

## CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE

9.15pm - 5 OCTOBER 2011

### National Assembly for Wales

### EVIDENCE TO THE CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE: YOUTH JUSTICE

1. I would like to thank you for the invitation to today's Committee to provide you with information about the youth justice agenda in Wales. There have been some significant developments across this landscape over the past 12 months and I appreciate the opportunity to outline our future approach to youth justice in Wales.

2. The evidence below provides a background and context for the way forward. It touches on some of our achievements and the work that is being carried out which impacts youth justice. It also sets the scene for related legislative proposals in Wales.

#### Background

3. Although youth justice is not devolved, the Welsh Government has a vital interest in this area given the close link between the prevention of youth offending and many devolved areas, such as education, training, health and social services. International research has shown that these areas can have a significant effect on whether young people lead successful, fulfilled lives or whether they turn towards crime and antisocial behaviour.

4. The Welsh Government and Youth Justice Board (YJB) have a proven track record of working together to deliver tangible improvements for youngsters caught up in the youth justice system in Wales. This joint work is underpinned by the All Wales Youth Offending Strategy Delivery Plan for the period 2009-2011. The Plan embodies a number of key principles, primarily that 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. Prevention is better than cure and young people should be treated as children first and offenders second.

5. The Delivery Plan is overseen by a jointly convened advisory group - the Wales Youth Justice Advisory Panel (WYJAP) - which includes senior representatives from a wide cross section of stakeholders within the youth justice arena in Wales.

6. I am pleased to be able to report the following achievements across Wales:  
**First Time Entrants (FTE)** – the number of FTE's to the youth justice system has continued to fall each year since 2006. Police National Computer data demonstrated a 33.3% reduction in FTEs between 2009 and 2010. This compared with a reduction of just over 16% between 2008 and 2009.

**Reoffending rates** – the rate of reoffending since 2005 has reduced by over 18.6%.

**Custody rates** – The custody rate in Wales has remained relatively constant at around 5.6% in 2010/11 (down from 5.8% in 2009/10), despite a significant

reduction (13.0%) in the number of sentences, and the number of custodial disposals in Wales reducing by 16.6% for the same period.

### **Safer Communities Fund**

7. The Safer Communities Fund supports the implementation of the principles of the 2009-11 Delivery Plan through projects relevant to the prevention and reduction of youth crime and disorder. This funds a variety of projects across Wales, including some based on artistic or sporting activities, assistance with education or training, restorative justice schemes, provision of leisure facilities and initiatives to combat substance misuse. For example, in Ceredigion, the School Programmes and Restorative Justice Project has helped to develop a variety of programmes to prevent young people at risk of offending or anti social behaviour. The project is delivered to all secondary schools and is now being introduced to primary schools.

### **UNCRC Rights based approach**

8. The Welsh Government's commitment to Children & Young People's Rights has created a unique rights-based policy approach that differs from approaches taken elsewhere in the UK. This has had a major impact on the devolved and non-devolved policy landscape in Wales, especially for youth justice. I believe that the promotion of rights-based provision has helped improve, and will continue to improve, the outcomes for young people within the youth justice system in Wales, and thereby improve their wellbeing. This has led to a joint initiative between the Welsh Government and YJB, with the support of the Children's Commissioner, aimed at improving the participation of young people sentenced to a court order. This initiative is designed to improve the outcomes of court orders by enhancing the young people's understanding of, and engagement with, their orders, reduce the likelihood of young people breaching their order, and lower the risk of re-offending.

### **Developments and future position of youth justice**

9. Under the previous administration, the 'One Wales' agreement committed the Welsh Government 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 in Wales.

10. In 2009, the Communities and Culture Committee conducted an inquiry into youth justice which resulted in recommendations for improvement of delivery of youth justice services.

11. In March 2011 these considerations culminated in the then Cabinet's agreement to explore using existing powers to further increase our influence over the delivery of community based services for youth justice. These proposals formed part of the Labour Party's manifesto for the recent election and are now a key component of the Welsh Government's Programme.

12. We want to see significant changes to the environment in which youth justice operates, and to increase Welsh Government influence over the delivery of youth justice services in Wales. To deliver this vision there would

be a need to explore ways to strengthen the position of children and young people made vulnerable through offending, including;

The feasibility of giving children and young people in custodial settings similar support to children who are looked after.

Strengthening local authorities and other partners' co-operation duties, to promote the well being of children in the youth justice system, by ensuring that there is a sufficient range of services to support them and reduce the risk of re-offending.

13. These policy options will be consulted upon in the summer of 2012, and the response will determine our final approach, which may include the introduction of a 'Prevention of Youth Offending (Wales) Bill'. If it is decided that a Bill is required, this will be introduced in year 3 of the legislative programme.

14. There is a link between our proposals and the proposed legislation arising from the recent Ministry of Justice (MoJ) Green Paper: Breaking the Cycle: Effective punishment, rehabilitation and sentencing of offenders. The latter proposes the introduction of a single remand order during 2011/12 with attendant provisions for conferring looked after status on all children remanded to custody. These proposals are being taken forward through the Legal Aid and Sentencing Bill and I believe will complement the policy intent of the proposed Prevention of Youth Offending Bill. My officials will continue to work closely with the YJB, MoJ and other stakeholders, to ensure that MoJ give due consideration to the impact of their proposals on Wales.

### **The Youth Justice Board for England and Wales and its interface with the Welsh Government**

15. The Youth Justice Board (YJB) for England and Wales was established by the Crime and Disorder Act 1998. The YJB is an executive non-departmental public body that oversees the delivery of the youth justice system in Wales. Its main aims are to prevent offending and reoffending by children and young people under the age of 18, and to ensure that custody for them is safe, secure, and addresses the causes of their offending behaviour.

16. On 14 October 2010 the Ministry of Justice (MoJ) announced its intention to bring the leadership of the YJB and the specific functions undertaken by it, into the MoJ. This proposal is currently part of the consultation on the UK Government's Public Bodies Bill. A senior Welsh Government official is a member of the YJB Transition Executive Programme Board established to oversee the merger of the YJB with MoJ. This involvement was agreed to ensure that Welsh Government views, and the impact of the proposed changes on Wales, are considered.

### **Youth Offending Teams**

17. Statutory responsibility for tackling youth offending at a local level rests with Youth Offending Teams (YOTs). YOTs are statutory local partnerships established by section 41 of the Crime and Disorder Act 1998. They are multi-agency teams which link devolved and non-devolved areas, in the delivery of

services and support to young people. They are co-ordinated by the respective local authority and are overseen by the YJB. There are 18 YOTs in Wales covering 22 local authority areas, consisting of representatives from police, probation, social services, health and education. YOTs are responsible for identifying the needs of each young offender through a national assessment which identifies the specific problems related to the young persons offending as well as measuring the risk they pose to others. This, in turn, enables the YOT to identify suitable programmes to address their behaviour and needs, making referrals to mainstream and specialist services with the intention of preventing further offending. YOTs also administer and oversee delivery of community sentences for young people for whom they are responsible.

## **Community and custodial sentencing**

18. The Welsh Government's view is that there should be effective community based sentencing alternatives to custody for children and young people, where this is in the best interests of the child. The principle aim is not punishment but effective rehabilitation to prevent the young people committing further crimes.

19. Clearly, the placing of young people in secure accommodation is sometimes necessary where offences are grave, or young people are prolific repeat offenders. Where this is the case, the Welsh Government's preference would be to see small units based in Welsh communities, thus ensuring that they are as close as possible to their home communities and families. However there is inadequate supply of secure facilities for young people in Wales and none at all in North Wales, making it necessary for some of our young people to be placed in institutions in England. Currently there are 81 places in Wales (64 at Parc Youth Offender Institute (YOI) and 17 at Hillside Secure Children's Home).

20. While there remains an aspiration to maintain and increase the amount of secure accommodation for children and young people within Wales this must be set against the welcome fall in numbers of young people from Wales now in custody and the diminishing juvenile custodial cohort.

21. The Welsh Government is focusing on the provision of an enhanced service specification for those young people from Wales who are held in the English Secure Estate. The intention is to ensure that Welsh young people's distinct educational, vocational, health and cultural needs are addressed in the language of their choice no matter in which country they are held. A bespoke specification is under development in Hindley YOI and, together with a bespoke placement protocol for young people, this will allow young people from northern Wales to receive appropriate services. The Welsh Government will continue to work with the YJB to test and refine this approach before determining how it might be extended to other institutions with significant numbers of Welsh young people.

22. The YJB are currently consulting on a new strategy for the Secure Estate. The key drivers for this are: the reconfiguration of the estate following the reduction in the number of young people being sentenced or remanded to custody; the need to continue improving outcomes for young people and the

need to meet spending review commitments. The consultation ends on the 11<sup>th</sup> October and Welsh Government we will be providing a comprehensive response to the proposals to ensure that the needs of Welsh children and young people are fully taken into consideration.

### **Interface with other Welsh Government policies**

23. As I have previously pointed out, whilst the youth justice system is not devolved to Wales many of the services that are essential for the successful rehabilitation of children and young people entering custody are devolved to the Welsh Government. All of these important areas are brought together through the Wales Delivery Plan 2009-11 and assist with the central aim of reducing youth offending. Some developments in these areas are outlined below.

### **Education**

24. My colleague the Minister for Education and Skills has portfolio lead responsibility for learning for young people from Wales who are known to the criminal justice system. My colleague the Deputy Minister for Children and Social Services has portfolio lead responsibility for children and young people's rights.

25. Research conducted by the YJB in 2008 identified effective education as the single most important protective factor in preventing re-offending. The delivery plan recognises the importance of learning and employment as a key factor in preventing crime by young people and ensuring that there are education and training arrangements in place for young people within the criminal justice system which meet their needs in order to give them the best possible chance of turning their lives around. Over the past few years there have been some significant educational achievements benefitting young people in the criminal justice system across Wales. Some of these include Statutory Guidance published in April 2011 for local authorities in respect of new duties for the education and training of children and young people under the Apprenticeships, Skills, Children and Learning (ASCL) Act 2009. Guidance was published in July 2009 for the education provision within the Hillside Secure Children's Home in Wales. New electronic individual learning plans have been developed to improve continuity at points of transition within the system. The Welsh Government has developed and supported the rollout of programmes to raise awareness for youth offending teams and prison service staff around issues for learners with special educational needs and additional learning needs. A £1.2 million project supported by European Social Fund has been established by the Welsh Government under "Reach the Heights", providing intensive support to engage and re-engage the most vulnerable individuals in the system back into learning.

### **The Child Poverty Strategy Integrated Family Support Services & Families First**

26. Research shows that there is a high degree of correlation between the social and welfare factors in a child's life associated with living in poverty and those related to an increased likelihood of becoming involved in offending behaviour. The new Child Poverty Strategy has made way for working

towards more closely integrating the operation of youth justice services in Wales through the approach to whole family interventions. This includes YOTs being more closely linked to Integrated Family Support Services (IFSS). IFSS is being progressively rolled out across Wales and support is provided to complex families by breaking down organisational barriers with a greater accountability and shared responsibility within and across children's and adults' social services with a requirement for greater collaboration between local government and health boards in Wales, as equal partners delivering IFSS in their area.

27. The design and implementation of IFSS takes full account of the interface with the Youth Justice system, with Youth Offending Teams being relevant partners on Integrated Family Support Boards. The necessary links are being made to ensure there are clear referral pathways to IFSS through the range of agencies that contribute to youth justice services, including youth offending teams, the police and children's social services. More broadly there are clear referral systems between youth justice teams and social services to identify and refer children who may be in need of an intervention or welfare service.

28. The Welsh Government's innovative Families First programme will also contribute to the early identification of young people at risk of offending by encouraging the provision of more integrated service delivery to families, from universal services through to a 'Team Around the Family' multi-agency approach. It will also assist with building links across the delivery of services such as IFSS and Communities First to families with complex needs.

### **Substance Misuse**

29. Substance misuse is one of the primary predictors of future offending behaviour among children and young people. The Delivery Plan emphasised the need for local responses to substance misuse among children and young people.

30. The Welsh Government Strategy "Working Together to Reduce Harm" sets out a clear national agenda for tackling and reducing the harms associated with substance misuse in Wales. One of the four priority action areas identified is to reducing harm to individuals, their families and wider communities from the misuse of drugs and alcohol, whilst not stigmatising substance misuse. The Welsh Government have produced a framework and guidance for the delivery of Integrated Care for Children and Young People who Misuse Substances and covers all aspects of treatment and care for young people in need of substance misuse interventions, including the transition of young people into adult services when they become age appropriate.

### **Child & Adolescent Mental Health Services (CAMHS)**

31. The mental health of children and adolescents continues to be a priority for the Welsh Government. Child Adolescent Mental Health Services (CAMHS) are being strengthened across the tiers including access to specialist CAMHS. Each Local Health Board now has a Mental Health Advisor in place and available to each Youth Offending Team, aligned with specialised tier 3 forensic CAMH teams.

32. Dedicated work is also underway with the juvenile unit at Parc Prison, now providing not only Tier 1 services, but Tier 2 and 3 Forensic CAMHS in reach services. The in-reach service has been pivotal to the development of the all Wales tiered approach to Forensic CAMHS, linking with generic CAMHS services, Youth Offending Services, the Mental Health Advisor Service and the Forensic Adolescent Consultation and Treatment Service.

### **Accommodation**

33. Being in a homeless state or having unsettled accommodation can have an impact on what happens to an individual once they become involved in the criminal justice system. Uncertain and impermanent living arrangements can contribute to the reason for a custodial remand or sentence. An individual can lose their accommodation as a result of being remanded or sentenced to custody, and having nowhere to live on release can affect the ability to be released. Stable accommodation can also reduce the likelihood of re-conviction.

34. It is important that youth justice services have liaison arrangements with local authorities and other housing agencies to plan access to suitable accommodation on release and to ensure homelessness is prevented. Local authorities have particular responsibilities under the Children Act to ensure that people in need aged under 18 have their accommodation and other needs met. The Welsh Government has commissioned a good practice advice note to help improvements in joint working on housing for young offenders.