



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

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

**Dydd Iau, 11 Mehefin 2009
Thursday, 11 June 2009**

Cynnwys
Contents

- 3 Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions
- 4 Ymchwiliad i Gyfiawnder Ieuenctid—Casglu Tystiolaeth
Inquiry into Youth Justice—Evidence Gathering
- 24 Cynnig Trefniadol
Procedural Motion

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

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

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

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

Eraill yn bresennol
Others in attendance

Spike Cadman	Uwch Swyddog Datblygu Polisi, Uned Troseddau Ieuenctid Nacro Cymru Senior Policy Development Officer, Nacro Cymru Youth Offending Unit
Mandy Collins	Deputy Chief Executive/Head of Service Review, Healthcare Inspectorate Wales Dirprwy Brif Weithredwr/Pennaeth yr Adolygiad Gwasanaeth, Arolygiaeth Gofal Iechyd Cymru
Sue Thomas	Uwch Swyddog Datblygu Polisi, Uned Troseddau Ieuenctid Nacro Cymru Senior Policy Development Officer, Nacro Cymru Youth Offending Unit

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

Annette Millett	Dirprwy Glerc Deputy Clerk
Stefan Sanchez	Clerc Clerk

Dechreuodd y cyfarfod am 1.01 p.m.
The meeting began at 1.01 p.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Janice Gregory:** Good morning and welcome to the Communities and Culture Committee meeting this afternoon. I welcome Members and the public. I will just run through the usual issues that we address at the start of a meeting. If you require translation from Welsh to English, please use the headsets; simultaneous translation is available on channel 1,

and amplification of the sound is available on channel 0. I ask everyone to switch off any mobile phones, BlackBerrys, pagers or other pieces of electronic equipment as they will interfere with the sound equipment. In the event of an emergency, an alarm will sound and you will be asked to leave the building safely. Please be guided by the ushers. No fire drill has been scheduled therefore if the alarm sounds, you can rest assured that we need to leave the building. I have received apologies for absence from Joyce Watson and Lynne Neagle. There are no substitutions.

[2] Before we move to the second item on the agenda, I would just like to announce that this is Stefan Sanchez's last meeting with us. I am sure that you are aware that Stefan is moving back to Cathays park to work in the Assembly Government's finance division. I would like to place on record my thanks to Stefan for the work that he has done while he has been the clerk of the Communities and Culture Committee. We have done some substantial reports that involved a huge amount of work. I would like to thank Stefan, Annette and the team for the work that they have done. We will miss you, Stefan, on the Communities and Culture Committee. Thank you very much for the work that you have done.

[3] **Mr Sanchez:** Thank you.

[4] **Janice Gregory:** Stefan has started the work on the inquiry into youth justice but we will have a new clerk to take us through the remainder of the inquiry.

1.03 p.m.

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

[5] **Janice Gregory:** I welcome Mandy Collins, who is the deputy chief executive and head of service review of Healthcare Inspectorate Wales. Thank you, Mandy, for providing us with written evidence, which has been circulated to the committee, and on which we have a series of questions. There are no trick questions; this is a serious inquiry, as I am sure that you realise. We delve deeply into issues. I know that you have not appeared before me at committee before, therefore just to brief you on how we work, Members have been allocated questions and they will ask you the questions and then some supplementary questions if they feel that it is necessary. The questions will be based on the evidence that you have given us. We can move straight to questions, or you can take a couple of minutes to lead us in, if you like—whatever you are comfortable with.

[6] **Ms Collins:** Questions will be fine.

[7] **Janice Gregory:** That is marvellous. Thank you very much indeed. Question 1 is from Eleanor Burnham.

[8] **Eleanor Burnham:** What differences, if any, are there in the health profiles of children and young people who are in conflict with the law and those who are not?

[9] **Ms Collins:** There has been quite a bit of research on this, mainly gathering together findings from our reviews of youth offending teams, and the sense is that those who come into contact with the youth justice system have more needs—physically, emotionally and in terms of mental health and substance misuse. The Healthcare Commission in England has correlated some of the findings of youth offending team work, which showed that, of the number of cases reviewed, 11 per cent had greater physical needs than those who do not come into contact with the youth justice system, 43 per cent had emotional and mental health needs, and 49 per cent had substance misuse needs. So, you are looking at a group of children and young people with far greater needs than the general populace.

[10] **Joyce Watson:** Good afternoon, and thank you for your paper. It was really good. Are children and young people who are in conflict with the law less likely to regularly access healthcare services than the wider population?

[11] **Ms Collins:** Yes, that is a finding—they are less likely to, and they have more needs. One of the keys to improving outcomes for those children, and possibly avoiding their involvement in the youth justice system, is to make a holistic assessment of their healthcare needs at the earliest possible opportunity, so that the right interventions and care and treatment are put in place as soon as possible. We are finding variance in the way that those assessments are undertaken, and certainly in the speed with which they are undertaken.

[12] **David Lloyd:** Your written evidence specifically highlights a variation in the way that youth offending teams in Wales are constituted, funded and managed, with some serving small populations but large geographic areas. How does that impact on the health support that children and young people receive, including those in custody?

[13] **Ms Collins:** Again, we are picking up wide variations. The key issue that we are addressing with HMI Probation and our sister organisation in England is how to develop standards, so that there is consistency. The lack of standards has led to variability, and that has an impact in custody and for outreach teams going into those custodial institutions.

[14] **Bethan Jenkins:** I wanted to concentrate on the health assessment tool, and the fact that many youth offending teams are choosing not to use it. You say in your evidence that this has a detrimental effect on the physical needs of the young people involved. Apart from that, what are the consequences for the health of young people?

[15] **Ms Collins:** They are wide and varied. We have certainly seen evidence of children with an identified mental health problem, or emotional problem, and it is not being delved into deeply enough to pick up on some of the physical issues that are causing it. Certainly, we have seen evidence of children who are suffering from obesity whose emotional issues may have been addressed, but no-one is tackling the root cause. That is a consistent theme that we are finding, and we feel that our role as an inspectorate, working with HMI Probation, is to start driving awareness of the need for holistic assessments that address every issue and try to get to the root causes.

[16] **Bethan Jenkins:** Is the lack of community nursing also impacting on the health of young people? You say that we need a holistic approach, but are the current services insufficient to address those needs?

[17] **Ms Collins:** Sometimes it is about communication and good partnership working, and, certainly, where we have seen good liaison and communication with the local health boards and the local health teams, we have seen improved outcomes for these children and young people. What we are also seeing is that, quite often, if you have a community psychiatric nurse who works or is seconded into the team, you get better outcomes. So, sometimes, it is about using your resources to better effect, rather than about needing additional resources.

1.10 p.m.

[18] **Bethan Jenkins:** Why do you think it varies so much across Wales? You say that some secondments are successful in addressing mental health problems, but why is that so variable?

[19] **Ms Collins:** As I mentioned earlier, sometimes, it is about a lack of standards or a

standard approach to this. Obviously, we have, and have had, local health and social care needs assessments because we need to address some of the local issues. Certain elements of the standards need to be consistent, and, as an inspectorate, we have a key role to play, working with colleagues, not only to drive some of those standard practices, but to share noteworthy practice so that we each learn from each other and get an improved service as a result.

[20] **Mark Isherwood:** A large proportion of the children and young people from Wales in the youth justice system are held in English institutions. What, if any, are the healthcare implications of that for them?

[21] **Ms Collins:** I do not think that this is confined only to those in the youth justice system. We are also finding that those with very complex mental health issues, learning disabilities and behavioural problems are receiving their care and treatment across the border in England, and sometimes further away, because of the lack of facilities in Wales. We certainly feel that, for many of these children, being away from families and friends and so being unable to have that regular contact has a negative effect and poses some difficulties, particularly when they need to be repatriated at some point back home and close to families. The other issue that we come across is that, sometimes, there is not enough planning being done for these young people to come back to the local community.

[22] **Lesley Griffiths:** You state in your paper that there is a general lack of adequate child and adolescent mental health services and attention-deficit hyperactivity disorder services. In what way does that have an impact on children and young people who are offending or those held in custody?

[23] **Ms Collins:** It impacts greatly, not only on those who are offending, but on any child who needs these services. In partnership with the Wales Audit Office, we have recently undertaken a review of CAMHS across Wales, to identify regional differences and to pick up on noteworthy practice. We hope to publish the report in the autumn. I think that there will be many findings and recommendations from the report that this committee will want to consider.

[24] **Alun Cairns:** I wish to press you a bit on evidence that improvements to mental health services for children and young people would help to divert some of them from the criminal justice system. What evidence is there for that?

[25] **Ms Collins:** There is quite a lot of evidence, and if the committee needed to drill down more into the evidence, I am sure that we could go back to do that. In our review of youth offending teams, we look at the pathway of a child and go right back through their history up to the point at which they start offending. We are certainly picking up on trigger points that should have been picked up and interventions made sooner to support them and address some of their emotional and mental health issues in particular. Would such interventions have changed the outcome? We highly suspect that they would have, although we cannot say for sure. Recently—and I know that this applies to adult mental health service users—we have been looking at homicides where the perpetrator was a mental health service user. Again, having followed that individual's pathway, we feel that interventions could have been made that would have resulted in better outcomes. That also applies to children who come into contact with the youth justice system.

[26] **Alun Cairns:** You referred to various trigger points. Could you talk us through some of those? How does that cross with any special educational needs that a child might have and the complication of mental health issues that could lead them to the youth justice system?

[27] **Ms Collins:** I will give you an example. With some of the patient pathways that we

have followed, we have picked up on children who, at a very young age—almost at the age of still being visited by a health visitor—are showing some emotional or learning disabilities. Somehow, at that point, the opportunity for specialist intervention is missed. So, the child's problems grow, they go into school, sometimes they are not properly stated, they start to play truant from school, and you then have a picture of a child falling out of the 'normal' pathway—if there is such a thing—that a child would follow. They do not want to go to school because they do not understand some of the lessons, they have difficulties reading and writing, and they do not get proper speech therapy, so sometimes other children make fun of them and bully them. The situation then escalates and they play truant, hang around the streets, and start to fall in with the wrong people.

[28] **Alun Cairns:** Thank you for indulging me and letting me go further. I could not agree more with what you have said. You talked about health visitors visiting regularly. This question may relate to the fringes of the scope of this investigation, but I believe that it is an important point to make. Would you say that that is the responsibility or fault of the healthcare system or of the education system? There is a grey area where those systems overlap. Is it clear enough to identify those people who are vulnerable and to stop them from entering the youth justice system?

[29] **Ms Collins:** When we have looked at these pathways, we have seen missed opportunities by health, social care and education services, and all agencies that are there to help to support these families and children have a joint responsibility. What we in Healthcare Inspectorate Wales are trying to do is take the information that we are gathering from our involvement in youth offending teams and mainstream it into our review approach to healthcare generally. We are hoping that we will start to prod healthcare providers through our mainstream work with healthcare providers and commissioners.

[30] **Alun Cairns:** You mentioned that some children may have healthcare visitors but may not be stated or may not be stated properly. Could you provide further evidence in written form, if that is okay, of the fact that some authorities are more likely to issue statements than other local authorities? In your research, have you developed a correlation between the authorities that are prepared to issue statements and those that are more reluctant to do so, for whatever reason, right or wrong, and the outcomes in relation to the criminal justice system?

[31] **Ms Collins:** As a healthcare inspectorate, we have not looked at the correlation yet, but, if the committee requires that evidence to support its inquiry, we would be happy to do whatever extra research you want us to do.

[32] **Alun Cairns:** That would be most useful. Thank you very much.

[33] **Eleanor Burnham:** It is fascinating and rather sad that your review of youth offending teams has concluded that substance misuse needs are better provided for than mental health needs. Surely they are very closely aligned. How effectively do you think the needs of young offenders with substance misuse problems are addressed in Wales, and how do the services impact on offending behaviour? I am thinking particularly of reoffending, because I used to be a magistrate and I used to deal with kids who were in the scheme but who were also playing truant from school. It seems as though we are still in this scenario, and I am interested in how you believe we should be moving on, which is why we are doing this wonderful review.

[34] **Ms Collins:** I think that there is a cycle, and we cannot underestimate the impact of substance misuse, whether that is drugs or alcohol. In recognition of that, HM Inspectorate of Probation has been looking at bringing in reviews of youth offending teams as well as thematic reviews that would try to tackle the root causes of some of these issues. I know that

one review that it plans to do sooner rather than later—and I am sure that it will talk to the committee about it when it comes to give evidence—is on alcohol abuse.

[35] The other piece of work that we have been commissioned to do as an inspectorate is on substance misuse services across Wales. Our youth offending work has picked up on the fact that these young people are well served by the substance misuse services when they are in the system. The issue for us with our wider remit is to look at substance misuse and how that extends to people who are not in the youth offending system.

[36] **Eleanor Burnham:** In the Children and Young People Committee, we have looked at issues to do with behaviour and the lack of progress with some kids. One eminent professor told us that if the problem, whatever it is, is not identified and dealt with straight away, all these problems shoot up exponentially on the graph.

1.20 p.m.

[37] **Ms Collins:** It just escalates. We have seen that from the review of patients' and children's pathways. As I mentioned earlier, if the trigger points were picked up early enough, we could improve outcomes for these young people.

[38] **Eleanor Burnham:** His evidence was on the educational issue, which you have touched on. Do you believe that we should be doing more to address the issue in the education system, which is perhaps not the easiest thing to do? Should there be more emphasis on that to break the cycle?

[39] **Ms Collins:** Education is not my area of expertise but, speaking as an individual, I think that there are issues. Our education system is academically orientated. What alternative routes are there for those children who are not academically orientated? I stress that I say that without my Healthcare Inspectorate Wales hat on. There are some good examples of children who have been engaged in more practical forms of work, and where some of this behaviour has been rerouted into enthusiasm for the work that they are doing.

[40] **Bethan Jenkins:** You have already touched a little on those with mental health problems. Can you expand on the barriers within the system that those with learning disabilities face? How can their needs be met better than they are currently? It is important to note that it is a UK issue, but, given that health has been devolved to Wales, do you see any tensions in the current frameworks or strategies because of that?

[41] **Ms Collins:** We are very fortunate as a healthcare inspectorate, because we work very closely with other inspectorates from England, Northern Ireland and Scotland. We have established a five nations group, at which we can share practice. We recently undertook a review of learning disability services across Wales. We did that with colleagues from the Care and Social Services Inspectorate Wales, but also in tandem with work that was going on in England so that we could share and learn lessons.

[42] There are issues for children who have a learning disability, and it is important to pick up the learning disability as early as possible, to make sure that the child and the family receive support. That is especially an issue for individuals with autism or Asperger's syndrome. When we did the work on learning disabilities services, we found that an intelligence measure is used to allow children with a learning disability to access support services. Therefore, some children with autism or Asperger's syndrome with support needs are not being captured by that. The criteria sometimes exclude them from the services that they need.

[43] **Joyce Watson:** You are talking principally about equality of opportunity. Have you

been made aware of any other equality issues that impact on the healthcare services available to young offenders, and do you have examples of any relating to girls, young women, Welsh speakers, or people from other minority communities?

[44] **Ms Collins:** The work that the Healthcare Commission did in England looked at diversity issues. I would be happy to go away and provide some written evidence to the committee on that. What we find generally is that there are issues that mean that sometimes individuals do not access the healthcare that they should have access to. It may be in relation to a sensory impairment, and we have been doing some work on that recently with the Royal National Institute for Deaf People and the Royal National Institute of Blind People. Issues to do with language difficulties are of particular concern, as people may access the service, but the information that is provided to them on care and treatment might not be equal to that provided to those without a sensory impairment or a language difficulty.

[45] **Joyce Watson:** Will you send us further information on that?

[46] **Ms Collins:** Yes, I will.

[47] **Joyce Watson:** That is great. Thank you.

[48] **Mark Isherwood:** What improvements, if any, are needed to ensure continuity of care for children and young people moving between the secure estate and the community?

[49] **Ms Collins:** It is about good planning, so that, when children enter these custodial organisations, you start planning for their exit as soon as possible. Sometimes, because people are dealing with the individual's issues, they do not plan enough for their exit and those plans need to be put in place. Again, this is not specific to children and young adults; it is also true of adults entering secure units and prisons. Planning for exit is sometimes not done early enough.

[50] **Mark Isherwood:** Is there any research in this area to measure the outcomes for the people who fall between two stools?

[51] **Ms Collins:** Not that I am aware of. However, I am happy to enquire as to whether there is.

[52] **Mark Isherwood:** Thank you. I have one final question. At this week's meeting of the cross-party group on looked-after children, concerns were raised by a charity about a recent report that showed that 50 per cent of young people in care are destined to enter the criminal justice system. In that context, are there any issues to consider regarding the healthcare of those young people? Are there ways in which we could perhaps intervene earlier? Also, are there issues with their movement between the secure estate and the community?

[53] **Ms Collins:** That, again, is being picked up from the work of youth offending teams. There is a higher likelihood that looked-after children will come into contact with youth justice systems. It is very much the same issue. Sometimes children are taken into care for their own safety and for the safety of others. It is about drilling down to see whether there are some emotional, mental health and physical reasons as to why some of these children are finding themselves being looked after. It is also about putting the right support mechanisms in place. The Healthcare Commission in England did a lot of research on this and I am sure that we can look to provide more information on that.

[54] **Janice Gregory:** Thank you, Mandy. That is the end of your session. Thank you for your answers and for the offer of providing further information to the committee. That will be

most gratefully received. You will be sent a transcript of today's evidence session. I always say that you cannot change something that you wish you had not said—we often feel like that—but please check it for factual accuracy. Thank you for taking the time to come to committee.

[55] **Ms Collins:** I thank you for your time and for listening.

[56] **Janice Gregory:** We will now move on to the second part of this evidence-gathering session. I am delighted to welcome Sue Thomas and Spike Cadman, senior policy development officers of Nacro Cymru's youth offending unit. Thank you both for coming to committee today and for the paper that you submitted, which has been circulated to Members. We have a series of questions for you. As we have time, I am more than happy for you to spend a minute or two on a brief presentation before we move into the questions. Are you leading on this, Sue?

[57] **Ms Thomas:** Yes, I think that I shall start. Thank you, on behalf of Nacro Cymru, for giving us the opportunity to attend and to give evidence. In setting the scene, I would like to give a little bit of context for why we focused on the matters that we did in our paper rather than repeat anything from it at this stage. In considering the questions that you have asked, we chose to focus not so much on whether Wales should have devolved responsibility for the secure estate, but on promoting alternatives to its use, which we feel is consistent with the aims of the all-Wales youth offending strategy in preventing young people from offending in the first place and in providing alternatives to custody later on in their careers.

[58] While it would be desirable for any child in Wales deprived of their liberty to remain in Wales, we feel that there are a number of practical problems with this: notably, supply does not meet demand and significant capital investment is needed. Given the current economic climate, we are not sure how viable that is. Devolving the secure estate does not only apply to its physical structures; an infrastructure is required to support the making of placements, the development of standards for those placements and administration of the entry and exit of young people from and to the establishments in which they will be held.

1.30 p.m.

[59] As a result, we have chosen to focus on the development of alternatives to custody, with specific emphasis on younger children as a priority group. That is not to say that we do not feel that the others are important, but I suppose that it is a question of where to start. From talking to colleagues in children's charities, notably Barnardo's, I know that this view is shared by them and is something of concern at the moment.

[60] As we indicated in our paper, on average under 50 12 to 14-year-olds enter custody in Wales in any given year. The Youth Justice Board for England and Wales's figures for March 2009 show that there were only six 14-year-olds from Wales in custody at that point; it is a snapshot, admittedly. The majority of these young people receive detention and training orders, which, for some, means spending a matter of weeks in custody. For us, that raises the question of whether that achieves anything.

[61] We suggest that, when young people are likely to receive a custodial sentence, particular consideration be given to their situation and circumstances. That is not to say that that is not given at the moment, but we would like more emphasis to be placed on it and on what could be considered as alternatives. Some of what we suggest in our paper is not new—it has been around for some time. We advocate a systematic approach. For example, can a remand be prevented in the first place? How can we use existing legislation to look at alternatives, notably through the intensive supervision and surveillance programme and the option of non-secure placements, which has not been explored? We would also like to look at

the use of reviews by youth offending teams: whether pre-sentence reports, and the suggestions that they put forward to court, or post-custody reviews, with those taking place with children's services so that we consider children's needs holistically. Consideration should also be given to the role of safeguarding boards, whether in relation to first-time entrants to custody or to the younger age group, and to the role of an independent reviewing officer in relation to those remanded to local authority accommodation.

[62] One thing that I do not mention in the paper, which Spike and I put together, is something that we were asked to do by the Welsh Assembly Government, namely to examine those areas in Wales with high and low levels of custody, with the aim of trying to identify good practice, what makes a difference and what might influence whether or not someone goes into custody, and to disseminate that information across youth offending teams to help them develop their practice.

[63] That is the conclusion of my summary in terms of where we have come from and what we have provided for you.

[64] **Janice Gregory:** Thank you for that introduction. We will now move to questions, the first of which will be from Joyce Watson.

[65] **Joyce Watson:** Good afternoon and thank you for your paper, which made interesting reading. My first question is on the rights-based agenda for children and young people in the secure estate. You say in your paper that the delivery of a rights-based agenda remains a challenge for children held in the secure estate outside Wales, but that Ashfield Young Offenders Institution has made some progress in meeting the needs of Welsh young offenders and that what has been achieved at Ashfield can help to make improvements in the secure estate elsewhere. How can those improvements be rolled out and replicated?

[66] **Ms Thomas:** I think that it is difficult for those improvements to be replicated everywhere. One reason that Ashfield has been able to do what it has is its proximity to Wales and the fact that a significant proportion of young people from Wales go to Ashfield. However, one thing that could be considered is taking a look at what Ashfield has done for an establishment that receives young people substantially from north Wales, such as Stoke Heath. Maybe some of the things that have happened in relation to Ashfield could be replicated to help children from north Wales, which does not seem to have been a consideration thus far.

[67] **Mr Cadman:** All that I would add is that Ashfield and Stoke Heath take 15, 16 and 17-year-old young men. There is an issue about provision for the younger age group and for young women. Although Hillside does provide for them to a certain extent, it by no means offers complete provision.

[68] **Alun Cairns:** What work is needed to ensure that children and young people in custody receive sufficient support with education and training, particularly those who are held in England? Obviously, we are talking about the devolution of some services, but not others, and the potential complications that may arise from that. What screening—I hate the word 'screening', but it is the best that I can come up with—takes place for any special educational needs that individuals in the youth justice system may have?

[69] **Ms Thomas:** I would focus on looking at the issue of young people having an individual learning plan, which is an aspiration of the Welsh Assembly Government. Even though there is a different educational system in England, if individual learning plans could be developed for young people with special educational needs, perhaps account could be taken of those needs in English establishments through the English curriculum. It could then link back to the Welsh curriculum—

[70] **Alun Cairns:** May I interrupt you? I am sorry for doing so. As I said, I do not like the word ‘screening’, but I am going to stick with it for the moment in order to establish something. We need to know whether they are dyslexic or dyspraxic, and whether they have any special needs that have not been identified earlier in the system. Some data show that the number of dyslexic pupils held in prison is phenomenal. That may be an indication that, if support could have been provided to those people at a much earlier stage, it may well have influenced the path that those individuals took.

[71] **Ms Thomas:** All youth offending teams will assess or screen young people using an ASSET assessment. Are you familiar with that term or do I need to say what it is?

[72] **Janice Gregory:** It would be helpful if you could expand on that.

[73] **Ms Thomas:** ASSET is a standard assessment tool that is used by all youth offending teams. It includes a series of domains that cover different areas of a young person’s life, including their living arrangements, education, thinking and motivation, and their peer associations. The youth offending teams will assess young people using ASSET, which asks a series of standard questions, in very broad terms, about their educational status. It is more about whether they are in or out of education, whether they are truanting or whether they have been excluded and so on, than more detailed information about learning needs and learning disabilities, which I think is the sort of area that you are coming from.

[74] **Alun Cairns:** Would there be access to educational psychologists, for example?

[75] **Ms Thomas:** In the secure estate, I think that it probably depends on where you go. Every youth offending team has an education officer or somebody from the local education authority who is there to work with young people on their educational needs. That person is the specialist who could undertake further assessment, if there was evidence of a learning disability or difficulties, and maybe he or she could use that information, in conjunction with the secure estate, to help address those needs. I also want to add that youth offending teams are not providers of education and neither are they specialists in this type of assessment, so ultimately they have to broker services and work with others to establish need.

[76] **Alun Cairns:** How could the situation be improved in order to ensure that all those different organisations that are responsible for different things are working hand in glove to ensure that, for example, if a special educational need is identified—by an educational psychologist should that be needed—it is supported through the individual learning plan and delivered, be they in England or Wales? It is a pretty big question, but is an issue that we are trying to get at.

1.40 p.m.

[77] **Ms Thomas:** I think that it goes back to the individual learning plan. Estyn has undertaken three reviews of how youth offending teams and their partnerships address educational provision, and one of its suggestions is for local education authorities and YOTs to work much closer together to determine who takes the lead in developing the plan through the information that both parties can put together and provide. That should ultimately lead to some sort of educational pathway for the young person. It seems to me that that issue still needs to be resolved.

[78] **Mr Cadman:** I would add that Sue is quite right; the ASSET tool is not an educational assessment tool. It is totally reliant on information coming in from the usual portfolio of educational screening tools, for want of a better phrase. I want to stress that, yes, those going into custody have significant unrecognised and unmet special educational needs.

Equally, however, there is a significant gap between mainstream service provision and those returning from custody where mainstream education is appropriate. What responsibility is there? How do you keep a place open for a young person? How do you ensure that resources or funding, for want of a better phrase, would follow the body?

[79] **Alun Cairns:** That is really important, and I would like it underlined that the evidence to us shows that no formal assessment is made. I feel that, in some local authorities, we are fighting to get statements, and it is the local education authority that has responsibility to provide the educational psychologist's report, should there be a need for an assessment, according to the acid test that you talked about. If we have to fight elsewhere, I wonder what is the motivation and likelihood—it is not their fault, probably because of the lack of resources—of providing it.

[80] **Lesley Griffiths:** You make reference in your paper to a proposal in the youth crime action plan for local authorities to have further responsibilities in funding custodial places. The chair of the youth justice board indicated support for this as a way to reduce custodial sentences. How would that be beneficial?

[81] **Mr Cadman:** The concept of local authorities funding services to act as an alternative is a particularly complex area. The example that Ms Done talked about was to do with remands to the secure estate. It is a particularly fraught area because, in practice, how do you work it out? Does the local authority with the highest remand rate get the most money? Would that not be to reward failure? The concept of providing an incentive for the provision of services that could prevent this is laudable. Different systems have been used for this in America, and with mixed results. However, a lobby group called the Standing Committee for Youth Justice is taking a very long, hard look at this issue and the different models. I am not sure what will come out of it, and, although it is a Westminster-based lobby group, what it comes out with may well be relevant to the situation in Wales, and we will make that available to the committee when it publishes its findings.

[82] **Lesley Griffiths:** That will be helpful; thank you.

[83] **Bethan Jenkins:** In your introduction, you mentioned the fact that you want to concentrate on alternatives to custody. You touch on some of those alternatives in your evidence to us, such as sentencing courts considering whether a case is sufficiently serious for it to proceed to court. You also mention the non-secure placements that are in the power of the Home Secretary. Can you expand on that point? It is interesting that we already have those powers, but they are not being utilised fully.

[84] **Mr Cadman:** It is almost a particular bone of contention of mine, because when I was in practice during the 1990s I had a young man who received a sentence from the crown court—what is now called a section 91 sentence—of two years, and he never spent a minute in custody because he was placed in an establishment that was authorised by the Home Secretary. That establishment also had a secure unit on the same campus, but he was placed in the open setting and served the sentence up to his release point without spending a minute in custody. The provision has been around since the inception of long-term detention—what was called section 53 and is now called sections 90 and 91—for many years. Local authority secure units that have provided accommodation for such young people for the majority of the time have used that facility quite liberally, without serious repeat offending—that would have to be stressed. The provision currently exists for section 91 sentences and for detention and training order sentences in primary legislation. It exists for long-term detention from the Criminal Justice Act 2003. One of the providers of secure training centres has tried to effect transfer to a linked open unit from their centre, but it has been unsuccessful in the few cases that it has presented to the board.

[85] I do not know why it is not being used, because it has been a valuable resource in the past. I was at a conference that Nacro ran on youth crime matters in April, and in one of the open plenary sessions the chief executive of the Youth Justice Board for England and Wales said that he would explore this provision because he was unaware that it existed—he was new to the job, so it was not surprising. However, I do not know whether we will see that possibility being opened up, but it is potentially a valuable possibility.

[86] **Bethan Jenkins:** May we have information as to how it has been successful, and how the report has been taken forward on this issue? It seems that it would be a good avenue for us to look at if we are assessing alternatives. Why has it not been used so widely—is it because people are unaware of it?

[87] **Mr Cadman:** Essentially, it is because people are unaware of it. There was also a change in climate towards young people in trouble with the law during the 1990s, which has probably led to a significant change in attitude towards the possibility. When the provision was used with those on long-term detention from crown court, it was not widely advertised for obvious reasons. I do not know whether or not the data exists on how much it was used. There is anecdotal evidence from the people who worked in and managed the secure units at the time of how successful they were. That would be available.

[88] **Janice Gregory:** If you could provide us with further information, it would be most helpful. Thank you, Spike.

[89] **David Lloyd:** You have touched on local authority matters, but will you confirm how local authorities can contribute to reducing the number of children and young people remanded in the secure estate?

[90] **Ms Thomas:** On the establishment of youth offending teams, there is an issue around where such teams sit—are they part of children’s services or are they part of the criminal justice system? When youth offending teams were established, tremendous emphasis was placed on involving the police, the probation service and health. What was neglected was the role of children’s services; things just evolved organically. In England, youth offending teams are part of children’s trusts, so there is almost a swing back to where things were. I am not sure that we have come up with any answers, but we are starting to think that children’s services need to be more actively involved with the youth offending teams in reviewing the cases of those children who might go into custody, and looking at what has happened to those children who did go into custody with regard to whether anything could have been done differently, and, more importantly, whether any resources could have been put in place that might have prevented what occurred from happening.

1.50 p.m.

[91] **Mr Cadman:** May I add that we have seen a change in the primary legislation from 2000 to now? I forget which Act it was, but the ability to remand 12, 13 or 14-year-olds directly into the secure estate was given to the courts. Although there has been a reduction in the numbers denied bail, it is significant that, when you look at the proportion of those remanded to local authority accommodation and those remanded to the secure estate, you see a complete reversal of the situation from 2003 to 2005. That is significant, because the courts have those added powers. Prior to that, they could only remand to local authority accommodation and the local authority had to make the decision about the secure placement.

[92] **Eleanor Burnham:** I was a magistrate before I came here and I still do some work with youth offending teams. I do not know whether you agree, but I believe that society seems to demand immediate custodial sentences because it demonises so many youngsters. In that regard, I am interested in your comments on the role that custody panels could play in

reducing the number of children and young people given custodial sentences.

[93] **Ms Thomas:** Again, it is not a new notion or idea. I do not want to give the impression through this process that youth offending teams do nothing and that they are happy for people to go into custody and let them languish there. That is far from the reality. However, the youth custody panels provide an opportunity, which links to a previous point, to systematically review what is going on with an individual. It could take place pre custody, and we are aware that many of the youth offending teams that we work with do this and review the pre-sentence report that they will put forward to the court and look at the list of possible outcomes for the young person that they suggest in there. There should be mechanisms for everyone to do that before the court hearing. When young people enter custody, there should be a review as to whether that outcome was expected or unexpected and whether it could have been different. It is about taking a systematic approach, which Nacro and Nacro Cymru have advocated for some time, to ensure that these necessary steps are in place.

[94] **Eleanor Burnham:** Do you also agree that it is about where you place people? You have gone through the various options, and, particularly in Wales, there are issues, for instance, linguistic issues. While a magistrate in a court would want, for society, to take a youngster off the streets, there are huge complications for Welsh youth. I used to go and visit Stoke Heath; it is a hell of a long way, psychologically and physically, for youngsters from Wales. Former colleagues of mine are still asking me, because they know that we are undertaking this review, to press for some kind of improved services. I speak as a North Wales regional Member. Forgive me for being parochial because whatever you said earlier about the issues in south Wales applies to north Wales—there is also the educational aspect and continuation. Alun Cairns made a valid point about providing the Welsh curriculum as opposed to the English. With the best will in the world, all these are complicated and ongoing issues and that is why our Chair suggested that we look at this.

[95] **Ms Thomas:** Most definitely. The Welsh language is an issue, particularly for young people from north Wales.

[96] **Mr Cadman:** Yes, Sue has had some personal experience of working with young people from north Wales in focus groups. One thing I would add to the whole issue of custody panels, and pre-sentence and post-sentence work, is that YOTs practice could get a little sharper. I came across a team—admittedly, an English team—but you, as a former magistrate, will understand how it addressed this court's dilemma. For cusp-of-custody referral order cases, it was producing a contract to go before the court at sentencing, so that the court would know exactly what intervention would be lined up. To me, it is a very positive, proactive way of trying to address issues relating to public safety that are quite properly the court's concern.

[97] **Eleanor Burnham:** In addition, the time that people appear before you is reduced because often, the cases would be put aside for another day.

[98] **Mr Cadman:** Yes.

[99] **Janice Gregory:** Thank you, Eleanor. Mark is next.

[100] **Mark Isherwood:** In your paper, you refer to the role that the local safeguarding boards can play in monitoring and intervening in the use of custody. Could you expand on that, and particularly on how this could contribute to a reduction in the use of custody for children and young people?

[101] **Ms Thomas:** I am not aware of any really clear links between custody issues and

local safeguarding boards. It just seemed to us, in terms of considering your question and thinking about additional measures, perhaps, and how things could move on, that there might be an opportunity in relation to local safeguarding boards again looking at specific cases and looking, with children's services, at the resources made available to those entering custody. As I said in my introduction, in looking at the cases of younger children, we see that we have younger children on very short-term detention and training orders. If they are only in custody for a matter of weeks, what else could have been provided? I also wonder, in terms of first-time entrants, possibly irrespective of age, again, what could have prevented that.

[102] We are suggesting more of an emphasis on working in partnership on this, as opposed to youth offending teams working within their silo—I hate that word—and children's services in theirs. If we looked at the role of local safeguarding boards, that would also take into account those children who are vulnerable as well as those who are perhaps persistent or serious offenders. Therefore, I think that is some kind of link there, where you may have all sorts of other issues in relation to vulnerability.

[103] **Mr Cadman:** I will just flag up a piece of work that another children's charity—Barnardo's—has been doing. It has been doing a significant piece of work. I am not sure whether any Welsh YOTs were involved, but that looked at the case histories of the under-15s serving detention and training orders. It was not those with long-term crown court sentences, but those serving detention and training orders and, by and large, fairly short ones. Barnardo's is unpacking whether or not services could have been laid on in the immediate case history prior to going into custody, and also in the distant past; that is, whether safeguarding boards are picking up on issues relating to domestic violence, children who have watched parental figures waving knives around and stabbing people, and the impact that has further down the line. There is an immediate dimension, and also a much longer-term dimension, which goes back to the heart of preventive services. That may well be being wise after the event, but that is not to say that some lessons cannot be learned.

[104] It is also worth saying that the Barnardo's work is due to be published in July. It could be quite interesting reading.

[105] **Janice Gregory:** It will be. We will keep an eye out for that. Thank you. Joyce is next.

[106] **Joyce Watson:** You have talked—at length, almost—in your paper, about unstable living arrangements and the effect that they have on the resettlement of those in custodial sentences for the first time and thereafter. What contribution to reducing the use of custodial sentences could be made, in the first instance, by addressing the housing needs of young offenders in Wales? Furthermore, have you found that there are groups of people who are disproportionately represented in that category? I am thinking—although not so much now, perhaps—of those who are leaving care.

2.00 p.m.

[107] **Ms Thomas:** It is probably easier to start with the second part of your question. The short answer is 'yes'. As Nacro Cymru, we did some work in 2002 looking at a cohort of young people who had had a custodial episode in that year. We were interested in their living arrangements before and after custody, and whether the situation improved with the provision of help and support. We found that, of those young people who were not living at home, a significant number had been in one form of care or another, or were 'sofa surfing'—moving from one friend, relative or acquaintance to another, and then back into care, and maybe back out of it. There was a small but significant number of such young people in that study, and we found that, where they develop these itinerant living arrangements, that pattern is difficult to break. They might be settled for a period, and then something will unsettle them. Sometimes,

that happens despite everyone's best efforts. So, care leavers are in that category, but also young people who become displaced for whatever reason. We found that, where parental separation had occurred, there was sometimes estrangement, or the step-parent did not want the children around. The number of times that young people might move was quite shocking. There was one young person who had had 50 addresses, which is pretty awful. As for the relationship, and its contribution to reducing custody, it all starts at the first court appearance. Where is this young person coming from, and what are his or her living arrangements? That affects the level of support and assistance. What kind of networks is the young person part of? If he or she were bailed, even if the address was perhaps not satisfactory, is there some sort of support around that young person that could maintain him or her in the community? It all starts from that point, and if those issues are not resolved early on, they tend to remain.

[108] **Mr Cadman:** There is one point that I would like to add regarding young people who are looked after under section 20 of the Children Act 1989. If they go into custody, then the local authority quite properly says that they are not accommodated any longer, because it is not providing them with maintenance or accommodation. When that young person asks what will happen when the custodial sentence ends, he or she is often told that the local authority will look at the situation at that time. Di Hart of the National Children's Bureau did a major study of looked-after children going through the secure estate, which led to a thorough report with a model of good practice in one of the appendices. It is downloadable from that organisation's website, and is called 'Tell Them Not To Forget About Us'—which says it all.

[109] **Ms Thomas:** Another issue is the muddle around whether children's services or housing services are responsible. Depending on what age you are, irrespective of your need, that can become a muddle. How it will play out in practice we do not yet know, but we refer in our written evidence to the recent Southwark judgment that indicates that children's services should be responsible.

[110] **Eleanor Burnham:** That was going to be my next question—on that judgment from May 2009 in the case of Regina (G) v Southwark Council. I feel like the expert on *Countdown*, having someone off-screen feeding me with information that the audience does not know about. I am well-briefed.

[111] Based on that judgment about local authorities' requirement to review and address the level of support that a young person requires across a range of services, how confident are you that local authorities are willing and able to meet this requirement, particularly given the credit crunch? Let us be honest, local authorities obviously have to comply with the law, but it is a natural response to cut costs as soon as they can get away with it. I find what you have just said in response to Joyce's question quite worrying, that, as soon as they are within the custody system, these young people have no address. Following on from that, what is the likely impact on children and young people who are in conflict with the law?

[112] **Mr Cadman:** I do not think anyone really knows what the likely impact of the Southwark case is yet.

[113] **Eleanor Burnham:** It is too early.

[114] **Mr Cadman:** Yes, I think it is too early. A point cropped up while you were speaking just then, but it has gone completely out of my head, I am sorry.

[115] **Ms Thomas:** The Howard League for Penal Reform is very vigorous in undertaking legal challenges where it feels that needs are not being met, particularly by children's services. It has been quite successful on an individual basis. However, what we have not seen enough of yet or do not know enough about is how that has panned out on a more general basis.

[116] **Eleanor Burnham:** To come back to your previous point, this has to be holistic, does it not? It is a bit like a chicken-and-egg situation or the question of whether something comes under health or social care. It is the same with this. Where does this sit? Who is going to sort this out? Do you believe that what we are doing here is an important piece of work that, it is to be hoped, will have some influence?

[117] **Ms Thomas:** Yes.

[118] **Eleanor Burnham:** Seriously, I mean.

[119] **Janice Gregory:** Sue is not going to say ‘no’ after being here for the past three quarters of an hour. [*Laughter.*]

[120] **Mr Cadman:** One of the key problems is that, when youth offending teams were designed under the Crime and Disorder Act 1998, housing was not one of the statutory partners. Although housing has been brought in to this where you have unitary and metropolitan authorities, where authorities are sharing, where there is one authority with both responsibilities, there is still that disjunction. There is guidance that housing ought to be involved in the strategic management boards of youth offending teams now, but it is only guidance. Housing is not one of the statutory partners.

[121] **Eleanor Burnham:** Is that not clear in Wales, because we have unitary authorities?

[122] **Mr Cadman:** Yes. In the Welsh context, it would be easier to achieve.

[123] **Ms Thomas:** Existing housing guidance makes clear that children’s services and housing services should talk to each other when presented with a case of a young person who needs assessment in relation to housing. The problem is that many of these mechanisms already exist. However, this does not always happen in practice, and we are not clear about whether it would make a difference if it did happen.

[124] **Alun Cairns:** I want to talk about post-custody resettlement. A large proportion of children and young people from Wales are placed in England. What complications does that lead to? What measures or means do we have for resolving those, or what changes need to be made?

[125] **Ms Thomas:** Distance is the first issue, particularly for children from the north Wales area. There are national standards for youth justice that determine the level of contact that youth offending teams should have with a young person in custody and the contribution that they should make to planning processes. So, for example, examining accommodation needs is one of the things that is explicitly contained in national standards, because not having accommodation can sometimes affect your ability to be released. So you could be denied your rights because of that. I am sorry, but I have lost my thread.

[126] **Alun Cairns:** Let me help you out there. Do you want to talk me through the process? If I were a young offender on the verge of release, what would happen?

[127] **David Lloyd:** You would not be released. [*Laughter.*]

[128] **Ms Thomas:** That is a little harsh.

[129] **Mr Cadman:** I guess that the first thing is whether you would qualify for early release—

[130] **Alun Cairns:** Undoubtedly. [*Laughter.*]

[131] **Mr Cadman:** You need to have an address for early release. Otherwise, you will not get it. Full stop. That is where Sue is quite right to say that, potentially, there are rights issues involved here, particularly for those who were looked-after children.

2.10 p.m.

[132] **Alun Cairns:** Are there many who do not qualify simply because of the address issue?

[133] **Ms Thomas:** This is an area that the Howard League for Penal Reform has challenged. Unless somebody decides to do something about it or to question the decisions that are being made on their behalf, we will not know. It is difficult for children to make complaints or seek advocacy. One thing that we know from the prison ombudsman is that there is a lack of complaints from children in the secure estate, and that raises issues in itself.

[134] **Alun Cairns:** So, if I have qualified for early release because I have an address, what would happen then?

[135] **Mr Cadman:** It is then a question of your routes into education or training, and, very shortly, all under-18s will be headed into some form of education or training. If you are at Ashfield or Stoke Heath, you will be talking to the Connexions service that has an input into that, not Careers Wales. What is going on there?

[136] **Alun Cairns:** We have been talking about particular difficulties in north Wales and the travelling involved and so on. So, if I am from north Wales, that service will give me support, but it will not have the links. I am going to want to come home, because that is where my address is.

[137] **Mr Cadman:** If you were of compulsory schooling age, you would have been undertaking a curriculum that is not the same as your home curriculum, and you may well have suffered if your first language was not English.

[138] **Alun Cairns:** To play devil's advocate, if I were an officer who had been dealing with youngsters from Wales for a time, I would have come to understand the process, I would have the contacts in Careers Wales, and I would know about the differences. Therefore, the situation is not as stark as it sounds. Is that fair?

[139] **Ms Thomas:** I think that that is fair. For every child in the secure estate, a plan should be put together based on his or her needs and any resettlement issues that need to be addressed, which is where your question started, I think. An ASSET review, which we have mentioned, would be undertaken and consideration given to the ongoing issues, such as what has been addressed in the secure establishment that the young person is in, and where he or she needs to link to the community on that particular issue. The secure estate and youth offending teams work together on that plan. The youth offending team should remain in contact with the secure estate to be aware of what work is being done. There will be review points and there is a review prior to the young person leaving custody to determine those initial actions. So, Careers Wales might be an identified provider or an identified specialist.

[140] **Alun Cairns:** So, it is not as disjointed as it might sound at the outset. What follow-up action is there on that to ensure that it is done? What about simple things like the transport arrangements for bringing someone back? Are such arrangements made? Forgive me for asking; the process is alien to me.

[141] **Ms Thomas:** Again, I would say that it is probably variable.

[142] **Alun Cairns:** Transport is fundamental, surely.

[143] **Eleanor Burnham:** When I was involved in the courts, people were expected to make their way back by public transport, and there is not that much initiative. The further away you are, the more complicated the transport arrangements.

[144] **Mr Cadman:** Depending on age, maturity, vulnerability and all the rest of it, the arrangements may vary from one young person to another. For example, if you have a 12-year-old or a 13-year-old who is being returned from Milton Keynes, it is pretty unlikely that you would put them on a National Express bus or something like that.

[145] **Eleanor Burnham:** Why not? That would be more secure than a train.

[146] **Mr Cadman:** For somebody returning to Swansea, say, from Ashfield, the minibus will run them into Bristol Temple Meads or Bristol Parkway. From my days in practice, I know that that happens. So, it would vary. The family may well provide transport back if it is able to. However, you are right to say that the distances involved can be large and that the kind of commitment and resources involved may be beyond the family.

[147] **Alun Cairns:** That might be out of the question, given the kinds of families that many of these young people might come from.

[148] **Mr Cadman:** Yes, and I do not know what public transport links there are from Stoke Heath to the Llŷn Peninsula, for example. You are right to say that it is not always the worst-case scenario, but an awful lot can depend on individual officers and workers knowing who they are talking to in the other agency, having worked with them in the past. I am not sure that individual relationships are a good basis for good practice.

[149] **Bethan Jenkins:** Local authorities have been working on their children's plans, which I think that they have all now finished. Have you seen anything within those plans that could address the issue of resettlement, or is that not addressed sufficiently?

[150] **Ms Thomas:** I have not examined the children's plans to the extent that would enable me to comment on that. I do not know whether you are aware that the youth offending team managers have an association called YOT Managers Cymru. I did some work with them towards the end of last year, helping them to identify issues that they particularly wanted to be included in the children's plans, which they could then take into their own fora. From memory—and it is only memory—I am pretty sure that issues relating to resettlements were included. However, I do not feel that I can comment on the extent to which that has happened in practice.

[151] **Mark Isherwood:** What provision is made for the needs of those with learning disabilities in the secure estate? How effective is that, and what, if anything, needs to be done differently?

[152] **Ms Thomas:** I am not sure that I could really comment on that in relation to the secure estate specifically. From some work that I did in Wales that looked at the role of mental health practitioners, youth offending teams and some of the issues that they dealt with, I know that, generally, there are not very good links to learning disability services. That seemed to be for two reasons: one was that the mental health practitioners and youth offending teams were not necessarily aware of the learning disability services that could be provided and how they might link together, and the other was that that was not an identified need, which might relate to some of the earlier comments that we have discussed. When

presenting my findings to the joint Wales youth justice committee, I suggested that this was perhaps an area that needed further exploration. Whether in relation to custody or community, we do not know an awful lot about that area with regard to young people who offend, specifically within the Welsh context.

[153] **Mark Isherwood:** I just want to add that there is a need to differentiate between the needs of people with mental health issues and those with learning difficulties, because they are separate things. Although they can come together, someone with mental health issues will not automatically have learning difficulties.

[154] **Ms Thomas:** No, I agree.

[155] **Mr Cadman:** Things get conflated even further because the general level of the educational academic achievement of those who enter the secure estate is not seen to be high. I realise that that is a sweeping generalisation, but you find that, educationally, for whatever reason, whether learning difficulties, or disrupted educational practices, they are not seen as being in the upper percentiles.

[156] **David Lloyd:** In paragraph 45 of your paper you go on about weaknesses in the provision of mental health services at YOI Parc in Bridgend. Could you expand on that point for the purposes of this review?

[157] **Ms Thomas:** I am not sure that there is a lot to say, because those services do not exist.

[158] **David Lloyd:** That will do as a good point.

[159] **Mr Cadman:** Up until now.

[160] **Ms Thomas:** Yes, up until now. However, we have indicated in the paper and I have heard anecdotally that efforts are being made to address that, which is extremely positive. It seems to create an obvious anomaly. Youth offending teams will have a mental health specialist, probably a community psychiatric nurse, and a substance misuse specialist working together to address issues, but for those who go into custody, who are probably the most vulnerable and have the most significant problems, that holistic service just does not exist. Again, that relates to rights. However, at the moment, there are positive indications that that might change, which would be welcomed.

2.20 p.m.

[161] **Joyce Watson:** I will move on to look at the devolution of responsibility for the secure estate to Wales. What, in your opinion, would be the benefits for the management and the rehabilitation of children and young people in custody of devolving the responsibility for the secure estate to Wales? To what extent could improvements be made effectively under the current arrangements?

[162] **Ms Thomas:** There is the obvious benefit of closer proximity to home. That would have to depend on an expansion of existing provision initially, because a percentage of young people are still held outside Wales. So, if that responsibility were to be devolved, based on current trends, the current demand could not be met solely with what exists in Wales. Proximity to home brings better links to family and a greater ability for families to remain in touch with their children. There is also better access to youth offending teams, which are often travelling massive distances to see their young people. I was in the office of the Swansea youth offending team the other day, and I saw that arrangements were being made to go up to Durham and to take a parent with them who had been unable to visit. So, that is a

fairly obvious benefit. We have also touched on another benefit, namely access to specialist services. Careers Wales is in Wales. However, it is not just Careers Wales, but all the other agencies, such as housing agencies and children's services, that could visit people prior to their leaving custody. There is potential for all that to improve.

[163] **Alun Cairns:** You identify a number of difficulties with devolving the responsibility for the secure estate to Wales, including a lack of capacity in Wales. How could these barriers be overcome?

[164] **Ms Thomas:** I suppose that you have to ask yourselves initially whether you want to build more prisons and establishments to incarcerate young people. What is Wales's policy and its direction? That seems to have been clearly set out in the Wales youth offending strategy of prevention in the first place, because that affects everything down the line, and alternatives to custody, which immediately leads to a reduction in the prison population. So, there is that issue. If there is expansion, what type of units and establishments do you want to provide for young people? So far, the Welsh Assembly Government seems to prefer small units rather than large warehouses of young people. We would support units with smaller staff-to-child ratios. However, there is also the need, as in Hillside, for a range of specialist support. That requires capital investment. The money seems to be the biggest barrier, along with the will and the desire to do it. As I said at the beginning of my contribution, it is not just the physical structures but the whole administration of what goes with it. Around 75 per cent of the youth justice board's budget is spent on administering the secure estate, commissioning the places and running the arrangements. So, it is not just about the type of establishment and the bricks and mortar, but the whole thing that goes with it.

[165] **Mr Cadman:** I think that it was one of Rod Morgan's biggest regrets that he could not switch money from spending on the secure estate directly to spending on community-based alternatives. It is a massive proportion. Secure care in whatever form is very expensive, whether a youth offending institution, a secure training centre, or a local authority secure children's home. You then get into the whole debate about its location. I understand that Wales has now resolved the debate about where a new adult facility will be located, but only just, and after a very heated debate. It comes back to which way you want to go and how you get better value for money. If you can keep an individual in the community and manage the risks to public safety adequately by keeping them within their supportive networks and by maintaining those links, you give them a reason to invest in keeping their liberty and in being able to grow and develop in their community.

[166] **Eleanor Burnham:** The halfway house would be to have smaller units. You talk about capital investment, but is it not possible—we have foster care in this country—to develop an enhanced type of care within a family unit? I well remember, from my time as a magistrate, that the local press want these young people off the street and held somewhere, at which point a storm along the lines of 'not in my backyard' is whipped up. Bail hostels have the same effect. Could we not use a little creativity to develop something that might not resemble a prison? As you said, there is the argument that, once you enter that prison environment, you are in that scenario. Would we not be better off with secure, smaller, family-type units?

[167] **Ms Thomas:** This intensive fostering and the family-type unit that the youth justice board has been piloting is potentially promising, but the halfway house may link to what we have suggested in terms of looking at open placements in appropriate settings for those with custodial sentences, where risks can be effectively managed. There may be some scope to pilot that and to consider the small unit idea in that context.

[168] **Mr Cadman:** A voluntary organisation may be interested in running that. You could, for example, get a voluntary organisation or an organisation like the Welsh Assembly

Government or New Philanthropy Capital, which puts up money for third sector projects, to undertake a project on a joint-funded basis. We have had enough pilots—we have had more pilots than British Airways. We need to run something in a small way to test its viability.

[169] **Eleanor Burnham:** You cannot go back in history; we have had problems with some of these children's care homes. We all know about that. Do you agree that you need smaller units?

[170] **Mr Cadman:** Yes.

[171] **Janice Gregory:** I think that they agree. The enthusiasm is there.

[172] **Ms Thomas:** That is why we would also link that back to the younger age group and start with young people whose experience of the youth justice system is not as entrenched. I do not need to say more.

[173] **Bethan Jenkins:** I have a brief question on the devolution of power. You touched on that and said that we could do things differently in Wales. The Children's Commissioner for Wales and Children in Wales said that, if we had the appropriate powers, we would not have to follow the UK Government's agenda, which is focused on incarceration. That is the reality on the ground. We could do things differently; for example, we could look at what they do in Sweden with restorative justice. Could that be the case or are you solely looking at the preventative agenda within Wales's current powers?

[174] **Ms Thomas:** We wanted to start from that position and try to be realistic, if you like. However, devolution offers a fantastic opportunity. Increasingly, the youth justice board, working with the Welsh Assembly Government and vice versa, has considered and recognised the differences in Wales. When policy has come out of central Government, questions have been asked about whether it is right for Wales, how we can do things differently and whether we wish to go down the same route. There are evident differences that suggest an opportunity.

2.30 p.m.

[175] **Mr Cadman:** The principle of devolution is a sound one. You only have to look north of the English border to see how a different system can run with the children's hearings.

[176] **Bethan Jenkins:** My final question is on the refreshed all-Wales youth offending strategy. You have probably said it all already, but is there anything new that you would like to see included in the strategy? As you have said, it is about preventative measures.

[177] **Ms Thomas:** The refreshed strategy is aiming to look at a number of key areas. It is to look at the number of young people entering the system in the first place, reoffending, custody, and then education, training, employment, accommodation and substance misuse.

[178] **Bethan Jenkins:** That is a long list.

[179] **Ms Thomas:** The refreshed strategy is really the second stage in the development of the all-Wales youth offending strategy and it is looking more closely than ever before at prioritising what actions need to be taken to make a difference in those areas. Three of them are clearly areas of devolved responsibility, so there are influences, but in the areas that are not devolved at the moment it is important to look, to some extent, at how Wales can do things differently and what Wales's priorities are. That has been positive.

[180] **Janice Gregory:** That was the final question. Thank you for your contributions this

afternoon. As you will have heard me tell Mandy, you will be sent a transcript of the meeting. I am afraid that you cannot change anything that you wish that you had not said, but if you could check it for factual accuracy, we would be most grateful. Thank you for your written and oral evidence, which will form a large and important part of our report.

2.32 p.m.

Cynnig Trefniadol
Procedural Motion

[181] **Janice Gregory:** We are running over time, so I will move swiftly on to the next item, which is the consideration of the draft report and the recommendations for Welsh arts on the world stage. For this item, we are going to move into private session, which is what we normally do when we consider a report.

[182] I move that

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

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

Derbyniwyd y cynnig.
Motion agreed.

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