

Communities and Culture Committee

CC(3)-11-09 - Paper 1 - 9 July 2009

Committee Inquiry into Youth Justice in Wales - evidence gathering - Welsh Government

Purpose

1. This paper updates the evidence paper that I provided to the Committee for the meeting held on 26 March. .

Background

All Wales Youth Offending Strategy

2. The cornerstone of all our youth justice policies is the All Wales Youth Offending Strategy, which was jointly published by me, as Minister for Social Justice and Regeneration, and the Chairman of the Youth Justice Board for England and Wales in 2004. The Strategy is the result of the Welsh Assembly Government, the Youth Justice Board and local agencies working together to develop a strategy that provides a national framework for preventing offending and re-offending among children and young people in Wales. All this work is underpinned by the UN Convention on the Rights of the Child and its requirement for consideration of the rights of the young person. In the long-term, its aim is to make a real and significant reduction in the rates of youth offending in Wales.

3. The Strategy embodies a number of key principles i.e. the most effective way to prevent youth offending and to secure the welfare of children and young people in Wales is to stop them from entering the youth justice system in the first place; and a balance between the interests of the child or young person and the interests of the wider community and potential victims can be maintained through early intervention, restorative justice measures, appropriate punishment and supported rehabilitation.

One Wales Commitments

4. The One Wales programme makes a number of specific commitments in relation to youth justice:

To continue prioritisation of preventative intervention and non-custodial solutions in relation to youth offending and youth justice matters (a) in the funding of these areas and (b) in the use of diversion from custody strategies consistent with an emphasis on evidence on efficacy;

To consider effective models of cross-cutting practice between the youth justice system and education, housing and mental health services; and

To consider the evidence for the devolution of the criminal justice system within the contexts of (a) devolution of funding and (b) moves towards the establishment of a single administration of justice in Wales.

Youth Justice Committee Wales

5. Implementation of the Strategy is overseen by the Wales Youth Justice Committee, which is jointly chaired by the Director of Community Safety Division and the Welsh representative on the Youth Justice Board. It has an expert membership drawn from the Youth Justice Board, Assembly divisions dealing with health, education and housing matters and all other relevant national and local agencies. The Committee meets quarterly and, since its inception in 2004, has set challenging objectives and targets for each financial year across the whole spectrum of subject areas relevant to youth crime prevention. These have included:

a Youth Crime Prevention Strategy for Wales published in 2008;

a number of diversionary arts and sports schemes across Wales;

several studies by NACRO Cymru;

revision of the Arson Small Grants Programme;

promotion of local protocols between LEAs and YOTs concerning needs of individual young people;

increasing the standards based qualifications of YOT practitioners; and inclusion of needs of youth offenders in guidance on production of local Health, Social Care and Well being Strategies.

The Assembly Government have funded and supported 11 youth inclusion and support programmes and nine youth inclusion projects. This involved working with over 8000 children and young people in 2007-08 alone.

Wales Change Programme

6. The Assembly Government and the Youth Justice Board (YJB) have been working together to review the delivery of the strategy, and the structures which underlie it, together with how the YJB operates in Wales. This is in recognition of increasing differences in the local

services delivery environments experienced by Youth Offending Teams (YOTS) in Wales as a result of devolution.

7. Over recent months a new framework for delivery has been developed that will see objectives formulated in a more focussed way. In recognition of the potential to achieve more and to make a real difference to the youth justice system in Wales, the profile of the Strategy will be raised, and as part of the broader YJB YOT performance management framework, its delivery will be better aligned with other plans.

8. I have now agreed the following aims and objectives for continued delivery of the strategy from 2009-10:

Reduce the number of first time entrants to the youth justice system in Wales ;

Reduce the rate of proven re-offending for young offenders in Wales;

Reduce the proportion of young offenders in Wales receiving a conviction in court who are sentenced to custody";

Increase engagement in education, training and employment for young offenders in Wales"; and

Increase access to suitable accommodation for young offenders in Wales; and

Increase the provision of substance misuse screening, assessment and engagement in treatment for those in the youth justice system

Safer Communities Fund

9. At the local level, the Welsh Assembly Government is aware that substantial funding is necessary to properly implement the key principles and objectives of the Strategy. In order to assist with this we are providing ongoing funding of £4.5 million per year for the purposes of facilitating local projects aimed at youth crime prevention and diversion. Throughout Wales, this has led to the funding of a wide variety of projects (around 160 in total in each year), including many based on artistic or sporting activities, providing help to substance misusers, assistance with education or training, restorative schemes and provision of leisure facilities.

10. In addition to the Safer Communities Fund, there are several other Assembly Government sources of funding which impact on this population. These include Cymorth; the Substance Misuse Action Fund; Supporting People; Youth Offender Learning; Community First Programme; Child and Adolescent Mental Health Services and Community Fire Safety.

11. Last year, an independent evaluation of the Safer Communities Fund was commissioned from a consortium including Cardiff and Swansea Universities. The evaluation report is currently at draft stage and still subject to discussion between officials and the evaluators. We do know however that the evaluation is generally supportive of the Safer Communities Fund. As soon as the evaluation report is complete, I will ensure that the Committee receives a copy which I expect to be by July 2009.

YOT Mainstream Funding - amounts, contributions of the statutory partners

12. In 2007-08, the total cost of youth offending teams in Wales amounted to £17,741,352. The percentage partnership amounts and contributions to this were as below:

YJB (£2.9m) 16.5%

Police (£1.6m) 9.1%

Probation (£1.4) 7.8%

Social Services (£8.9m) 50.5%

Education (£0.7m) 3.8%

Health (£0.8m) 4.5%

LA Chief Executive (£1.4m) 7.9%

Recent successes in reducing numbers of First Time Entrants to the youth justice system / reducing numbers of re-offenders

13. Considerable progress has been made over the past few years in terms of delivering against the Strategy's key objectives. First time entrants to the youth justice system in Wales reduced by 14.1% between March 2006 and March 2008. YJB statistics also demonstrate a 4.9% reduction in youth re-offending rates in Wales since 2003. In both these areas Wales is out performing England. The YJB does not believe there is evidence to support the assertion that success in achieving FTE targets can be explained through displacement by Penalty Notices for Disorder. Following a question at the meeting on 26 March, I wrote to the Chair of the Committee attaching a copy of the YJB position on this matter.

14. There is other data available which suggests that Welsh YOTs are performing above average in terms of the use of restorative processes and victim satisfaction. In 2004-05, 84.2% of Welsh victims of youth crime participated in restorative justice processes and 97.4% were satisfied with the outcome. Here the overall average for England and Wales was 81.8% and 96.8%. This data is encouraging and suggests that the local youth crime preventative projects facilitated by the Assembly Government's Safer Communities Fund are

having a positive effect in reducing youth crime.

Juvenile Secure Accommodation

15. There are currently a total of 161 children and young people from Wales in secure accommodation in England and Wales. There are presently 78 places available in Wales at Hillside SCH and Parc YOI (shortly to increase to 81 - please see paragraph 19 below). The cost of Hillside SCH (the only one in Wales) is £3,983 per place per week. Across England and Wales, costs can rise to as high as £4,500 per place per week for this type of accommodation. The cost of Secure Training Centres is approximately £3,650 per place per week, and for Young Offender Institutions the figure is around £1,000 per place per week.

16. Where children and young people receive custodial sentences, it is universally accepted that there should be provision that enables them to serve their sentences close to their homes. There are a number of reasons why this is desirable, and why the current lack of sufficient capacity is a matter of significant concern.

17. Provision of secure accommodation close to home minimises the likelihood of harm to young people, through integrated and rigorous safeguarding measures that should include better links with Local Children's Safeguarding Boards. A key aim is to ensure there are well developed bullying and self harm prevention programmes.

18. The provision of education and training for young offenders in custody is currently the responsibility of the YJB. However, whilst some young people continue to serve their custodial sentence in England, their education, particularly developing coherent approaches between custodial and community provision, can be very difficult. There is a particular issue for children and young people held in English establishments in relation to their right to learn the Welsh curriculum through the language of their choice and to access information advice and guidance via the medium of both English and Welsh.

19. Agreement in principle was reached with the Youth Justice Board on a six place expansion at Hillside Secure Children's Home and design work was undertaken on the basis of this. Unfortunately however as a result of severe Whitehall budget cuts, the Youth Justice Board subsequently reduced the number of additional places for which it was prepared to provide funding to three. This was announced by David Hanson MP, Minister of State at the Ministry of Justice, when he attended the meeting of the Committee on 26 March. The expansion plans have now been amended and I have agreed capital provision for three additional youth offender places and one additional welfare place. The Youth Justice Board and Neath Port Talbot CBC have now agreed a formal contract for revenue support for seventeen places up to 2014.

20. In respect of North Wales, the Assembly Government had received strong support from the six local authorities in the region for a new secure unit and we were close to identifying an appropriate site for the new facility. The Assembly Government had given a commitment to finding the capital for this project if YJB would provide revenue funding; and the YJB had undertaken to put in a bid to the Ministry of Justice to obtain these funds.

21. Whitehall Ministers have since given indications that it may not be possible to proceed immediately with plans to augment provision, though David Hanson MP, Minister of State at the Ministry of Justice, wrote in May assuring me that the Youth Justice Board would continue to work with the Assembly Government in finding a way to develop new secure facilities in North Wales.

Interface with other Welsh Assembly Government Policies

22. There are several other policies and strategies in other parts of the Welsh Assembly Government which relate closely to the All Wales Youth Offending Strategy and assist with the key principles of diverting young people away from crime and anti-social behaviour and effectively rehabilitating young people who have offended, with appropriate education and training, access to medical and treatment services and suitable accommodation. Many of these policies have a particular bearing on the effectiveness of treatment of young people when they are in custody and after release back into the community. The impending transfer of responsibility for offender learning to LEAs should bring important educational benefits to young people in custody, while the re-consideration of CAMHS provision at Parc YOI is clearly a welcome development in the development of appropriate medical services to this vulnerable group. A more detailed description of these policies is provided below.

Child and Adolescent Mental Health Services (CAMHS)

"23. "The mental health of children and adolescents continues to be a priority for the Welsh Assembly Government and we are strengthening the range of CAMH services across the tiers including access to specialist CAMHS. An additional £6.9m has been made available from 2008 -11. In addition £6.5m has been allocated to counseling in schools over the same period.

24. Exacting CAMHS targets for the NHS in Wales were set in the Annual Operating Framework for 2008-09 to ensure consultation, advice and training is provided to professionals who deliver the functions of Tier 1. Targets have also been set to tighten access times including those patients referred to 19. 19. Specialist CAMHS who have sustained low mood and suicidal ideation. Also, Mental Health Advisors, who are drawn from the experienced specialist professional staff of Specialist CAMHS, are available to each Youth Offending Team. These targets have been repeated for 2009-10.

25. A mapping exercise of NHS provision in Wales has begun. This is an annual on-line data collection system that builds descriptions of services and investment and tracks change year on year. The report from Durham University will be available in the summer of 2009 and will assist the Welsh Assembly Government in the further development of services.

26. The Welsh Assembly Government intends to promote the development of Forensic CAMH services on an all Wales basis and work is

in hand via Health Commission Wales to develop a Forensic Adolescent Consultation and Treatment Service.

27. With regard to HMP Parc the Bridgend Prison Health Partnership Board which is a multi-agency group with representation from the NHS, Criminal Justice agencies and the Local Authority has been leading the work to develop a business case for the provision of Tier 2/3 CAMHS. Proposals for an All Wales Tier 3 service are currently being developed prior to submission to the Welsh Assembly Government.

28. Significant capital funding of £35.7 million has been made available to develop two new NHS residential units for young people up to the age of 18, at the Princess of Wales Hospital in Bridgend and Abergele Hospital in North Wales.

Autism

29. The Autistic Spectrum Disorder (ASD) Strategic Action Plan for Wales cites the youth and criminal justice system, in particular youth offending teams, as being amongst the list of professionals who require awareness training. It is important to ensure that Community Safety Partnerships also consider the needs of people with ASD in commissioning services, and work with Youth Offending Teams and the Children & Young People's Partnerships to put in place arrangements which prevent young people, including those with ASD, from offending.

30. Local commissioners are presently undertaking a mapping of prevalence, identifying and recording clients with ASD within their existing client population, mapping services and estimating current and future demand for service.

31. A comprehensive proposal to develop a number of awareness raising and training packages for all types of professionals who may come into contact with people with ASD is currently being assessed.

32. The bi-lingual autism website www.awares.org is developing a designated area on their site which will provide information to all professionals in the criminal justice system.

33. The ASD Emergency Services Attention Card was launched throughout the four Police Forces in Wales in 2007 and encapsulates many of the key themes covered in the policy areas of the Social Justice and Regeneration Directorate.

34. Information leaflets about this scheme have been given to every officer in Wales and so far over 200 officers from Gwent and South Wales Police, and members of Youth Offending Teams throughout Wales have been given training about this service by Autism Cymru.

35. The Card Scheme has been highlighted as good practice by the Police Improvement Agency (UK) and has received attention from Northern Ireland, Devon, Lancs and the Isle of Man Police Forces.

Access to suitable accommodation

36. Every YOS in Wales has a named accommodation officer, whose primary role is to broker access to suitable housing for the children and young people in their care and to support them in maintaining stable living arrangements.

37. A "Developing Effective Accommodation Services for Young Offenders" Project in partnership with Llamau has also been established. This has begun to identify an all-Wales approach to the accommodation of children and young people who offend which integrates the work of the YOS and local housing services.

Offender Learning

38. The Apprenticeships, Skills, Children and Learning Bill will require LEAs in England and Wales with youth detention accommodation in their area to secure suitable education for children and young people held in these establishments. This means that LEAs with young offender institutions (YOIs), secure training centres (STCs) and secure children's homes (SCHs) in their area must arrange suitable education for the children and young people in the youth justice system who are held in these establishments. In Wales, this will affect Bridgend CBC and Neath Port Talbot CBC, which have Parc YOI and Hillside SCH in their areas respectively. It is expected that the funds currently in Youth Justice Board budgets for this purpose will be transferred to Wales.

39. The Bill will also require "Home LEAs" in England and Wales (meaning the LEA where the young person is ordinarily resident) to take such steps as they consider appropriate to promote the person's fulfilment of his or her educational potential while they are in custody and on their release.

Education and Training

40. The All Wales Youth Offending Strategy recognises the importance of learning and employment as a means youth crime prevention and ensuring that there are education and training arrangements in place for young people within the criminal justice system which meet their needs.

41. It has achieved this by ensuring that those within the youth justice system have an equal entitlement to educational guidance as those outside it. It has also ensured that the educational standard of all those entering custody is both assessed and addressed.

42. In order to facilitate a stable and effective resettlement, youth offending services have been encouraged to ensure that careers advice is available to those leaving custody.

43. When Minister for Social Justice and Regeneration, I established the All Wales School Liaison Core Programme which is delivered at key stages in 97 per cent of primary and secondary schools across Wales, including a number of pupil referral units. This programme aims to provide a core programme of accurate, consistent and credible information to deter children and young people from behaviour that may lead to involvement with the youth justice system.

44. DCELLS has policy lead responsibility for improving learning opportunities for young offenders aged 11-25 in community settings in Wales. The Young Offender's Learning Project began in 2004. With effect from 1st April 2008, the responsibility became part of the mainstream work of the Rights and Entitlements team in the Children and Young People's Strategy Division. A Welsh e-ILP (Electronic Individual Learning Plan) was developed by the project and after a small-scale pilot was launched in March 2008. It is bilingual and created with a view to being a 'fit for purpose' product for usage in Wales.

45. There have been several other educational achievements benefiting youth offenders in Wales. An electronic Summary Individual Learning Plan has been developed for a pilot within an adult prison. A project has been developed across the secure estate of a summary transfer template of education and training information to be forwarded pre-release and this has been sent to Careers Wales and YOT education workers. For the first time, young people in Wales (and serving their sentence in England) have been able to access Education Maintenance Allowance. An enhanced job description for the role of Youth Offending Teams 'education' worker in Wales has been developed. A booklet has been sent to all schools in Wales focusing on Youth Justice and Schools, promoting best practice, information and promoting an awareness. Induction booklets have been produced in Hillside Secure Children's Home and Parc YOI created by the young people.

46. A Personal Support in Custody Project has been undertaken within Ashfield YOI & Stoke Heath YOI supporting resettlement back into education and training in Wales for young people serving their sentence within England. There have been five projects involving Young Offender Institutions and Secure Children's homes Wales and England where young people chose and developed their libraries with resources around education, Welsh culture, heritage and language. Educational guidance has been developed entitled 'The Learning Journey' for Secure Children's homes in Wales.

Substance misuse screening, assessment and treatment

47. "Working Together to Reduce Harm" is the Welsh Assembly Government's ten year strategy for tackling the harms associated with the misuse of alcohol, drugs and other substances in Wales. The aims of the Strategy are to increase efforts to stop substance misuse occurring, targeting effort towards those individuals most at risk but also ensuring that the needs of the wider population are addressed. Where substance misuse does occur, services available must be expanded and efforts focussed on helping substance misusers to improve their health and maintain their recovery. Support for the families of substance misusers must also be continued. Substance misuse is one of the primary predictors of future offending behaviour among children and young people. The All Wales Youth Offending Strategy emphasised the need for local responses to substance misuse among children and young people; primarily through the work of substance misuse action teams.

48. The Assembly Government has ensured that every young person who enters a YOT in Wales, including those released from custodial sentences, is assessed to determine levels of need in relation to substance misuse. YJB have provided funding for substance misuse workers as part of youth offending teams across Wales. The key performance indicators in this area are to ensure that all young people are screened for substance misuse, and those with identified needs receive specialist assessments within five working days and treatment within a further ten working days. Performance in these two areas have shown pleasing improvement over the last year, with 85% of assessments now being carried out within 5 days and 91.5% of young people commencing treatment within the target of a further 10 days.

49. Resettlement and Aftercare Programmes have targeted children and young people leaving custody, whose offences were related to substance misuse, for enhanced resettlement support.

50. A number of programmes across Wales have been funded under SCF to support local partnerships in their work to tackle substance misuse and reduce substance misuse-related offending among children and young people.

Parenting and Family Support

51. Through the proposed Children and Families Measure, we are reforming the way services are organised and delivered to vulnerable children and their families who have complex needs (e.g. substance misuse or domestic abuse) and require intense multi-disciplinary support from skilled professionals.

52. These new arrangements will be delivered through Integrated Family Support Teams (IFST) whose key aims will be to provide early intense support to change behaviour in the parents so as to allow the child to live safely within the family home.

53. IFST will make the links with the youth justice system and provide important support earlier to children and young people before their problems escalate. Earlier intervention with vulnerable children should also impact on the levels of children moving into the care and youth justice systems.