



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

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

**Dydd Iau, 7 Mai 2009
Thursday, 7 May 2009**

Cynnwys
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Inquiry into Youth Justice—Evidence Gathering

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

Eleanor Burnham	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
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
David Lloyd	Plaid Cymru The Party of Wales
Joyce Watson	Llafur Labour

Eraill yn bresennol
Others in attendance

John Drew	Prif Weithredwr, Bwrdd Cyfiawnder Ieuenctid Cymru a Lloegr Chief Executive, Youth Justice Board for England and Wales
Aled Eurig	Ymgynghorydd y Pwyllgor Committee Adviser
Susan Williams	Pennaeth Bwrdd Cyfiawnder Ieuenctid Cymru a Lloegr Head of Youth Justice Board for England and Wales
Yr Athro/Professor Howard Williamson	Athro Polisi Ieuenctid Ewrop, Cyfadran y Dyniaethau a'r Gwyddorau Cymdeithasol, Prifysgol Morgannwg Professor of European Youth Policy, Faculty of Humanities and Social Sciences, University of Glamorgan

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

Sarah Hatherley	Gwasanaeth Ymchwil yr Aelodau Members' Research Service
Annette Millett	Dirprwy Glerc Deputy Clerk
Stefan Sanchez	Clerc Clerk

Dechreuodd y cyfarfod am 1.04 p.m.
The meeting began at 1.04 p.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Janice Gregory:** Good afternoon and welcome to the Communities and Culture Committee. As always, I will go through the housekeeping remarks, which relate to headsets for translation. I am sure that we are all aware that the National Assembly for Wales operates through the media of both English and Welsh. Therefore, translation is available on channel 1 and amplification of the sound is available on channel 0. I ask everyone to ensure that their

mobile phones, BlackBerrys, pagers and any other electronic devices that they may have are switched off completely as they can interfere with our sound equipment.

[2] I understand that no fire drill has been planned for today. Therefore, if an alarm sounds, we will be required to leave the building in a safe and orderly fashion. Please be guided by the ushers, who will make sure that we are directed to the nearest safe exit.

[3] I have received apologies from Lynne Neagle and Bethan Jenkins. I have not been notified of any substitutions.

Cynnig Trefniadol Procedural Motion

[4] **Janice Gregory:** Item 2 on our agenda today is the agreement of the report recommendations for the inquiry into newspapers in Wales and the inquiry into broadcasting. For this, the committee will go into private session. Therefore, I move that

the committee resolves to exclude the public from the next item in accordance with Standing Order No. 10.37(vi).

[5] I see that everyone is in agreement.

*Derbyniwyd y cynnig.
Motion carried.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 1.06 p.m.
The public part of the meeting ended at 1.06 p.m.*

*Ailymgynullodd y pwyllgor yn gyhoeddus am 1.50 p.m.
The committee reconvened in public at 1.50 p.m.*

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

[6] **Janice Gregory:** I now welcome our witnesses, Susan Williams, head of the youth justice board for Wales, and John Drew, chief executive of the Youth Justice Board for England and Wales. Thank you for your evidence so far. I am sure that you are aware of the background to this inquiry and of why the Communities and Culture Committee has decided to hold it. We will now move straight to questions. I hope that you are both comfortable with that. There are no trick questions. I am sure that you are aware of how we work. Members have a series of questions to put to you. I should probably know this, but it is Thursday afternoon—which one of you is to lead on this?

[7] **Mr Drew:** I will lead on the broad detail and, when we get to specific Welsh issues, I will defer to Sue.

[8] **Janice Gregory:** Thank you. The first two questions are from Lesley Griffiths.

[9] **Lesley Griffiths:** In your evidence, you refer to the arrangements that you have developed since the implementation of the all-Wales youth offending strategy. How do you think the strategy has assisted children and young people in relation to custody and rehabilitation?

[10] **Mr Drew:** Immediately, that is something that Sue would be best placed to answer.

[11] **Ms Williams:** Very convenient. [*Laughter.*] The strategy has been around since 2004, and it is fair to say that it took a while for a robust delivery framework to come into place around that. We have done a lot of work on that over the past year to 18 months. Two days ago, Mrs Hart approved a delivery plan for the strategy over the next two years. So, we have reviewed, researched and consulted on the strategy. People have told us what they think the major priorities and gaps are and what we ought to concentrate on. We put together what I hope you will agree is a comprehensive delivery plan that is also clear, reasonable, makes sense and includes some clear priorities.

[12] On the achievements during previous years, we know that access to mental health assessments has improved for children known to the youth justice system. The youth justice board has been monitoring that situation for the past four or five years and it improved significantly about two years ago. Historically, our monitoring showed that the situation was a lot worse than it is in England, but it then improved and was on a par with England, if not better.

[13] Children's access to suitable accommodation has also improved. The latest figure is that 96.2 per cent of Welsh children known to the youth justice system are in suitable accommodation by the end of their care with the youth offending team. Historically, that hovered at only 91 or 92 per cent for quite some time. It has improved over the past year or so through closer working with housing colleagues in the Assembly Government. Assessment for substance misuse problems and access to treatment have also improved. That is about 90 per cent. Hang on; I have the figures here so I will just check them. The latest figures are that 87 per cent of children get an assessment within a defined timeframe—and I think that we say 10 days, but I cannot quite remember—and 92 per cent get treatment when assessed as needing it. Again, that is a significant improvement. What has not improved is children's access to education and training. Actually, that has flatlined over a period of years and that is a matter of concern for everyone. Everyone who understands the area knows that that is the case and we all share concerns about that.

[14] **Lesley Griffiths:** Following the completion of the custodial sentence, how do you think the resettlement needs of Welsh children and young people are being addressed? Do you think that that is adequate and resourced by the Welsh Government?

[15] **Ms Williams:** There is a problem with education and training. You have probably read in the evidence that we have a new delivery framework of sub-committees in Wales, one of which is education and training and one is custody and resettlement. I chair the custody and resettlement sub-committee, which had its first meeting about 10 days ago. We have people there from secure establishments, and everyone's paramount concern was the access provided to careers and training advice for Welsh children while they are in custody to help them to prepare for release and so on. So, it is a big resettlement issue and it is a matter of concern. According to our monitoring, it is a bigger problem in Wales than it is in England. Barriers are in place, which are compounded by children being incarcerated, and there is sometimes a second barrier when they are incarcerated in England. The HMP and YOI Parc has a careers adviser in the establishment. However, it is not the case that careers advisers can manage to go to Ashfield, the main English establishment where children have been held, or to HMYOI Stoke Heath, which is where more children from north Wales are held. It just does not happen.

[16] **Lesley Griffiths:** You mentioned that access to treatment is improving. Is it mainly the education and careers advice that you feel need the most improvement?

[17] **Ms Williams:** I think that it is mainly that, but there are also still accommodation and substance misuse problems. On substance misuse, although more children are getting assessed

and passed into services, and there has definitely been an improvement, the problem still remains, which is acknowledged in the Assembly Government's new substance misuse strategy in relation to the quality of some of the services, and particularly its child-friendly services. That is acknowledged and is not just my opinion; we know that there is work to be done there.

[18] **Mr Drew:** I wonder whether I may talk briefly about accommodation. I preface my remarks by saying that this problem is in no sense unique to Wales. Accommodation is a real issue. We could all probably describe the perfect arrangements for the resettlement of young offenders, which would include a degree of engagement in the secure estate that they were in for the month before their discharge, with a regime that prepares them for going out. It would also include their knowing where they are to live in advance of being released and there being proper support arrangements in place as they arrive at that accommodation. Those early days are tremendously important. If you talk to governors and directors, they will all describe to you a revolving door, through which some youngsters come back really quickly. A lot of that is to do with inadequate resettlement. So, accommodation is very difficult.

2.00 p.m.

[19] The problem that we have in the youth justice field is in making a special case plea for young offenders. In my previous job, I was the director of housing in an English local authority and we identified 29 priority groups, and I do not doubt that the same would be true in Welsh settings. However, anything that can be done to champion their cause by having really first-rate accommodation options available for young offenders when they have served their sentence would have a really big impact during those critical early days. We know that the reconviction rate for youngsters who have been in custody is really high, so the first weeks and the first weekend are really important, particularly, as Sue suggested, if there is a cocktail of issues, which might include previous substance misuse. That means that the temptation to get drawn back into that world is high.

[20] **Mark Isherwood:** The points that you raised about education and training were also picked up in the Estyn annual report, which we debated this week. Are you working with Estyn on that issue to see how we can make progress?

[21] On housing, when we conducted an inquiry in the second Assembly into youth homelessness, I met some young adult prisoners in Merseyside, who expressed a concern that they should not necessarily be resettled in the area that they came from because of the risk of falling back in with their peer groups and pushers. There were, therefore, some reciprocal arrangements between some local authorities to exchange so that people could go to new areas and start afresh. Do you have any views on that, or any experience, given your previous role?

[22] **Mr Drew:** There is one significant difference between young adults and children, even if the children whom we are talking about are 16 or 17-year-olds, as the majority will be. It is the fact that they are aged under 18 and so are children, and there is therefore a more powerful argument for them to be resettled in their areas of origin. When you work with a young offender, and you see a large 16 or 17-year-old, it is very easy to forget their degree of emotional maturity, social sophistication and so on. I absolutely understand the temptation of saying, 'Move them to a different town', not to change the neighbourhood, because, as you say, an exchange would move youngsters around in that way, but because it would provide them with the opportunity of a fresh start. For children, however, the argument is much less powerful, and the issue is much more about purposefully supporting youngsters on discharge. Often, we fall back on young people returning to a parent, although possibly not the parent who has done most of the parenting in the period leading up to their custodial sentence, because we cannot think of anything better. We just have to come up with better and more

purposeful solutions. It is not just bricks and mortar, although that is one part of it; it is also about engaging young people in the first weeks after release. In that sense, the most profound change would be achieved within their own communities where, in the long term, they will be.

[23] **Ms Williams:** On the other point, Estyn carried out a thematic inspection on meeting the learning needs of children and people who offend, and that came out last June. We debated that in the Youth Justice Committee for Wales. It is probably the main finding that it refers to in its annual report.

[24] I am going to talk to the Association of Directors of Education in Wales, either next week or the week after, to go through that with them, because there are a number of recommendations for local education authorities. In a sense, with knowledge of the findings, we have already taken work forward with colleagues in the Department for Children, Education, Lifelong Learning and Skills, and we have ensured that some of the main tenets are included in the delivery plan, which is about to be published. There is a major issue about senior strategic involvement at local authority level by education personnel, and I think that Estyn was critical of it. There are also issues of there not being enough training placements, and we have just discussed personnel going to help young Welsh people who are in custody in England. There is also the matter of the level of funding by LEAs, which is lower than that in England. We will be discussing all those points and a range of other things with ADEW. We are aware of the issues.

[25] **David Lloyd:** Going back a bit, you touched on the provision of secure accommodation. You say in your paper that there is a national placement system that seeks to match placements to need, subject to resource constraints. Can you clarify the process regarding how placements are made? Can you also comment on to what extent resource constraints impinge on that, and also flesh out what considerations you give to young people with special needs, such as learning difficulties, vulnerability, Welsh speakers, and so on?

[26] **Mr Drew:** Yes, I can. As you will know, there are three types of secure establishment with which we have an agreement for the provision of services. The first is young offender institutions, which are the largest single group run by the national offender management service or by private contractors. At any one stage, there are 2,300 youngsters in England and Wales in those institutions. The second is the secure training centres, which are run on longer-term contracts with private providers, each providing 70 or so beds, and there are 191 beds in secure children's homes. Hillside secure centre is the Welsh example in that regard.

[27] So, we operate a placement service that is available six days a week. We know the level of vacancy and where those vacant beds are at the beginning of the day. In any one day, 70 young people across England and Wales will move to court, between establishments, out of custody, and so on. We look at the information that we receive from the youth offending team about the vulnerability of the young people, such as their age and where they live, and we do our best to match the beds that we have available to the young people and their needs. We take into account a wide range of the sorts of factors that you would imagine we would.

[28] There are resource issues, although in the current climate with numbers below the peak that they reached a few years ago—you will know the figures for Wales in that regard—we have some latitude around trying to match the particular needs of a child. Essentially, we will place the younger children—there are very few children under 15 in custody—in secure children's homes or STCs. Sixteen to 17-year-olds are much more likely to be in YOIs. We have a couple of specialist units within the YOI estates, such as Wetherby in Yorkshire, which is a long distance from Wales. However, if a youngster that would normally be in a YOI displays particular vulnerabilities, there is a specialist unit called the Keppel unit where we would consider placement. So, within quite limited different types of resource, we will try

to match the needs of the young person to the establishment.

[29] I am very aware of the issue about Welsh children being placed in Wales, and that is also as big an issue in parts of England. The national position is one where we have relative over-provision in the north of England, and relative under-provision in London and the south-east of England. So, locality is an issue in other parts of England, as well as in Wales.

[30] **Mark Isherwood:** As you are probably aware, there has been much discussion in the Assembly regarding the importance of independent advocacy for looked-after children. What provision exists in secure establishments for children and young people upon release for independent advocacy and complaints?

[31] **Mr Drew:** I will ask Sue to come in on the specifics, particularly on post-release, but we have contractor arrangements for advocacy that exist in all of the secure estate. However, there will be specific arrangements post-release, but I am not familiar with the details in relation to Wales.

[32] **Ms Williams:** We have a contract with Voice to provide advocacy services in Parc prison. I think that it also provides the service in Ashfield. The national co-ordinator for Voice—I know who she is but I am not sure what her title is—sits on our custody and resettlement committee, which has just started, so that the voice of the child can be represented in that way. They operate independently in the establishments; they are independent of us or any other part of our set-up. On resettlement and advocacy services, we do not directly fund any service nationally. I do not think that there is an overall systematic approach to that. I cannot think, off the top of my head, of any examples of individual YOTs, but there probably are some.

2.10 p.m.

[33] **Mark Isherwood:** Could the Members' research service obtain that information?

[34] **Janice Gregory:** Yes; I am sure that they can do so. I call on Alun.

[35] **Alun Cairns:** In respect of the new facility in north Wales, the Welsh Government is committed to finding the capital and the youth justice board will resolve the revenue issues in relation to that. Expanding provision in Wales is constrained by the finances of the Ministry of Justice and its budget cuts, as it would be in any year's circumstances as there is never enough money to go around. What would be the benefits and disadvantages of devolving responsibility for the secure estate in Wales to the Welsh Assembly Government?

[36] **Mr Drew:** That was a question that we expected. [*Laughter.*] It is a highly relevant question. Before I took up this post four months ago I was aware of the degree of concern in north Wales, not least from our reading of the local media coverage on this issue. I know that David Hanson explained the broad policy position in his evidence to you. You are correct; he identified it as being a resource issue, which is as it appears to us. It is not an issue upon which the youth justice board has a particular view. If the resources are made available, we will do what we can in order to ensure that there are more local facilities. As I have said, it is a particularly sharp issue in north Wales, but it would also be a sharp issue for politicians, such as your colleagues in London, looking at London and the south-east. Therefore, we understand the position but, as you say, there are severe resource restraints at present.

[37] On the general policy issue of devolution, the Minister has answered that, and it is a political issue rather than an issue for the youth justice board. We advise the Government on issues in relation to youth justice but it is for the Government to set the policy parameters. Our general view is that we believe that young people should, in most circumstances, be

placed near their home. We have a target in relation to the secure estate—which is very similar to the target in relation to children’s homes—which is to try to place children within 50 miles. There are clear areas within England and Wales where that is not possible. It is a target that is worth having because it directs where we would go if and when more resources became available. Also, to a degree, it directs where we currently invest. Therefore, we understand the argument in relation to that.

[38] On whether the devolution of youth justice to the Welsh Assembly would change the position, I would throw that question back to you because, as the resources are currently allocated, it is clearly a resource issue. In a devolved arrangement, it would be for the Welsh Assembly Government to decide whether that is where they wished to place such resources as would have available to it. I can see the arguments for doing that and I can see the real practical difficulties against it.

[39] **Alun Cairns:** Therefore, would you say that the answer to the question would depend on whether the Welsh Assembly Government was likely to place a greater priority on spend in Wales, rather than the youth justice board? Therefore, it is the Minister that has the answer to that.

[40] **Mr Drew:** There is little doubt that the development of a custodial facility for young people in north Wales would involve spending more money than we are currently spending, and therefore whoever holds those purse strings has to weigh up that issue against all of the other demands upon how they spend their money.

[41] **Alun Cairns:** The strategy for secure estates for children and young people—the consultation in which the youth justice board is currently working on, there are concerns that the strategy was written from an English perspective, and did not recognise the situation in Wales where there are specific Welsh issues. Should the youth justice board and the Welsh Assembly Government develop a joint strategy for the secure estate?

[42] **Mr Drew:** We are about to consult on the strategy—it is currently passing through the final stages of Government before we go out to consultation. It will be for others to judge, and not for me, whether or not it captures the Welsh dimension. We have written it, as we have prepared all our other documents I hope, with a firm eye on the different circumstances that pertain to Wales, but that will be for your judgement. I would imagine that you want to develop all-Wales strategies and dimensions to strategies on anything that comes from the youth justice board, so you would need to look at our consultation strategy, tell us where it needs to be amended to take better account of the Welsh situation, and, on the basis of that, decide whether you want something that is even more specific to your circumstances. Whatever might be the appearance, we genuinely try to build a Welsh dimension into what we do. So, my starting point is that I hope that the strategy will reflect that to a considerable degree when it goes out to consultation.

[43] **Alun Cairns:** The Children’s Commissioner for Wales has explicitly expressed his concerns that youth justice is one of the areas where the clearest breaches of children’s rights currently exist. What is your response to this view and what further action is needed to ensure that all establishments have a culture focused around the child?

[44] **Mr Drew:** I will start, but I will pass on to Sue in relation to that as well. When you run a custodial establishment for young people who are there to be punished, it is inevitable that it will have some aspects that would not exist in our family lives. That is a factor, so the idea of liberty, free association, and access to certain entitlements that we would expect for all children will not necessarily be present, simply because of the custodial nature of the placement. The most obvious example is the liberties. Having said that, these are extraordinarily powerful institutions where, when things go wrong, it is absolutely right that

people such as you should be especially concerned, because things can go seriously wrong. Our focus as a youth justice board in terms of the rights of children has been around reviewing safeguarding, and I can outline a number of measures that we have taken, which are now working, to improve safeguarding within the secure estate. From her experience, Sue will describe the changes over the last dozen or so years in that regard.

[45] The Government also commissioned an independent review of restraint. There has been a lot of concern around the methods of restraint used across the secure estate, and we are now in the implementation phase of the review. The Government accepted all the recommendations from the independent review, it has retained the independent reviewers to monitor progress over the next two years, and we are now at the implementation stage. A key component of that is to carry out an independent and thoroughgoing medical review, particularly from the point of view of paediatrics. So, it is about thinking about the implications of methods of restraint on children. They may be perfectly suitable for a young adult, but are they suitable for a child?

[46] Those are just two particular examples of what we are doing to protect the rights of young people in custody, and also to improve the regime to make it a safer and better place.

[47] **Alun Cairns:** Do you include the measures that you take in your annual report, bearing in mind the breaches of the rights of the child?

[48] **Mr Drew:** Our annual report is a short document. When we produce our next annual report, we will talk about changes in the secure estate because it has been a very significant part of our work in the last 12 months. So, we will be describing that in the annual report.

[49] **Alun Cairns:** You rightly said that if breaches of the rights of the child in this environment go wrong, they would go very wrong. Would it not be useful to include in the annual report what steps are taken to ensure that those breaches are not—

[50] **Mr Drew:** Sorry, I did not make that clear. The two issues—both of which are developments in 2008-09—in relation to safeguarding and in relation to restraint will feature in our annual report. You will see the detail on our website of the review of safeguarding, and so on.

2.20 p.m.

[51] **Ms Williams:** I meet the children's commissioner regularly, and we send him a quarterly update on the number of Welsh children in custody, including a breakdown by gender, age and so on. A member of his staff sits on our prevention sub-committee, and there is an open invitation to our custody and resettlement sub-committee. As I am sure you know, he regularly goes into Parc and Ashfield prisons. He relays to us any queries, questions or issues that children or others might raise with him as concerns, so we have a dialogue. John referred to my history; I was a senior probation officer in Cardiff prison about 12 years ago, when the prison held juveniles. At any given time, there were usually one or two 15-year-olds being held in the prison, and you all know what Cardiff prison is like; they were held in the Victorian wing of an old prison. The position now compared with then is a different world. From my own experience, I know what it was like there. So, the situation is not perfect, and we all want some things to improve, but compared with that situation, when children, some as young as 15, were mixed in with adults in big adult jails, the position now is a heck of a lot better. It really is.

[52] **Alun Cairns:** Six priority areas have now been identified, which the Welsh Assembly Government and the youth justice board will follow up in coming years. However, mental health has been left out. Are you satisfied that mental health provision will receive

sufficient priority, despite not being included in the framework? Why was mental health not included?

[53] **Ms Williams:** I think that I have mentioned previously that, in our monitoring, we tracked the access of children in the youth justice system to mental health assessment and treatment as having improved significantly over the past couple of years. So that is the first reason: we had evidence that things had greatly improved. Another reason is that, in looking at the all-Wales youth offending strategy in the refresh, which we did through a formal change programme over a year, there was a great deal of consultation. For example, we carried out structured individual interviews with a range of people—all of those represented on the Wales Youth Justice Committee and others—on the sorts of things that they thought that the youth justice board, as an organisation, but also the wider partnership, should be doing to improve things for children in the youth justice system. The clear priorities that came out of that were, first, education, closely followed by housing and, to a lesser extent, substance misuse. We were guided by that. Given that those emerged, from a consensus, as such clear priorities, we chose those. That does not mean that we will never do anything to work with colleagues in the Assembly or the health service and so on in Wales to try to improve the situation. It is simply that, because we want a strategy that does not just sit there, but delivers on the ground, we want to be realistic about what we can hope to achieve. That is the reason for picking those clear priority areas—they came forward so clearly from the consultation.

[54] **Mark Isherwood:** Related to that, I would like to rephrase the question with regard to additional learning needs, because mental health problems and additional learning needs are different things. I forget the exact statistics, but I understand that something like 70 per cent of people entering the criminal justice system have one or the other, and they believe that up to about one third of children going into secure accommodation have additional learning needs of some kind. That ties into the education matter, but it is not referred to in the priority list. So, how is this being prioritised?

[55] **Ms Williams:** With regard to additional learning needs, you may be aware that the Department for Children, Education, Lifelong Learning and Skills recently commissioned the University of Glamorgan to do a piece of research on how children with special educational and allied needs in the youth justice system are helped and what the extent of it is. That piece of research is now in its final draft, and we are involved in that work. Once the ultimate findings have been established, we will work with DCELLS colleagues to do what we can.

[56] On the general point of what happens to help a child who has those sorts of needs, the child is assessed by the youth offending team when he or she comes into the system, and, depending on how comprehensive it is, the assessment should be able to pick those things up. The youth offending team should then ensure that a service is provided from the relevant arena to address the child's needs, based on the assessment. That does not happen perfectly, because assessment practice is not perfect, but that is what should happen on an individual-child basis when children are seen by the youth offending team. I do not think that there is anything else that I can say on that.

[57] **Joyce Watson:** In your paper, you recognise that many aspects of diversity can influence entry to the youth justice system and increase the likelihood of re-offending and social exclusion. What joint action have you as an organisation and the Welsh Government taken to address the high incidence of additional learning needs and mental health issues among children and young people in secure establishments?

[58] **Ms Williams:** Do you mean generally with regard to additional learning needs or while the children and young people are in establishments?

[59] **Joyce Watson:** I mean generally and also while they are in establishments. The question is written in such a way as to mean both.

[60] **Mr Drew:** Perhaps it would be easier if Sue talked about the position in the community in Wales and I talk a bit about the secure estate specifically.

[61] **Joyce Watson:** The question does specifically state 'in secure establishments'.

[62] **Ms Williams:** One of the things that we do is to fund youth offending teams in Wales to the extent of about £450,000. That is ring-fenced money for education and education support services. In collaboration with DCELLS, we have defined what sorts of things the money could be spent on, and we have assessed all the grant bids. So, that money is out there, and different YOTs choose to use it for different things. That is the only heading under which we fund anything specific. There is a particular stream for that. The rest of it would have to be done as per my answer to the previous question. We fund about 25 per cent of each youth offending team's budget in order to promote effective practice for children and young people. That should ensure that the needs of children and young people, as assessed, can be met as, by enhancing that practice, you have the best possible chance of helping them desist from offending. So that is the answer on the general point.

2.30 p.m.

[63] **Mr Drew:** I will turn, Chair, to the position in the secure estate. The point of departure in the secure estate is to ensure that the governors and directors and their staff know, when a young person arrives, about the background of that young person. Therefore, if they have a young person with learning disabilities, they know that on reception, and if they have a young person who has a significant abuse record, they know that, because that can make a difference to the regime in relation to receiving the young person, and so on. We run a programme called 'Wiring Up Youth Justice', which has, over the last two years, tried to make sure that there is an electronic transfer of assessment information, so that documentation does not catch up with the child a week or two after arrival, which it used to do in the previous system. From the auditing that we do of that, we are happy with the quality of information that the custodial estate receives, and with the speed with which it receives it.

[64] Secondly, we talk of the estate in short hand, as though it is one thing, but it is very different. From their inception, secure children's homes have had a much more extensive offer in relation to issues of mental health needs, and a more therapeutic regime. While that is something that we look at, and that the commissions that inspect them look at, broadly speaking we are broadly happy that the offer is appropriate to the needs of the youngsters concerned. We were concerned about the group that I have described already: youngsters who in every other way were youth offending institution people, but who were going to struggle in the large prison-like regime there. That is why we have commissioned and have established the Keppel unit in Wetherby. As I have said before, I appreciate that it is a long way from Wales, but it is the first of its sort, and, hopefully, if resources are made available, we will be able to do more of that. It is just shy of being a 50-bedded unit, and it is much more like a secure children's home in its regime. One of its distinctive features is that the Leeds Primary Care Trust, which is the local NHS body, provides a child and adolescent mental health service within the unit. There is a recognition that we need to do more to respond to the mental health needs of young people.

[65] Those are examples of what we are doing. It is always easy, when you give evidence to bodies such as this, to end up sounding quite complacent. I would be a fool if I said that I thought that we always recognised a youngster who has distinctive mental health needs in a custodial setting. I am sure that we do not, but through the safeguarding initiatives in particular—I was at a young offenders institution two weeks ago, and a team of six people

there were responsible for safeguarding—there is a more trained workforce, which is better equipped to identify special needs among young people. However, there will always be more that we can do.

[66] **Eleanor Burnham:** I am quite perturbed by the fact that the performance indicators and the priority areas that you have previously discussed do not mention mental health, whereas you are obviously very concerned about mental health and have it high on your list of priorities. I speak as a former magistrate and as someone who worked with kids who were excluded and who had to have prison sentences and so on. There is a body of evidence to suggest that their multiple mental health issues, together with substance misuse—along with dysfunction in every sort of way—are the key issues in their lives. I am particularly concerned about intensive fostering; what other creative methods do you use? My electoral region is north Wales, and the average distance from home to one of the estates—particularly in Gwynedd and Ynys Môn—is 80 miles. We are told that in August 2008 there were only six young people in that custodial situation. I used to visit HMYOI Stoke Heath, and there were particular issues there, which I am sure have been addressed since I have come here. Are there no pilot schemes in north Wales? I noticed that your pilot schemes for this intensive fostering scheme are in Hampshire, Staffordshire and London, if that is correct. What creative methods do you have? Do you think that this intensive fostering scheme, or some other form of fostering would have a key role in Wales, particularly in north Wales in view of some of the other issues that I have raised?

[67] **Mr Drew:** There were a number of points there, and I will try to be as brief as I can. I am familiar with the distance issue that you raised. As I said, our target would be 50 miles. In a perfect world, you would have a more local estate for children than that. However, I appreciate that there are real issues.

[68] On intensive fostering, the reason why the three pilot schemes are in England is that the funding stream is from the English Department for Children, Schools and Families. In our submission, we said that we think that there is potential for the Welsh Assembly Government to think about whether it would wish to sponsor a similar scheme in Wales. They are not cheap, but, relative to the cost of custody, they are phenomenally cheap. What we are talking about here is the chance to turn things around for a young person. While it is for you to decide what cost you place on that, we would advocate a national roll-out of intensive fostering in England and Wales. The scheme is being evaluated as we speak. I know, from reading the evaluation, that the scheme has been really successful for the period in which the young person has been subject to intensive fostering. They are less successful post the year of intensive fostering, but I would not expect anything other than that.

[69] **Eleanor Burnham:** Could you clarify that, briefly?

[70] **Mr Drew:** The reduction in the rates of further offending for youngsters being intensively fostered is fantastic. They are doing all the things that you would expect. That is brilliant and, for some young people, that will break their previous habits and make them begin to think of themselves in a very different way—and we know how important image and self-image is to an adolescent. When a young person ceases to be in intensive fostering—and it is very early days on that—the reoffending rates are still lower than the rates for someone who has been through a custodial establishment, but we want fantastic rates. We have not got there yet, which suggests that we need to do more to sustain the mentoring.

[71] **Eleanor Burnham:** I will make my final question brief, because I know that we are short of time. What alternative forms of safe community accommodation do you believe the Welsh Government should prioritise and what further action is needed to improve the links between mainstream specialist services to meet the housing needs of children and young people who are at risk of custody?

[72] **Mr Drew:** That brings us back to our original point on supported accommodation. There are two things there: small schemes where there is on-site support and then core and cluster schemes. In other words, where floating support is available to youngsters. So, they are in whatever accommodation they would be in naturally, but they have someone who visits and supports them not so much with the offending behaviour, which we would do through the youth offending team, but helping them to sustain their tenancies. Quite often, what brings people back into the youth justice system is the fact that their accommodation has become chaotic and then offending behaviour comes from that.

[73] **Eleanor Burnham:** Their lives become chaotic.

[74] **Mr Drew:** That is right. Some of the floating support, which I believe should be provided in every locality, is not specifically for youngsters who are offenders; it is just about sustaining their education, employment and training and their tenancies.

[75] **Janice Gregory:** I thank you very much indeed for your evidence to the committee this afternoon. It was a slightly longer session than we had planned, so I am sorry if you felt a bit rushed at the end. However, I appreciate your taking the time to come to committee to contribute to this inquiry. You will be sent a transcript of your evidence this afternoon. I always say that you cannot take out something that you wish you had not said, but we would be grateful if you would check the transcript for factual accuracy and let us know that you are happy with it. Once again, thank you both very much indeed for coming.

[76] **Mr Drew:** Thank you, Chair. I apologise that we probably contributed to the extended session.

[77] **Janice Gregory:** Not at all.

[78] **Mr Drew:** We could talk about this forever.

[79] **Janice Gregory:** Absolutely. It is not a problem. We really need to drill down as far as we can and that is the reason for the number of questions. It was not your fault. I thank you both very much indeed.

[80] I now welcome Professor Howard Williamson to the committee. He is a professor of European youth policy at the University of Glamorgan. Thank you, Professor Williamson. May I call you, Howard?

[81] **Professor Williamson:** Of course. Everybody does.

2.40 p.m.

[82] **Janice Gregory:** Thank you for taking the time to come to committee. We are very grateful to you for coming to answer our questions to feed into our inquiry. I am sure that you know how this works. Members have a series of questions to ask you; there were 16 at the last count.

[83] **Professor Williamson:** So, it will be another long session.

[84] **Janice Gregory:** No, I am sure that it will not be long. We will move straight to questions and the first three are from Alun Cairns.

[85] **Alun Cairns:** How effective do you consider the implementation of the all-Wales youth offending strategy to be in relation to rehabilitating those who have offended?

[86] **Professor Williamson:** I was a member of the group that put together all those youth offending strategies. I was a member of the Youth Justice Board for England and Wales for seven years and one month. That was a prison sentence. [*Laughter.*] Could I have a couple of minutes to make a few comments before I answer Alun's question?

[87] **Janice Gregory:** Of course.

[88] **Professor Williamson:** I read the youth justice board's written evidence and I think that it is balanced and fair. I would tell you if I thought otherwise. I have also watched the past 35 minutes of evidence taking and have noted many of the important questions that you have asked about advocacy and children's rights and so on. However, I am proud to have been a member of the youth justice board. I think that we made phenomenal progress in the way that we deal with young offenders in England and Wales. When I joined the YJB, it was dreadful—it paid no attention to the Welsh context. I read documents that referred to the Connexions service and the substance misuse or drugs strategy, which was an English strategy. By the time I left, any official of the YJB would have been hauled over the coals had he not, at the very least, had a section on the implications or issues for Wales. It is a mixed story. Some officials became more informed about the Welsh context and some did not. However, everyone had to try. A delegated office in Swansea that Sue Williams leads has expanded. It has a disproportionate allocation of YJB resources because Wales is not a region, but a country—

[89] **Eleanor Burnham:** And a nation.

[90] **Professor Williamson:** Yes, and a nation, but, because of devolution, there are many additional challenges, compared with delivering youth justice in the south west of England, for example. It was in that context that the all-Wales youth offending strategy was put together. A slight error in the YJB's evidence is that it mentions having had this partnership from the start. It certainly was not a partnership when I joined the YJB at the end of 2001. The fact is that there was considerable antipathy between the Welsh Assembly Government and the YJB, but, slowly, things were brought together separately and in partnership, and now it is pretty integrated. It is a good-news story.

[91] The all-Wales youth offending strategy that was recently refreshed—and I know nothing about the refreshment—was put together in the context of two important things that distinguished it from England: children's rights and 'Extending Entitlement'. You mentioned, Keith Towler, the Children's Commissioner for Wales, in one of your questions. He was a member of the group that put the strategy together and a member of the 'Extending Entitlement' group, as I was. Keith and I have worked closely over a far longer period than the Assembly has existed and we were adamant about that simple, but crucial statement, that young offenders are children first and offenders second. That is in the all-Wales youth offending strategy.

[92] Delivery is a mixed story. We have established principles in Wales that have held at bay some of the worst excesses of Westminster's criminal justice approaches to young people, particularly anti-social behaviour orders. That has been a mixture of resistance from the relevant Minister in the Welsh Assembly Government, the chief constables and others. At the other end of the spectrum, the all-Wales youth offending strategy has enabled us to strengthen the prevention end—the earlier intervention end—and has included additional funding from the Safer Communities fund.

[93] Where it has fallen down, of course, has been on the things that you have already asked quite a lot of questions about, such as reconnecting young people with education, mental health, substance misuse and accommodation. In many respects, that is not the fault of

the youth justice system, but, without effective practice in those areas for the young people who offend, we cannot prevent the reoccurrence of offending. Some of that fault lies at the door of the Welsh Assembly Government, I think. That is not to let the YJB off the hook, but the all-Wales youth offending strategy was an important symbolic statement of a partnership between the YJB and the Welsh Assembly Government, and I think that it has taken a more and more integrated agenda forward, culminating in the Youth Justice Committee for Wales, which, until I finished on the board, was co-chaired by a senior Welsh Assembly Government official and me.

[94] **Alun Cairns:** So, tell me about—[*Inaudible.*]

[95] **Professor Williamson:** I am saying that the implementation has been a mixed story. I heard Sue remark that mental health has improved significantly in the past couple of years. On another area of implementation—and in relation to England, so I will not bore you with that information—the YJB used to pride itself on the start of a sentence in a document that said that the YJB had made miraculous improvements, and I used to remind people, because most people had never read the document, that the rest of the sentence was, albeit from ‘an appallingly low base’.

[96] The mental health story is very much that. In fact, in 2001-02, Jane Hutt was quite keen not to include target 13 on the mental health standards and aspirations of the YJB because she knew that Wales would be pretty incapable of reaching it. I said to Jane at the time, ‘England does not reach it either, but should it not still be an aspiration?’ We felt that it should remain an aspiration. I do not know whether you know, but the YJB produces a traffic-light system of performance, denoting Wales against England, then England and Wales, and then each individual youth offending team. When you look at that, you find a fairly consistent story.

[97] In those areas where the youth offending teams have influence and control in Wales, they have performed pretty well around prevention and things like that. However, where they do not have control and are dependent on the delivery of other services, such as mental health, housing and education services, they have performed worse than England. That, again, is contingent on certain factors. If you have a community psychiatric nurse within your youth offending team, you are likely to produce a better mental health service for the young people whom you are concerned with than if you do not.

[98] When we had separate committees—joined, but with the firewall of lunch—I chaired what was then called the Youth Justice Board Consultative Committee for Wales, and the all-Wales youth offending strategy implementation group, the Welsh Assembly Government committee, met in the afternoon to look at delivery. I looked at particular issues, such as mental health, and tried to unravel where we were succeeding and what the factors might be behind that and where we were failing. Of course, on things like accommodation, you cannot build houses overnight and the choice often does not involve housing with floating support, which John referred to. It is unsupported bed-and-breakfast accommodation or nothing in Rhyl. I think that we have to get a bit real about this—and that was not a pun. We have to get a bit real about what is within our short-term capacity and what might be within our long-term capacity.

2.50 p.m.

[99] **Alun Cairns:** Are you satisfied that custody and resettlement services are adequately funded and that the needs of children and young people in secure establishments are being met?

[100] **Professor Williamson:** That is a sweeping question. Again, I think that there have

been dramatic improvements. The Welsh position of six years ago was that Parc had remand-only young people and no healthcare provision. The youth justice board was going to announce a staged withdrawal from Ashfield, and I was alone, as a new boy at the table, in defending Ashfield, saying, 'I'm not arguing for a poor custodial service, but let's see if we can get it back on track; otherwise, where will Welsh kids go?'

[101] Hillside has seen a small expansion, and it will have a bit more soon—from 12 to 14, and then to 17 places. Parc now has 64 places. So, there has been an enormous move in the number of young people who are now in custody in Wales to around 50 per cent—137 according to the YJB's February figure. The YJB says that this is a decline, although 'fluctuation' is my preferred word, because it has gone up and down quite a lot between 140 and 180 over the last few years.

[102] The efforts made by staff in custodial regimes—from turnkeys and screws to individuals who really are committed to supporting young people—have impressed me no end. When you go to the young offenders unit in Parc, the commitment of the current staff to continually thinking about how they can improve the experience of young people in a situation where no young person wants to be has always given me good cause for optimism. But, it is still a prison.

[103] **Alun Cairns:** I can tell from the Chair that time is tight.

[104] **Professor Williamson:** Your question was very broad, and so my answer was broad. We have to recognise great improvements within the context of remaining concerned about what is not being done.

[105] **Alun Cairns:** In the context of lower numbers using the youth justice system, do you think that the youth justice board is right to concentrate its work to make the cohort input and the likelihood of reoffending less? If that is the case, which I assume it is, what action, in your view, should the Welsh Assembly Government take to prioritise the needs of those who have offended?

[106] **Professor Williamson:** You lead me comfortably and naturally to 'Extending Entitlement'. I do not think that there are many people in the Welsh Assembly Government who remember the philosophy behind 'Extending Entitlement'. It has become twisted and altered over the years, sometimes actively and sometimes passively.

[107] 'Extending Entitlement' was a simple story in which the approach was not to look at hooded yobs aged 14, presenting all the problems that you are talking about today, but to look at sorted-out 24-year-olds. It said, 'Let's look at the kids who are equipped for the labour market, engaged in civil society and responsible and decent sort of young adults'. It encouraged us to think of the kind of things that led them to that point. What experiences and opportunities have they had? It is not just family and it is not just formal education; it is about youth services, international experiences, being away from home, membership of the young farmers' clubs and the Boys' Brigade. It is access to new technologies and learning how to use them for fun and for learning. We have that list. That is the 'Extending Entitlement' list. Where we have gone wrong is in not having the skilled and experienced workforce making the necessary efforts to reach out to the kids who need that offer. That offer comes naturally to most children, because their parents help them to get it. That offer does not come at all to some young people, and public services need to reach out to them. When they do not, let us not be surprised that these kids become offenders, that they suffer from mental health problems, or that they become the homophobic, xenophobic, nasty little hoodies that the media gets great pleasure out of reporting.

[108] **Joyce Watson:** Good afternoon. I am going to ask questions about the secure estate

provision for children and young people. In relation to custody and the commissioning of secure accommodation, the youth justice board has set out the overarching principles and assumptions that guide its work on its secure estate strategy, which is currently being revised. Should the youth justice board and the Welsh Government develop a joint strategy for the secure estate that is specific to the Welsh policy context?

[109] **Professor Williamson:** The Welsh Assembly Government faces a big contradiction about this. By and large, my experience of Assembly Members and officials and the philosophy of the devolved Wales is that they do not want so many kids in custody. We talked some years ago about building a secure training centre in Glynneath. There is discussion now about a north Wales facility, which looks likely to be a secure children's home, if it ever happens. However, are there enough vulnerable young people who would meet the youth justice board's standards of vulnerability to fill a secure children's home in north Wales?

[110] Culture and language are frequently batted around as reasons for establishing such a home, but the numbers in north Wales who end up receiving custodial sentences are very small. However, the consequences for them in relation to culture and language are dreadful, because they end up in north-east or north-west England. The culture and language issues for many young offenders in south Wales who end up in HMP and YOI Parc or Ashfield are far less pronounced. That is not to say that they are non-existent, but, interestingly, strenuous efforts are made by those institutions in relation to the Welsh language and so on, although it is often quite irrelevant to most of the young people who end up there. That is difficult for anyone to say, and it is hard for me to say it, but we need to think very carefully not about the custody strategy for Wales, but about a robust community strategy for Wales.

[111] David Hanson asked me as I was leaving the YJB what would be my one idea for the future, and I said 'We need more community in custody. I do not believe that 3,000 young people all need to be under lock and key and moved around like cattle'. It is like that in many of these institutions, because it is the only way—and that is not a criticism of the staff. Some could have much more freedom within a secure perimeter. I also believe that we should make much more use of modern technologies to allow for the regulation of young people's lives, but keeping them in the community, so that that they are in school or in training, and not hanging around at 7 p.m. drinking lager and being a source of great irritation to the person who was recently a victim of one of their offences.

[112] **Joyce Watson:** The Children's Commissioner for Wales, whom you have mentioned several times, so you know him well, believes that the responsibility for the secure estate in Wales should be devolved to the Welsh Assembly Government. In your view, what would be the benefits and disadvantages of devolving the secure estate to the Welsh Assembly Government?

[113] **Professor Williamson:** Keith and I have many conversations about this, and I do not agree with him. He comes from a youth justice background, so he knows this territory incredibly well, and it is a delight that he was appointed as the children's commissioner. However, we part company on the devolution question. I voted in favour of devolution, I believe in devolution and, in due course, I believe that devolved youth justice may well be a very sensible idea. I am very happy for youth justice to be delegated at the moment. I would rather have 200 people in London dealing with all the intricacies of the youth justice system, producing their papers, and then Sue in her office in Swansea interpreting that material to see whether it has any resonance for Wales—whether it is immediately transferable, not transferable at all, or needs adjustment to fit the Welsh context. If we devolved it, we would probably find ourselves with a rather thin pool of 10 or 12 people in a youth justice unit within the Assembly Government, probably cherry-picked from the very best of the managerial community, who are currently delivering good youth justice services in many

parts of Wales.

3.00 p.m.

[114] We would denude that level in the field and we would have a much smaller bunch of strategy and policy writers, implementers and so on within the Assembly. That is where I stand at present. I would dearly love to be able to say to you, ‘I support the devolution of youth justice’, but I do not.

[115] **Joyce Watson:** I will move swiftly on. [*Laughter.*] We have heard from David Hanson of his preference for secure training centres and secure children’s homes, as opposed to the future expansion of young offender institutions. I think that we all know the answer now, but do you agree with this view?

[116] **Professor Williamson:** It is a nice idea if you want to spend even more than the £370 million that you are already spending in England and Wales on custody. As soon as you leap to STCs, you are talking of three times more the cost than that for YOIs. If you start talking about most local authority secure children’s homes—although not Hillside, which is a relatively cheap one but is still as costly as an STC—you are talking about four times as much as a YOI.

[117] There are two views, one of which is that all young people who face custody are vulnerable. If they are to be reintegrated and cease reoffending, they deserve and require the levels of support available in the local authority secure children’s homes and so forth. There are the tough cookies; they are kind of quasi-young adults. Many a time, they are young adults, and they do their time like young adult prisoners. We often get into a bit of a mess because, when it suits us we talk about children, and when it suits us we talk about young adults. Some of these young people are big young men. There are some young women but the offenders are mainly young men. Therefore, when we talk about restraint, we say that we do not like restraining children. However, there also has to be sufficient authority on the part of staff to have the capacity to restrain vicious and violent young adults at times. They are also vulnerable young adults and children at the same time.

[118] STCs, by and large, should look good. Three of the centres were built after the murder of James Bulger, and then Oakhill centre was built at Milton Keynes. They should be good—their design is excellent. They could be used to great purpose but they are not because they are privately run and they tend to limit their activity to the contractual expectations of the youth justice board and the profit expectation of whoever runs them. Therefore, that limits their potential.

[119] The secure children’s homes—John made the remark about Hillside and the therapeutic community, as he described it—tend to deal with children of compulsory school age. If you go to Hillside, you will see that it is a very impressive unit and that the children are progressing and learning within that secure environment. The downside of a secure children’s home—it is the classic issue with regimes—is that it does not have an enormous amount of choice. Hillside is not too bad but others do not have an enormous amount of choice and space. Therefore, within each of these classifications there is the genuine environment that is open to the children or young children who are in them. Ashfield has a premier-league-standard astroturf football pitch in the middle of it, but it also has 400 young people. Parc does not have such a facility. If you talk to some young people about which institution they would prefer to be in, they will always choose Parc first because they say that it is nearer to home. When you talk a little more, they will say, ‘Actually, Ashfield wasn’t too bad because I could do car mechanics, painting and decorating’, as it has all of those bigger facilities because economies of scale allow it to operate like that.

[120] We have to be very careful about being dismissive about one model of custody.

[121] **Mark Isherwood:** You already referred to mental health issues. You did not mention additional learning needs, and obviously, the two are different matters. I would be grateful if you could answer the second part of the question in that context. To what extent are you satisfied with the treatment of support services provided in order to meet the needs of children and young people with mental health problems or additional learning needs in the secure establishments and after release?

[122] **Professor Williamson:** There is a much broader mental health question for teenagers that needs attention, which is the whole CAMHS stuff for 16 and 17-year-olds. There have been improvements. If I had more time I would bore you with the story about where that might have come from. There have been improvements in recent years, but it is still not very good.

[123] The other question is: what do we define as mental health problems for these young people? We could argue that 80 per cent of young offenders have some form of mental health problem. They usually have certain levels of depression and so on, but relatively few, perhaps 10 per cent, have serious mental health problems. When I joined the youth justice board and the street robbery initiative was on, my argument to the Minister for health in London at the time was that 10 per cent of young people were inappropriately sentenced to custody and should not be there, and that we should get them out and then would have at least half of the spaces that we need for the kids who are nicking mobile phones.

[124] Therefore, there is a serious question about where children with a cluster of challenges and difficulties, mental health problems and offending, end up. Some end up in the prison system, some in the care system, and some in the mental health system. However, very few end up in the latter, and perhaps more should. That is one point.

[125] On additional learning needs, we know of the appalling literacy and numeracy levels of many young people who enter custody, and we know of the significant efforts that have been made by the youth justice board to try to improve by setting standards of about 15 to 30 hours a week of learning or education. That is to the credit of the youth justice board. When I first joined the youth justice board, it was even going to fund educational initiatives in custody with millions of pounds. I was the lone voice arguing against that. I said that the responsibility for delivering education to all young people of education age lies elsewhere, and we have to ensure that that is delivered because the youth justice board cannot take over dealing with all of these things.

[126] The way in which education services are delivered to young people in custody is usually through the behaviour management regime, which I do not think has been mentioned to you—the bronze, silver, gold, and sometimes platinum or purple levels—and there are certain rewards attached to turning up, participating and engaging in education. It is quite difficult to educate a 17-year-old who is in custody, beyond the school-leaving age, disinterested in education and far happier sweeping the landing. Therefore, this rewards and sanctions regime has to be brought to bear on education participation.

[127] Most of these young men do not believe that education is necessary for them. The literacy stuff is important. One development in which I think that you would be interested is about how we got literacy programmes going in some institutions through persuading the young men who happen to be fathers that literacy would enable them to read night-time stories to their children by means of videos and DVDs. That has been quite successful in some institutions, but the lads who are not dads are not that interested. Again, we have to be real about this and about how far we can go. I have been a youth worker all of my life. It is possible to think of many creative mechanisms to encourage young people to find a

motivation to learn to read and so forth, but that requires skilled staff and individual attention. The resources do not provide for that.

[128] **Mark Isherwood:** You also identified housing as one of the key problem areas remaining. In terms of the provision of appropriate housing for children and young people at risk of custody, what action needs to be taken to improve links between mainstream and specialist services? In terms of children and young people in secure accommodation, how suitable and effective is that in preventing their subsequent sentence to custody or enabling them to be released early?

3.10 p.m.

[129] **Professor Williamson:** There are many stories about young people whom the directors of establishments have not released at the earliest opportunity because there has been no satisfactory accommodation for them to go to. That is the first point. There is still a little bit of throwing the blame to the other side going on, so some youth offending teams still blame people working in custody for not providing sufficient information about a young person. It is supposed to be an end-to-end service—you will hear all the rhetoric. Sometimes, people who work in custody will say that they have not received sufficient support from the youth offending teams to have the confidence to release the young person.

[130] Of course, many of these young people will go home. I heard your question, Mark, about whether they should go home to the same environment, which I found fascinating. In the early 1990s, I carried out a study for Tai Cymru on the special needs management allowance, as it was. The study was about many different groups: some groups needed to go back to their original communities to help them rehabilitate, and some definitely did not. In the case of drug users and so on, it was unwise for them to go back to the communities that they came from. The English Government, or the UK Government, recently published a report, which you might have caught up with, on the rehabilitation of children's homes that suggested that we should take more kids into care sooner, recognising the potential value of the children's home, which I found interesting after 30 years of attacks on children's homes for abuse and so on. Accommodation for many young people who leave custody is their family home. They are just going back to the same place, and, as a youth worker, I can guarantee you that many of these young people are back with their mates before the weekend is out.

[131] So, if they go home, and most do, the question is how we can ensure that there are youth offending team workers, youth workers, support workers, mental health workers—I do not care what you call them—who will almost push in to prevent those young people from reconnecting with the cultures that got them into trouble in the first place. Then there are the kids who have no family home to go to—perhaps they have grown up, their parents have disowned them or they go to live with their girlfriend. So that is another group.

[132] Then there are the rather sad cases of people who are very isolated who need to go into some sort of supported housing. In Wales, we have some excellent youth homelessness experts, such as Llamau's Frances Beecher, who is very well regarded, who could give us a lot of clues about what we need to do around clusters, supported housing and floating support. I know that, some years ago, the Minister for education announced the end of the use of bed-and-breakfast accommodation. It is easy to say, but very difficult to do. Without that housing stability, coupled with some of those other issues around treatment and continuing support against regression into mental health problems or substance misuse and attachment to education, training or employment, once again, I say that we should not be surprised when these young people reappear in the system.

[133] Perhaps that does not answer your question, but it is a huge, tough challenge. Many

years ago, I had a lot of involvement with the Cardiff homelessness group, which was for adults as well. It has been a long-standing problem. In fact, the great sadness for me, sitting here today, a decade after the Assembly was formed, is how slow we have been to put certain things into practice. I think that we have a great vision in Wales, a great set of principles and a good value base—it is a lot better than England in many respects—but our capacity to translate those into action on the ground has been very weak.

[134] **Mark Isherwood:** Housing and support are the keys to all of this, if you are going to tackle causes and not simply keep treating the symptoms. It is a matter of how we do it. You highlighted one example of good practice. The best model is to look at the best practices and endeavour to develop those more broadly.

[135] **Professor Williamson:** I will make one additional remark, if I may, because it is an opportunity for me, really. One of the statements in ‘Extending Entitlement’ was that, unlike the Connexions service in England, we needed no new professions and no new structures. We needed to weave and bring together existing structures more efficiently and give professionals more autonomy and discretion about how they work with some of these kids. Everything in policy development since, in the UK—in England and in Wales separately and in England and Wales—has worked against that statement. We think that the answer is to invent a new profession and to have a new training system. Actually, what you need are not rookie, volunteer workers—there is nothing wrong with them; they do great work in some respects, but we are talking about incredibly challenging young people here—but very competent, experienced practitioners who, to use a driving analogy, are given the authority to decide when to press the brake and when to use the accelerator.

[136] **Mark Isherwood:** I could not agree more.

[137] My final question relates to access to the Welsh curriculum. What action needs to be taken to address the problems that still exist around access to the Welsh curriculum in the youth justice system?

[138] **Professor Williamson:** I think that Ashfield young offenders institution is doing quite well in trying to pay attention to it. When I was working with Pen-y-dre High School on its alternative curriculum, and some of those kids ended up in Ashfield, we had a nightmare in trying to sustain their learning when they were in custody, but I think that things have changed.

[139] On the kind of curriculum that it should be, I know that you will tell me that there is a Welsh curriculum framework, but there are many convenient slippery strategies that pretend that young people are in learning when they are not really doing anything. I have been asked many a time, ‘Can I be sure that the education that you are telling me about is not the prison service equivalent of sweeping the landing?’, as that is often described as ‘purposeful activity’. So, we have to be sure that it is fit for purpose. When we talk about young offenders, we are talking about an incredibly disparate group of kids—I call them ‘kids’; I will get told off by the children’s commissioner the next time that I see him, but it is a youth work habit of mine. Some of the young people are extremely sharp, bright, and quick, and are very competent in many ways. Although they may still need educating on some of the things that we are concerned about, they will pick those up fast if they are motivated to do so. Then we have a lot of sad individuals, who are very lost, behind and slow, and we also need to have a strategy to ensure that basic literacy, basic numeracy, and basic technological understanding can be conveyed to them. It is not a youth justice or custody challenge; it is a social inclusion challenge. There are many young people like that who have not yet found their way into the youth justice system.

[140] **Eleanor Burnham:** This is a fascinating area. I have taught kids who have been

excluded, as well as having been a magistrate. This is fantastic.

[141] I used to go to the Stoke Heath young offenders institution in north Wales, but, as we have discussed before, nearly half of the children in this situation from Wales go to secure accommodation in England. To what extent do you think that that leads to specific problems—you may have already covered this—particularly for Welsh-speaking children who may suffer from self-harm and from bullying? Do you think that it is a specific problem for Welsh speakers? I know that you said that there was not a critical mass. I referred to young people from Gwynedd and Môn, for instance, who travel an average distance of 80 miles, but there were only six such young people in 2008, according to the youth justice board.

[142] **Professor Williamson:** One point about them being 50 miles from home—

[143] **Eleanor Burnham:** It is 80 miles.

[144] **Professor Williamson:** Yes, but 50 miles is the standard. Perhaps time is a better measure than distance in Wales: that would be my first remark. How easy is it to get there?

[145] Secondly, and I hope that the individual concerned will forgive me for telling this story about him, I spoke at a conference with somebody from Stoke Heath once. I had dinner with him the night before the conference, and he talked about young people—‘we call them trainees now; they are not convicts or prisoners’—but then he proceeded to refer to ‘foreign prisoners from Wales’ in his speech. [*Laughter.*] That took everybody by surprise. Again, it is not an attack on the staff, but Stoke Heath is not an appropriate custodial institution. It falls between two stools, and it is located in completely the wrong place for nearly all of the young people who are sent to custody from Wales.

3.20 p.m.

[146] So, where does that leave the handful that you are talking about, namely the six, seven or eight young people from Gwynedd, Ynys Môn or Denbighshire? They find their way to custodial institutions, usually in Lancashire, where attentiveness to Welsh language and culture that has developed extremely well at Ashfield and a little at HMYOI Stoke Heath—although Stoke Heath is a bit more precarious—is not even in the mindset of many of the YOIs in the north west of England. That makes me lean towards the need for some kind of secure provision in north Wales. I know that the north Wales idea is an aspiration and is very vulnerable at the moment in relation to the funding and so on—

[147] **Eleanor Burnham:** They’re talking about Caernarfon.

[148] **Professor Williamson:** Yes, I know that, but I have been part of these debates about locations and so on for the last five or six years, and so, if I had a blank sheet, I would say that we need a hybrid facility, not a YOI. We do not need—

[149] **Eleanor Burnham:** Would you consider a state boarding facility?

[150] **Professor Williamson:** We need something secure or semi-secure, because we do not have any open establishments for young offenders. We have an adult prison system in which risk-free prisoners serve considerable parts of their sentences—and certainly the end of their sentences—in open prisons, but the deal is that, if they break the rules, they end up in a closed prison for the rest of their sentence. We could send young offenders from north Wales to a custodial establishment for a couple of weeks, and then they could return to a semi-secure type of establishment in Caernarfon, on the understanding that they will be sent back if they walk out.

[151] **Eleanor Burnham:** I am trying to hurry along, Chair. We are talking about self-harm and suicide. Are you confident that all secure establishments have rigorous safeguarding measures in place? What further action should the Welsh Government take to ensure that that is happening?

[152] **Professor Williamson:** I can never be confident. I will have to live with the knowledge that seven or eight young people killed themselves while I was on the youth justice board. I can remember taking the previous Children's Commissioner for Wales, Peter Clarke, to Ashfield, and he was absolutely staggered by the attention to detail, particularly in the healthcare unit, to there being no hanging points at all. He just could not believe it. We came out and we were standing in the car park, and Peter said, 'I will never forget that every second requires all the custody staff to be on full alert'. So, I am not confident, because children who want to self-harm and kill themselves will always find a way to do so. However, I am pretty happy with how the system has endeavoured, since the street robbery initiative, and since the suicide of Joseph Scholes, to try to minimise that likelihood. It has worked extremely hard.

[153] **Eleanor Burnham:** I now come to my last question, which is very brief. Are there sufficient independent advocacy services for young people, particularly after they have been released from custody?

[154] **Professor Williamson:** I met Peter Clarke when I was doing a review of advocacy services in Wales. There was a former director of social services, Adrienne—sorry, I cannot remember her name. Anyway, there was £20,000 per local authority to develop advocacy services. Different authorities used different organisations, such as the National Youth Advocacy Service, the Children's Society, and Voices from Care. There is a range of different ones. Advocacy can mean lots of different things. It can mean the person who represents you in a complaints procedure, in which you would want someone like a lawyer to argue your corner. Advocacy can mean someone who listens to you and stands side by side with you, which Voices from Care did very well. I know that there has been a more recent review of advocacy services in Wales, which I have had nothing to do with. I have always believed that you need a broad church of advocacy services. The most important thing is for young people to know that, when things get tough, they have a confidential avenue by which to reach someone who will come to talk to them about the circumstances that they are concerned about, and who represents their interests or enables them to represent their interests.

[155] John talked about restraint and safeguarding, which was interesting, but he did not talk about the organisation Voice. Sue talked about Voice. Your inquiry is about children's rights and young people in custody, and article 12 is the lynchpin of the UN Convention on the Rights of the Child; it is about the voice of the child and having the right to be heard. It has improved a lot, but there is also considerable reluctance on the part of many young people in custody to use that facility because they are not absolutely trusting of where the concerns and complaints go.

[156] **David Lloyd:** My question is in the same vein, only in a different field. In your experience, is access to substance misuse treatment suitable for children and young people in secure establishments? What is the provision like when they are out in the community?

[157] **Professor Williamson:** I sound almost like an apologist for progression by Welsh Assembly Government policy, and I had never thought of myself in that light. I sit on the Advisory Panel on Substance Misuse. I used to sit on SMAP, the substance misuse advisory panel, before that, and on the Welsh advisory committee on drug and alcohol misuse before that. So, I have been a part of a process where young people have been fairly central to our, and the former Welsh Office's, substance misuse strategies. Of course, we can detect the

weaknesses in the processes. The youth justice board funded dedicated substance misuse workers in custody. Dedicated funding has been put in to support that development. Whenever I have been in HMP and YOI Parc or Ashfield, I hear about the substance misuse workers and the engagement that they have with young people. It is moving forward. We should not expect to produce miracles in custody when we are not producing miracles in the community. We should give young people the opportunity to access education and treatment around substance misuse, both in custody and the community. Again, it is developing pretty well in custody.

[158] **Janice Gregory:** Howard, thank you very much for your fascinating evidence this afternoon. I am sure that Members will agree that we could have stayed here longer, but, unfortunately, we are constrained by time. I could have put another 100 questions to you and I am sure that we all feel the same. Once again, thank you for taking the time to come and for your answers to some searching questions from Members. As I explained to the previous presenters, you will be sent the transcript. I will not repeat what I said earlier.

[159] **Professor Williamson:** It is a very good line. [*Laughter.*]

[160] **Janice Gregory:** We often wish that we could take out something that we wish we had not said. However, we cannot do that. Thank you very much indeed.

[161] I also thank Members for their attendance. Can we agree the minutes of the previous meeting? No-one has told me about any problems. The minutes are therefore agreed. Our next meeting will be on 21 May. Thank you all very much indeed. I declare the meeting closed.

*Daeth y cyfarfod i ben am 3.28 p.m.
The meeting ended at 3.28 p.m.*