be an easy task.

[95] **Joyce Watson:** You say in your evidence that,

[96] ‘youth justice is insufficiently mainstreamed into the development of supporting children and families’.

[97] What do you think the Welsh Assembly Government can do about that?

[98] **Ms Williams:** I will not go on about devolution, because you know how I feel about that: I believe that this should come, lock, stock and barrel, to children’s services here. The proposed Measure is a wonderful opportunity, as these are all vulnerable children. The Welsh Assembly Government does give guidance, but ownership is a problem in local communities. There is guidance that this and that should happen but, unless the responsibility lies entirely in one place, it can be regarded as a youth justice board matter. That ownership is the problem, so I think that the Welsh Assembly Government should ask for more devolved management of youth justice services. Sorry, Joyce, I may not have answered your question.

[99] **Joyce Watson:** That is fine. You have answered my question.

[100] **Alun Cairns:** In your evidence, you state that,

[101] ‘It is still an uphill task to have the basic principle of policies for children in the community being equally applied to children in the criminal justice system’.

[102] How are the rights of children in the secure estate not being met, and how does the situation differ for those held in England and in Wales—and even for those held in Scotland?

2.20 p.m.

[103] **Ms Williams:** Behind that comment was a battle that I remember having to fight over the fact that child protection procedures did not apply in custody. That goes back a few years, although it was not that long ago. It has been quite a radical change for staff in secure accommodation—and not so much at Hillside, but at others secure establishments—to think of the children as young people who fall within the provisions of the Children Act, other legislation, and the UN Convention on the Rights of the Child. It is not in the training or the methodologies. That is a shame, because my staff have given me feedback that they are very concerned about it. For example, from doing training at Parc prison, I get the feeling that there is a commitment from staff in these establishments, but they are worried about what will happen to the young people when they leave, as they may return to substance misuse or to certain groups. What I mean by that is that we should be applying exactly the same expectations, laws, and rights under the UN convention within secure establishments as we do outside them.

[104] That would require back-up and training and would involve staff recruitment matters. We have made representations. I have made three lots of representations to the UN committee on children being separated from adults in custody, which was where we started, and children not having to travel in the same vehicles as adults between court and custody. Those are basic principles; young offenders should be looked at as children. There is still a long way to go. The Welsh Assembly Government could make strong representations and support the commissioner as regards where Welsh children are placed. The other issue, which we fought for, is for the children’s commissioner to have responsibility over that. At the moment, he is responsible only in co-operation with the commissioner in England.

[105] **Bethan Jenkins:** You have touched on the language difficulties, and I was shocked to learn that people are not able to converse through the medium of Welsh, and that they felt as though they were being threatened when they did speak Welsh. Do any other problems arise from that? Can those needs be met in a better way than is currently the case in secure accommodation?

[106] **Ms Williams:** The language issue that I mentioned took place in English secure accommodation. I do not know for certain, but I can imagine that there is a lack of understanding. There seems to be a connection between the Welsh language and education, because the Department for Children, Education, Lifelong Learning and Skills has done work on that in secure accommodation. However, on the emotional side of the language for expressing yourself, there are reports of young people being regarded as withdrawn or unco-operative, but that is because they are not as comfortable speaking English as the people around them. There are many vulnerable groups in secure accommodation who do not have their needs met. I do not know of any disabled young people in that situation, but there are young people with mental health problems, and many youngsters may self-harm or have bouts of depression, or they may not understand or have certain learning needs. They cannot fit into the system as easily as others, and they are then bullied. There are a lot of problems that are very individual. That is why there is a child-centred approach. I know that it is regarded as punishment to be placed in a secure setting, but the loss of liberty is a sufficient punishment, and there should be safeguarding within that setting.

[107] **Bethan Jenkins:** It was the child-centred approach that I wanted to touch on, briefly, and one piece of evidence that you gave about raising the age limit to 15. Do you think that you could take a more child-centred approach generally if that age limit were extended from 10, as it is currently, to 15?

[108] **Ms Williams:** Absolutely. In the UK, we do not always realise how we compare with other countries. We have among the lowest age ranges in Europe for locking up children. Why is that? It would definitely help if services regarded children and young people who are aged under 15 as being in need of various services, including health, education and social welfare, as their problems would be addressed earlier. It is not an ideal world and there will always be problems in the criminal arena, but such a response would reduce them greatly. It would also save a lot of money for the country in the longer term.

[109] **David Lloyd:** You will be glad to hear that mine is the final question. Are the needs of girls, young women and children from black and minority ethnic groups from Wales in the secure estate being met?

[110] **Ms Williams:** No.

[111] **David Lloyd:** That is fine. That is all the answer that we need. *[Laughter.]*

[112] **Ms Williams:** Sorry, I did not mean to be quite so brief. I was involved in the work of the select committee at Westminster that looked at women in prisons. For Wales, we should think about particular models that are totally different. Dublin and Glasgow have different models for women, for example, mother and baby units. Some of the young men, as well as women, in prison are parents, and a member of my staff has been involved in work with one prison in trying to maintain contact between a young man and his child, which is difficult at a distance.

[113] Young women are doubly penalised in that they are sent further away from home than the young men. If we locked up only those young people who had committed very severe crimes, I would understand that response, but we are locking up women who have just breached the terms of their probation. They have committed crimes, but have just breached, and that is why they go to prison and are taken into custody these days. Young women have a problem in that they are perceived by society, and possibly the establishment, to be more criminal, because it is unusual for girls to commit crimes. That is the stereotype of women criminals, which is a problem. We need fit-for-purpose units in Wales. They do not have to be big because we are talking only about small numbers. The model does not have to be identical

to that in England.

[114] **Joyce Watson:** On measures being more punitive towards women, are there any data to suggest that women are more likely to be detained and to end up in the system than their male peers?

[115] **Ms Williams:** I do not know, but I could find out. The Howard League for Penal Reform would have some details on that. I think that it has more to do with the fact that, if they are sentenced, it is more punitive because of society's views. That has implications for their reintegration into society when they leave custody. However, I think that there are data on women in general, but not necessarily on young women.

[116] **Janice Gregory:** You mentioned the Westminster select committee that looked at women in prisons. Black and minority ethnic women have particular cultural issues, so how do you think that those are being addressed in the secure estate? What evidence do you have to suggest that their needs are or are not being met?

[117] **Ms Williams:** I have no evidence of that. I have not been to any establishments where there are black and minority ethnic women being held. I know that the culture and the basic requirements in care, of food, diet, religion and all of that, are not strong in most establishments. I find it difficult to comment on any problems. I can imagine, but it is just an opinion.

2.30 p.m.

[118] **Janice Gregory:** We can take it that they are not being met, I think, from that. We can take it that their needs are not being met.

[119] **Ms Williams:** It would be amazing if their needs were met. It is the same with language issues, which would probably apply to Welsh speakers. Dietary and religious matters are the other two areas.

[120] **Janice Gregory:** Thank you for your evidence this afternoon. You will be sent a transcript of this afternoon's proceedings. I would be grateful if you were to check it for factual accuracy. Thank you for taking the time to come here; your contribution has been very interesting and it will form an important part of our inquiry.

[121] **Ms Williams:** Thank you for the invitation. This is a matter that has been very close to my heart for many years.

[122] **Janice Gregory:** We can tell. Thank you.

2.31 p.m.

Cynnig Trefniadol Procedural Motion

[123] **Janice Gregory:** We will now go into private session so that we can discuss our reports and try to get some agreement on the recommendations. I move that

the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order No. 10.37(vi).

[124] I see that the committee is in agreement.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 2.32 p.m.
The public part of the meeting ended at 2.32 p.m.*