

## Introduction

1. The YJB welcomes the opportunity to provide comment and respond to the Legislation, Justice and Constitution Committee inquiry on Making Justice work in Wales. This response does not seek to give an opinion on each of the fact finding, looking forward and analysis questions posed, but rather to address those areas which the expertise of the YJB can contribute to and are pertinent to children in, or at risk of entering, the youth justice system specifically.

## Youth Justice Board (YJB) Vision

2. We are working toward a youth justice system that sees children as children, treats them fairly and helps them to build on their strengths so they can make a constructive contribution to society. This will prevent offending and create safer communities with fewer victims.

## Who we are

3. The Youth Justice Board for England and Wales (YJB) is a non-departmental public body (NDPB) established by the Crime and Disorder Act 1998. Its primary function is to monitor the operation of the youth justice system and the provision of youth justice services. It has a legal duty to advise the Secretary of State on matters relating to the youth justice system, to identify and share examples of good practice and to publish information about the system: reporting on how it is operating and how the statutory aim of the system ('to prevent offending by children and young people') can best be achieved. The YJB is the only official body to have oversight of the whole youth justice system and so is uniquely placed to guide and advise on the provision of youth justice services. While the YJB is responsible for overseeing the performance of youth justice services including multi-agency youth offending teams (YOTs), the YJB does not directly deliver or manage these services.
4. The YJB team in Wales (YJB Cymru) has oversight of the system in Wales where youth justice is delivered through collaboration between devolved and non-devolved services. There are 17 Youth Offending Teams in Wales, they are multi-agency partnerships made up of police, probation, education, health, housing and social services.
5. Our Board has established four Youth Justice System Aims which are not only for the YJB to work towards but for the youth justice community. They are:

- Reduce the number of children in the youth justice system
- Reduce reoffending by children in the youth justice system
- Improve the safety and well-being of children in the youth justice system
- Improve outcomes for children in the youth justice system

## Our Child First Principle and Children' Rights

6. The "child first" principle is at the centre of all YJB's work.
7. In Wales, YJB recognises all our work relates to children's rights in some way and we place a strong focus on children's rights in alignment with the Rights of Children and Young Persons (Wales) Measure 2011.
8. The YJB believes, in line with Article 12 of the United Nations Convention on the Rights of the Child (UNCRC), that all children in the youth justice system should have the opportunity to get involved in decisions about their care and supervision; access to the services they need; and a say in how those services work.
9. Approaches to preventing crime and addressing the needs and concerns of victims are more likely to be effective if they are informed by and co-designed with children. Engaging with and listening to children is essential in achieving these aims and should be at the heart of service design and delivery.
10. To achieve this in Wales, YJB Cymru has worked closely with officials from Welsh Government, the Children's Commissioner for Wales and all other relevant services to consult with children on matters that affect them.

## Youth Justice in Wales

11. Youth justice services in Wales are made up of a range of local, regional and national agencies working together. While the UK Government retains responsibility for youth justice, most services for children in Wales have been devolved to the Welsh Government. Policies such as education, housing, substance misuse, health, and social services and the needs of looked after children are all devolved to Welsh Ministers. All are significant to the delivery of youth justice in Wales. The youth justice system deals with children between the ages of 10 and 17. The system exists to deal with children who commit crime and helps children who are at risk of entering the youth justice system. The Youth Justice System in Wales has three main parts:
  - **17 Youth Offending Teams (YOTs)** which are part of Local Authorities and include devolved services (health, social services and education) and nondevolved agencies (police and probation). Their role is to manage community sentences and help prevent children from getting into the system.
  - **Youth Courts** deal with all children who have been charged with a crime. In very serious cases a youth court might decide to send a child for trial by a Crown Court.

- **Custody** – there are two secure establishments in Wales. Most, but not all, Welsh children are placed in these establishments. Parc Young Offender Institute (YOI) in Bridgend and Hillside Secure Children’s Home (SCH) in Neath. Children from North Wales are placed in Werrington YOI in Staffordshire. A very small number of children have needs that are not met by the system in Wales. This can result from capacity issues in secure estate, geography (e.g children from North Wales being placed in secure accommodation in the North of England due to proximity) or the inability to access specialist services, or capacity issues within the secure estate necessitates them being accommodated elsewhere in England.

12. The youth justice system in Wales operates in a complex delivery landscape: the system is funded from various sources including statutory partners (local authorities, Health, the Police and Probation Service), the YJB, Welsh Government, Police and Crime Commissioners and others; there is increasing divergence in policy and legislation; and rural, cultural and linguistic differences must be considered when working with children and developing and delivering services.

13. Leadership for youth justice in Wales is therefore delivered as a partnership between devolved and non-devolved organisations. The YJB and Welsh Government have a long-standing formal working agreement and established joint governance in the form of the Wales Youth Justice Advisory Panel; chaired by Welsh Government and the YJ Board Member for Wales. The Panel analyses a high-level overview of performance of the whole system in Wales, considering how each part of the system is performing and making recommendations for improvement; and acts as a strategic reference group for change programmes in Wales.

14. This partnership and previous incarnations has overseen the joint strategies for the delivery of youth justice in Wales since 2004 and has been effective in working together to:

- set the strategic direction for youth justice in Wales
- plan for effective delivery
- monitor performance
- exchange relevant information
- foster an environment in which youth justice services can help children achieve positive outcomes
- identify and disseminate effective practice
- provide reciprocal advice on the interface between devolved and nondevolved policy
- ensure the voice of children is heard and that young people have a say in the development of the services they receive in line with Article 12 of the United Nations Convention on the Rights of the Child (UNCRC).

15. Despite the complex landscape, the youth justice system in Wales is a success. This is a direct result of the holistic approach, commitment and joined up work of agencies across Wales with policy and delivery partners placing young people at the centre of their work.

16. The YJB team in Wales is in a unique position, with the ability to advise UK Government Ministers and influence the development of policy in reserved matters and, through our partnership with Welsh Government do the same in Wales. It benefits too from an established approach which recognises that delivery needs to reflect the circumstances in Wales where these are different. The effective partnership between YJB and the Welsh Government has helped to overcome the challenges of increasing divergence between devolved and non-devolved policy.

17. Having a YJB presence in Wales, working closely with devolved partners has advantages in being able to engage directly with key policy leads from the devolved areas to drive holistic practice that is trauma informed and puts children first.

## Challenges

18. Youth justice in Wales is a success story but challenges remain:

- YOTs continue to deliver prevention and diversion programmes which have led to significant reductions in the number of first-time entrants to the system. This is funded, to a considerable extent, by Welsh Government and the YJB annual YOT Grant allocation. Prevention and diversion work accounts for almost 50% of YOT work in Wales, however this previously ring-fenced funding has been absorbed into flexible funding for Local Authorities in the form of the CCG. This risks prevention and diversion funding being diverted to other services. Continued investment is vital to maintaining the reduced number of children in the system and ensuring the downstream impact on other services resulting from successful diversion.
- YOTs are based in Local Authorities but are not as prominent as other children's services. As a multi-agency partnership, the effect of budget reductions for each partner (both devolved and non-devolved) add up to a greater cut for the YOT partnership. YJB has fought to protect YOT grant allocation, and this year has increased the YOT grant by 2% over the previous budget year. We also provide targeted funding to support priority areas such as serious youth violence and exploitation, disproportionality and resettlement.
- As the numbers of children in the system have reduced, those who remain tend to face the most significant barriers to achieving their potential. They are often disengaged or excluded from mainstream services and are among the most vulnerable in our society. They may be regarded as at high-risk to themselves or others and they often face significant barriers to fulfilling their potential which stem from childhood adversity and the nature of their offending behaviour. Children in contact with the youth justice system are more likely to have impaired development, experience emotional distress and mental health conditions, problematic drug or alcohol use and a background of emotional trauma and adverse childhood experiences (ACEs). It is vital health, education, social care and other services work together to ensure children's needs are met and they are given the right help and support to stop offending.

- In terms of custody: responsibility for managing the youth secure estate now lies with the newly established Youth Custody Service. Previously YJB held this responsibility and, in Wales, YJB and Welsh Government worked together to make significant improvements in Parc YOI and Hillside SCH. We also fostered effective information sharing links between the secure estate and community to help integrate practice and improve transitions into and out of custody. While the secure provision in Wales is achieving good outcomes for children, there is room for improvement.
- Policy and legislation made by both governments must be implemented by practitioners. Applying reserved policy in a devolved context sometimes adds complexity, especially where legislation is different in Wales. Additionally, when policy on reserved matters is developed without consideration of the devolved context it can result in policy being applied which does not entirely fit in Wales e.g. the recently published Home Office serious violence strategy. This can have significant impacts on devolved services. For youth justice, through the YJB, there is an established route by which to ensure that operational issues relating to devolution can be worked through with MoJ policy officials.

19. In 2018 the YJB provided advice to UK and Welsh Government ministers setting out the challenges faced by the system in Wales and recommending how best to meet the challenges in a sustainable way; through practice that is trauma informed and rights-based. This included a bold vision for the secure estate in Wales.

## Youth Justice Blueprint

20. In May 2019, Jane Hutt AM Deputy Minister and Chief Whip announced the publication of the Youth Justice Blueprint and the Implementation Plan. The Youth Justice Blueprint aims to enhance and transform the youth justice system in Wales.

21. The Blueprint project brings together senior UK and Welsh Government officials along with influential key stakeholders to form a project board and six workstreams to deliver blueprint recommendations

22. This model of joint leadership and cooperation provides the basis for building on the success of the past and developing a world-leading youth justice system in Wales that is truly child first and trauma informed.

23. With the reduction of the number of children in the system, with those remaining facing the most significant barriers to reaching their potential, blueprint implementation plans are focused on recommendations that can make the most positive impact on the most vulnerable children in our society.

24. There is sufficient capacity within the secure estate in Wales for the children who receive custodial sentences, but the current system does not fully meet their needs. There are concerns about the distant-placing of Welsh children away from their home area and whether their cultural and linguistic needs are fully met in establishments in England.
25. There is a lack of secure in-patient provision in Wales for children with mental ill health and no detoxification provision for those with acute substance misuse problems. Hillside SCH is the only establishment in Wales which accommodates children on secure welfare orders but has insufficient capacity. Welfare beds are not always available which can lead to the placement of Welsh children outside of Wales.
26. Consistent care and support is essential to improving outcomes and lessening the likelihood of a return to custody or other type of secure facility. We believe that with the right investment, from both UK and Welsh Governments, the opportunity exists to transform the secure estate in Wales and deliver a multidisciplinary, therapeutic model that will meet the needs of both justice and wider health and welfare services. This would put Wales at the forefront of global practice.
27. The advice underpinning the blueprint was based on the delivery landscape at the time; while it provides a sound evidence base for building on the success of the past and ensuring holistic service delivery to help children reach their potential, the current global COVID-19 pandemic has changed the landscape. The lessons learned during the crisis will be incorporated into implementation plans to help ensure the delivery of sustainable solutions to the challenges faced by the most vulnerable children in our society and truly shape a system that is fit for Wales.

## Conclusion

28. The YJB believes that the successful delivery of youth justice in Wales is based on partnership between all delivery and policy agencies. We need to maintain the most effective elements of this approach while building on the successes in both the community and custody. This requires the commitment of all partners, devolved and non-devolved, to deliver the blueprint and ensure that children involved with youth justice in Wales, from prevention to resettlement will experience a Child First approach.
29. All delivery partners must identify, and invest in, innovative practice that contributes to the sustainable agenda and helps children overcome the barriers to reaching their potential while also building safe, resilient communities. Practice, whether by devolved or non-devolved services must consider the rights of the child paramount, with safeguarding and a developmental understanding of childhood experience of equal importance.
30. YJB has an operating model in Wales that enables us to work effectively in partnership with Welsh Government, UK Government and delivery agencies. This model is not predicated on constitutional matters, it is based on effective relationships and partnership working. As such

it is flexible and adaptable and will continue to deliver positive outcomes for children in the future as decisions are made about the devolution settlement.