



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

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

**Dydd Iau, 25 Mehefin 2009  
Thursday, 25 June 2009**

**Cynnwys**  
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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**

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
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**

Carmel Napier	Dirprwy Brif Gwnstabl Heddlu Gwent Deputy Chief Constable of Gwent Police
Dr Barbara Wilding	Cadeirydd Cymdeithas Prif Swyddogion Heddlu Cymru a Phrif Gwnstabl Heddlu De Cymru Chair of the Association of Chief Police Officers Cymru and Chief Constable of South Wales Police

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

Tom Jackson	Clerc Clerk
Annette Millett	Dirprwy Glerc Deputy Clerk

*Dechreuodd y cyfarfod am 1 p.m.*  
*The meeting began at 1 p.m.*

**Cyflwyniad, Ymddiheuriadau a Dirprwyon**  
**Introduction, Apologies and Substitutions**

[1] **Janice Gregory:** Good afternoon, everyone, and welcome to this meeting of the Communities and Culture Committee. We will be continuing our inquiry into youth justice today and our guests will join us in a moment. First, could we make sure that all electronic devices, such as BlackBerrys, pagers, and mobile phones, are switched off? As you know, the amplified sound, if required, is available on channel 0, and the translation is available on channel 1. No fire drill has been scheduled for this afternoon. If the fire alarm sounds, we will be expected to leave the building in a safe manner. Please be guided by the ushers who will direct us to the nearest safe exit and assembly points.

[2] I have received an apology for absence from Lynne Neagle for whom there is no substitution. Before we move to the second item on the agenda, and while we wait for our presenters to arrive, I want to say that Members will be aware that the Minister for Health and Social Services, Edwina Hart, was due to give evidence to us today, but, sadly, her father passed away and the funeral was held this morning. That is why the Minister is not here to give evidence. However, she has already given us another date on which she will attend committee to give evidence. I am sure that committee members would all join me in sending our condolences to the Minister.

1.02 p.m.

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

[3] **Janice Gregory:** I now introduce someone who needs no introduction, I am sure. I welcome Barbara Wilding, who is the Chair of the Association of Chief Police Officers in Wales and chief constable of South Wales Police. I also welcome Carmel Napier, the deputy chief constable of Gwent Police. I thank you both for the papers that you have supplied to the committee prior to your visit today. Members have had a chance to look at the papers. I am sure that I do not need to tell you how the system works here, but you will know that there will be a series of questions from Members. As this will be a short meeting and as we are not constrained by time to any great degree, I would be more than happy for you to make some opening remarks on your paper, if you would like to, or we can move straight to questions. What would you like to do?

[4] **Dr Wilding:** We will move straight to the questions, please, Chair.

[5] **Janice Gregory:** That is marvellous. The first question should have been from Mark Isherwood, who will be here forthwith, but, as he is not here yet, I will ask it. The all-Wales youth offending strategy focuses on the preventative agenda in Wales. What improvements could be made to the current strategy to ensure that it effectively addresses the issues affecting children and young people in the secure estate?

[6] **Dr Wilding:** As chair of the local criminal justice board and on behalf of all the chief constables in Wales, I can say that our view, and that of the overarching non-devolved criminal justice agencies, fortunately, is that the early identification of young people or children who are at risk is now far more achievable than it was a few years ago. We know that there is quite a lot of academic work and good research taking place now, and I was interested to see that the Nacro and Health Inspectorate Wales evidence that you received quoted some of that work, showing that there are those early identifications.

[7] From our experience, there are usually agencies already involved with the wider family that could identify young people at risk. By the time that they get into the secure estate, it is almost a failure, because we have missed lots of opportunities to identify low self-esteem, obesity and mental health issues in the family. They could be addressed as a whole rather than in isolation through the child, at the point when the child comes to our attention later in its life. That is what we would like the preventative agenda to focus on. It requires that agencies work together, both devolved and non-devolved, and that information is shared; that is the big issue. Information must be shared at an early stage so that we can make the most appropriate interventions into the family. From our perspective, the secure estate is the acute end of the business; it is also the expensive end, and by putting resources into prevention, one would hopefully avoid having to build a lot of secure estate in Wales. There is a critical need, which we will probably come to as questions unfold, but that would certainly be the view of all the chief constables, as well as the non-devolved criminal justice partners that I am

fortunate to chair on the local criminal justice board.

[8] **Carmel**, would you like to add to that?

[9] **Ms Napier**: I would just support that very strongly. On behalf of chief constable Ian McPherson, who leads the Association of Chief Police Officers' strategy in relation to children and young people, I can update the committee this afternoon regarding the proposals to address those particular issues, which I think will help inform the debate. For me, a significant achievement has been delivered through the young offenders strategy, but perhaps its name focuses attention on the wrong aspect of this subject. As chief constable Wilding has said, the proposals emphasise youth offending and youth justice; I know that it also talks about restricting the number of first-time entrants to the system, and so on, but in dealing with youth justice, it does not cover those family issues. It focuses on a child who may have offended rather than the family unit, and I think that, when we look at a child, the focus also needs to be on the parent, and the surrounding environment. As Miss Wilding says, health and education play a significant part in that.

[10] **Lesley Griffiths**: Barbara, you said that sharing information was important; I assume that you are talking about sharing between organisations.

[11] **Dr Wilding**: Yes.

[12] **Lesley Griffiths**: Are there any specific problems with the sharing of information between organisations in England and Wales?

[13] **Dr Wilding**: The problems are between agencies, but also sometimes within agencies. As far as I am aware, if a child goes into the secure estate in England, there is a package that goes with them. I am sorry to say that that is the sum total of my knowledge. We find, operating in Wales, that it is irrelevant whether an organisation is devolved or non-devolved; there is often a hesitation about sharing information between parties, which is more of a hindrance than a help.

[14] **Eleanor Burnham**: I had an interesting day with the Denbighshire local service board last week, which covered data protection and data sharing. The company that has been charged by Denbighshire to do the profiling, and so on, on all these social issues, said that, unless there is a reason not to, information should be shared. Do you agree with that?

[15] **Dr Wilding**: I agree wholeheartedly, but others would, within that, find the avenue to be able to say that confidentiality is the exception. To give an example, the accident and emergency department of the Heath hospital here in Cardiff successfully worked on sharing information about people who go to the accident and emergency department—it is anonymous data, but, where cases are so serious, there is a protocol about sharing personal data. To get other hospitals to do the same, without going through the hurdles that the Heath went through, has been nigh-on impossible, and it has taken the Home Secretary's intervention on the knife issue particularly, through the General Medical Council or the Department of Health—I am not quite sure which—to get them to say that they will pass on information where people come in with knife injuries. We should not just keep chipping away at this; we should take a really big sledgehammer to it.

1.10 p.m.

[16] With regard to social services, it is the same with domestic violence. You will find that people come forward to seek help probably after 30-odd occasions or where there has been abuse before. You will find that an agency has been in there somewhere, even if it is only the GP—I do not mean that derogatively. People will be involved, and it is about

people's antennae and their having questions at the forefront of their minds—I wonder if such and such is happening'—and having an attitude that they should look out for this and ask particular questions. Security services have gone that way with regard to counter terrorism—the attitude is to share with pride, unless there is a really critical issue that you should not share.

[17] **David Lloyd:** What are the weaknesses in the provision of alternatives to custody in Wales? Is more funding needed for community-based alternatives to reduce the use of custodial sentences?

[18] **Dr Wilding:** I will begin, and then I will hand over to Carmel. In our evidence, we supplied a table showing custody on remand—from police custody and court custody—and the disposal in custody. The fact that Wales, particularly on certain aspects, is consistently above the national average—other than one or two rural communities—is something that needs to be explored considerably. I go back to my earlier point that, if someone goes into the secure estate, it is a failure really. That is how we should look at it. This needs to be looked at in the round. That table requires more examination. One also looks at the attrition rate for those remanded from charge into custody and to the point of final disposal. There is something more that we learn in that intervening time. There is the question—and I do not have the answer—of exactly what it is that we did not know when we had to remand the person into custody. Was it that there was no good bail place for them to go under proper supervision? What was it that tipped the balance so that they had to go into custody? Later, a certain percentage of those remanded into custody will not get a disposal of custody. So, I think there is a piece of work to be done on that.

[19] On alternatives, a great deal has been done, very successfully, to divert young people away from the criminal justice process and give them other opportunities. However, of course, as ever, it is about money. Many of the agencies doing this work are in the third sector. During the recession, they are finding it more difficult, and local authority provision of some of these activities is also affected. I was at a centre yesterday afternoon with the chief executive of the local council. The centre takes young people who have offended—young people with mental health problems and disabilities—but it is running out of money, because people are withdrawing money that is not seen to be going to core services.

[20] **Ms Napier:** On the weakness of provision, there are key issues that have been presented in the document in relation to our children, our Welsh-speaking children, diversity in relation to children who speak other languages, and the fact that there is very little provision and expertise in relation to the mental health issues of children and young ladies. There is no provision in Wales for our young ladies. The weakness in provision is not just an issue of the secure estate, which is one part of the toolkit—sadly, a necessary part, we would agree. Unfortunately, although the numbers are too high—the last figure was 145 or 146—we do not have the data regarding the follow-up on the success of those. The focus, once again, is on the child in that; there is no evidence in the documents that we have been able to find regarding the wider family. On the after-provision, with regard to education, how can we, the Welsh Assembly Government and the wider public service—one of the biggest employers in Wales—together with private businesses provide some sort of energy boost to funds so that there is an incentive to companies and public services to provide these young people with stability in their lives? That generally relates to education or apprenticeships, followed by a job, and that gives them some structure.

[21] We need to address accommodation issues. At the age of 18, most of us in this room were probably fortunate to have families and, even if we went out alone, had a stability to go back to, and could ring them and ask them for help and so on. We are talking about very vulnerable people who might have an ugly wisdom about one aspect of life, because of the type of life that they have had, but who are not wise in relation to living and, because of that,

they are very vulnerable. So, for me, the key issues are: the secure estate provision, with the gaps, and the fact that there is only focus on the child rather than on the child's brothers and sisters, and why the extended family networks that we have are not addressing family issues.

[22] On funding, for me, it is exactly as chief constable Wilding has said: this is not about youth justice; it is about children and young people's services. Do we know all the agencies that are coming in and out of the door? With family intervention, there are families that are at the top in terms of being a drain in relation to financial provision for these services. We have talked about sharing information. We know who those families are. If you went to any local authority, you would find that they could be named. Perhaps we ought to be focusing on working with those families who are at the top in terms of being a drain on financial resources, to try to break the chain. The children and young people do not have a choice, and we need to help them. We need to break the chain and work with the parents, brothers, sisters and the rest of the family at the same time.

[23] **Dr Wilding:** In Newport local authority—and this will have flowed across all seven local authorities in my force area by the end of this calendar year—intervention is triggered by the education system, as young people at risk are identified. It covers comprehensive schools and their feeder primary schools. The education system can flag up where a young person is at risk, be it a child in reception class or a sibling in the comprehensive school, then all the agencies pool their information on the family and come up with a plan for that family. For instance, a young person may start coming to school late because they have suddenly become the carer and they have had to take other children to school, or they are not doing their homework. They are vulnerable and at risk. This system has not been finally evaluated yet, but young people from the age of four come into this system, where they can be seen, and staff know that they can put information on the family into a secure organisation. Health, debt management, education, police, fire, and housing services all share their information about the family, which gives you a much broader perspective of what the intervention may need to be at that stage, because it may not need to be with the young person; it may need to be with some other member of the family. It may be a housing or debt management issue for the parents or it may be needed because dad has gone to prison and mum's mental health has taken a turn for the worse. We see those as being the sorts of things that we would contribute to hugely, and we are happy to do so, because there is a police officer who is responsible for the comprehensive and primary areas and the exchanging of information to the pool. Through our neighbourhood systems, we are able to do that across Wales—it is not just across our two forces.

[24] **Ms Napier:** There is just one other thing. As a professional working in this area, you have to be very good to find the map of the network of services that are available. That is true even for us as professionals, so imagine it from a child's perspective. You need a doctorate to be able to understand the network of contact, and that cannot be right. It is not about money; it is about how we network our services. Quite often, sadly, these children do not have family networks and support behind them. Who is the corporate parent of that child? Does that child have an independent advocate to speak for him or her? With regard to the people whom we put in charge of helping them to resolve their issues, who is in loco parentis?

1.20 p.m.

[25] Is that person a professional doing a good job to the best of their ability, but the child does not have that in-loco-parentis-type supervision. We often see that in children's homes, where the staff do a brilliant job but, as parents, we would possibly take a different approach to taking care of those children.

[26] **Janice Gregory:** Before I bring Bethan in, you have raised some important issues and highlighted the failures that occur when children enter the secure estate; you are correct to

describe those. The terms of reference for this inquiry are—I would not say narrow, but—focused. Although, we are looking at the secure estate, in my view, the issues that you have raised—and I know from looking around the room that other Members agree—should not necessarily be considered by this committee exclusively. There are other wonderful committees in the National Assembly for Wales that could pick up some of these issues and might like to take them forward in the form of an inquiry. With the permission of the members of this committee, I will write to the Chairs of other relevant committees to allow them to put forward their views and they will, of course, be able to read this meeting's transcript. Members of this committee also sit on those other committees. I assure you that, as a committee, we will do our best to ensure that your points are heard by other committee members.

[27] **Bethan Jenkins:** My question is on the intensive support and surveillance programme. How is that being used as an alternative to custody and how is it being used in the interim to lower the need for the use of custodial sentences?

[28] **Ms Napier:** The intensive supervision programme is one of the most successful diversion methods for young people. It gives their lives structure for 25 hours per week when, under supervision, they are required to do certain activities. Without doubt, it is a fantastic pre-emptive measure to try to prevent persistent offenders from going into custody. It could be better used as part of the integrated family intervention programme so that non-offenders could be part of that programme. We should link that up with non-attendance at school and other children's activities that raise concern, where children could benefit. Preventative action is not about criminal justice because we want to prevent young people from being criminalised. The intensive supervision programme focuses on non-attendance at school, health, welfare, general misbehaviour and feelings of isolation and loneliness among children when they should feel part of the wider community. It is expensive, but it is one of the most successful youth justice programmes that we have in place.

[29] **Bethan Jenkins:** I acknowledge what you say about its preventative worth and that is noble. However, there is information available, and I have acquired information through freedom of information requests, that South Wales Police stop and search children as young as six; 3,000 young people under the age of 18 are being stopped and searched. Do you really think that that will help the preventative agenda? That is the same argument as keeping children's DNA on databases, even though they have not committed a crime. I acknowledge what you say about providing alternatives and bringing in the families, but if the police sometimes work according to the premise that young people are criminals, even though they have not taken part in any criminal activity, how does that marry with the noble aims of these programmes? That confuses me and I am sure that it also confuses children out there.

[30] **Ms Napier:** I may have confused Members and I did not want to do that. The intensive supervision programme is very much about children who are primarily in the criminal justice system. The police service is not about going out and stopping and searching young people. The intensive supervision programme is not about police intervention; my understanding is that it is about adults—not police officers, but professional youth workers—working closely with young people in a structured environment to help them with their education, behaviour and health issues. It is not about law enforcement, but about preventing them from being the subjects of law enforcement.

[31] **Dr Wilding:** If I could add to that, in reference to my force, of the three young people under the age of 10, each case has been reviewed and, as was said in the media, it was found to be totally appropriate. You must remember that we also take care of young people. Just because we stop someone does not mean that we always search them. We stop them to ask questions, such as, 'Why are you not in school?'. That is a very good one. Of the 3,000 children under the age of 18, again, providing it is proportionate to the circumstances and



necessary, we may ask them, ‘Why are you here? What are you doing?’. There are, sadly, young people who create problems and there are, sadly, young people who need our care and you have to stop and talk to them. I am afraid that that is the society that has been created for us—the police did not create it; it has been created for us—and we now have to record all these details. My officers do not like doing it. It is like pushing water uphill to try to get them to record all the information that the forms require, so that we can put the returns in to our masters. This is not about us persecuting young people or about it being part of our values to do so; it is very much in our values that we are here to work with communities to keep them safe, and that includes young people.

[32] **Bethan Jenkins:** I understand that totally, but we have been hearing from lots of different organisations that the emphasis on the anti-social behaviour order agenda is making young people feel that they are not accepted in society and that such measures may contradict the other measures that the police are involved in.

[33] **Janice Gregory:** Bethan, I think that she has explained—

[34] **Dr Wilding:** If I may reply, just for two seconds.

[35] **Janice Gregory:** Yes, you may.

[36] **Dr Wilding:** You should be very proud that the four chief constables in Wales went to see the Minister for social justice when the agenda first came out of the Home Office in relation to anti-social behaviour, and said that we all wanted to take a staged approach to that behaviour in Wales. Again, I come back to the point that I made when I started, namely that, if someone is given an ASBO, it is viewed as a failure. There is a problem in that when we have an anti-social behaviour contract with someone and they break it, there is nothing in between that and an ASBO. If you give someone an ASBO, they are likely to break that too and they are likely to end up in prison. There is something missing there. However, my force, which covers nearly 50 per cent of the population, and therefore more young people than any other force in Wales, has the lowest number of ASBOs of any force in the UK. I have been berated for that but I can show you data that say that we have stopped the behaviour—that happens in Wales. Very recently, I was able to sit at a meeting where there was some debate around having fixed penalty notices for 10 to 15-year-olds and say that we, in Wales, would not do it. So, actually, the anti-social behaviour orders are very few in number. The way in which we manage it and the data that we have to show the behaviour that we stop is compelling, to say the least. Those who have given evidence to you on the use of this law, particularly the statute, need to see it in the wider context. Here, in Wales, we take a staged approach with our partners, with all the agencies, to stop the behaviour and we have been very successful at that. I would just add that my force is the only force that has seen a year-on-year reduction in the number of young people being criminalised, whereas some forces in England have seen a 60 per cent increase in a year. We have to understand it in that wider context. I am sorry, Chair, but I just felt that it was necessary to say that. As the policing side, that is what we would say in response to that sort of evidence.

[37] **Eleanor Burnham:** Just for you to know, I am a former magistrate. I am concerned and intrigued by this. You are obviously very successful in Wales because you have been able to reduce the number of ASBOs that are given out. Every time an officer speaks to a youngster, are you required to collect data on that? Would the officer record the conversation that was had with that youngster? Is that your way of preventing ASBOs down the line?

[38] **Dr Wilding:** When we—

[39] **Janice Gregory:** While I understand that Bethan is very pleased with herself, by the look of it, to have started this debate, that is not evidence that has come to committee and I

would like to stick to the questions that we have before us. As Eleanor has now asked her questions, Barbara, perhaps you would like to answer.

1.30 p.m.

[40] **Eleanor Burnham:** Following on from the chief constable's assertion—

[41] **Janice Gregory:** No, no; that is fine.

[42] **Eleanor Burnham:** Is that okay?

[43] **Janice Gregory:** Yes, that is fine, Eleanor.

[44] **Dr Wilding:** Since the Macpherson inquiry, and under the recommendations of the Macpherson report, we have been obliged to record something called 'stop and account', which is very difficult for officers to do when they start saying, 'How are you', and a conversation follows from that—at what point does that become a stop and account event to be reported? We have been able to reduce the bureaucracy so that the officers can now report this on their Airwave sets. We have never recorded the conversations; it is just the details of when, where, who, and what for. There is a difference between that and stop and search, which comes under several statutes, depending on what the reasonable suspicion is, such as possession of drugs or firearms, or of going equipped. So, we have never recorded conversations, other than when an arrest is made, for which an officer will record the conversation as part of the evidence.

[45] **Bethan Jenkins:** Chair, I do not think it was fair of you to make your remarks. I asked the question because I wanted to know something. If we are going to be putting in new ideas such as restorative justice in place, but we are still trying to criminalise people, it is important that we know that and discuss it. There is no gain for me in asking such questions; I want to know the information from those who are giving us evidence.

[46] **Janice Gregory:** I did not suggest for a second that there was any gain for you, Bethan. Not for a second did I suggest that.

[47] **Bethan Jenkins:** Well why did you say that I was acting in a certain way?

[48] **Janice Gregory:** What I am saying is that we will stick now to the prepared questions, which are quite specifically about children in the secure estate.

[49] Joyce, please ask the next question.

[50] **Joyce Watson:** Going back to reducing the use of custody, in its evidence to us, Nacro advocates the use of non-secure placements for young offenders. What is your response to that view? What would be the likely impact of a non-custodial sentence on children and young people who are in conflict with the law?

[51] **Ms Napier:** I do not understand what Nacro means by 'multiplacements'. If I can, I will help Members with regard to the non-custodial aspect. We need to look overseas, to countries such as Denmark and so on, which look at family intervention-type programmes that choose specific families and individuals who will mentor, support, and act in loco parentis—Denmark is a really good example of that. There will be an individual who is specifically trained, and children are specifically identified and assessed against that provision, so that they will go into a single unit, generally where they are the only child under the care of a specifically trained adult who is well experienced and who operates a recognition and reward system, which enables the child to become part of a family unit. That is the only

way in which non-custodial aspects can be successful.

[52] **Joyce Watson:** We do something along similar lines here, although it is perhaps not as advanced. What do you think the intensive fostering scheme can add to the use of non-custodial sentences?

[53] **Ms Napier:** It can add a tremendous amount. I was delighted to read about that and to see the successes that it is bringing because it is that type of skilled adults and skilled family that want to be involved. They are altruistic, they have the skills, and they want to work to help children to make a valuable contribution for their own benefit as well as for the benefit of the wider society. It is excellent, and it is a positive way forward.

[54] **Alun Cairns:** I would like to ask you both about restorative justice. For those who may be watching proceedings on television—if any are—can you give us some background on it before, with the Chair's permission, I probe further. It is mentioned in the annex to the paper.

[55] **Dr Wilding:** Yes, it is. You have to train people to use it. In my experience, there are people in the youth offending teams who are trained. It costs quite a bit of money to train people, It originally started with adults, so that witnesses and victims could tell offenders face to face how they felt and about the impact that the crime had on them. Since then, of course, we have victim statements being read in court to give that sort of information as well.

[56] Restorative justice has been extended now to include the RAIN programme—restorative approaches in neighbourhoods—which is street restorative justice for anti-social behaviour that we have piloted in the Rhondda area. It is currently being evaluated by the University of Glamorgan, and the early indications are that it has been very successful, so we are looking to roll it out across the force. To be able to afford this, we are paying the padre in Cardiff prison to train our officers to do this, because it is not something that should happen in a month's or two months' time—it should happen almost instantaneously to get the maximum effect from it. Therefore, you need to be able to train a greater number of people. There is the 'sorry' system in prisons, which is really good, and a programme was run whereby 20 long-term prisoners who had been through this process were trained as mentors, and they mentored 20 young offenders. Of those people, only one or two have since re-offended in the 12 months afterwards.

[57] So, there are many spin-offs from these sorts of things. My officers, and I am sure that it is the same in Carmel's force and the other forces in Wales, are consistently called to anti-social behaviour incidents where the young people do not realise that what they are doing is causing someone to feel less secure and to be nervous. When it is explained to them, they say that they did not realise that and they will go away and do something else. It is about them understanding what goes on. When it goes beyond that, restorative justice has a huge role to play for young people to fully understand. I suppose that it is the old-fashioned way, whereby we would take them home, tell mum and dad, who would march them down to the shop and make them apologise to the shopkeeper, and they would stop their pocket money for a week, or however long it would be. I am sure that some of that still goes on, but restorative justice is a grown-up version of that and it works exceedingly well.

[58] **Alun Cairns:** That is really helpful. The paper was of great interest, but it is worth you expanding on it and showing the enthusiasm that you have for it. What needs to happen for that to be rolled out to a greater degree—you have talked about the cost and the training—bearing in mind the Assembly's responsibility with regard to what is devolved and what is not devolved, and where there is a grey area?

[59] **Dr Wilding:** If we were given funding for it, we would have the structure to be able

to deliver it in every force through our neighbourhood policing teams. I want to make sure that the outcomes justify the investment, which is why the evaluation is being undertaken—early indications are that it does. I will then roll it out across the force, and I will find the money somehow to do it if I can. However, I may not be able to have the blanket coverage that we would like, because it will mean stopping doing something elsewhere to be able to fund it. So it may be a phased programme. For community cohesion and wellbeing, it is very important. If you have youngsters who are constantly throwing their beer cans into someone's garden, under the restorative justice programme, they would go to clear up the garden and do things there, and they would know the owner who stops and talks to them. Our staff will also know them, so they can ask them how it is going, whether they are working, and so on. That is the type of nuisance that make people feel that their area is being devalued, and so their sense of wellbeing is dented.

[60] **Ms Napier:** Just to add to that, this is about moving it from neighbourhood policing to neighbourhood management, with the benefit of that. The fantastic thing about Wales is that it is big and small enough to deliver whatever it wants to do if it has the will to do it, and I sense that it has. Restorative justice, as the chief constable explained, is about achieving resolution, understanding and forgiveness for people with regard to actions or inactions that people have done. I have seen some fantastic work being undertaken in Wales regarding the citizen agenda in schools, with children re-enacting court cases, adult plays and work in the community with the education authority and the health authority, which amounts to restorative justice, although it is not given that name.

1.40 p.m.

[61] One key action that we could take is to ask about the integration of all these fantastic initiatives, because that is where we would get the funding—by working closer together, and understanding what is in all these different funding pots. If we know that, we can think about how to agree a plan together, not in the name of neighbourhood policing, but neighbourhood management. This is about day-to-day lives, and we are sometimes in conflict with one another, are we not? Sometimes, you get out of bed the wrong side, and you hit something and you need to apologise for your behaviour; it is a kind of restorative justice—'Sorry; I did not mean it'.

[62] **Alun Cairns:** I will be somewhat provocative. I share your enthusiasm for this, but are there cases where restorative justice is not appropriate? You could have a bad egg, and a short, sharp shock might be more effective than this longer process, which could be bureaucratic in the way that it tries to deliver the goal of restorative justice.

[63] **Ms Napier:** As you can see, we are both strong believers in this. The RAIN programme is an example of intervention that has an immediate impact. Sometimes it involves a punishment, so you might have to pay for a window to be repaired, for example. It is not always free from punishment; you are held to account. The substantial research that has been done shows that people do not want a 'hang 'em and flog 'em' approach; they just want misbehaviour to stop.

[64] **Dr Wilding:** I will give you an excellent example, which involves agencies working together. A school noticed graffiti in a young person's school book, and realised that it was the same graffiti that was appearing in a great number of places over a large area—miles away from the school. Working together, we were able to show that this was indeed the young person who had drawn graffiti on 60-odd walls. The neighbourhood team spoke to the owners of the walls and they agreed that the young person, over a series of weekends, would clean them up, and the young person did. That young person's artistic bent has now also been channelled in a completely different way. That is success.

[65] **Lesley Griffiths:** Barbara, you mentioned the RAiN project, and you just expanded a little on that. You said that it was piloted in Merthyr Tydfil, and I note from your paper that it has also been piloted in north Wales. Are there any data available for the committee on that? As you say, if you do not train people, they cannot put it into practice.

[66] **Dr Wilding:** The data in the annex show how many people have been through the system. We can supply some data for the Rhondda that have been evaluated; I can try to find out where that evaluation is, and if it is due to be published shortly then we can make it available to you.

[67] **Ms Napier:** If you look at the police forces' websites, under 'neighbourhood policing' you will see 'restorative justice in action' in relation to the Partnerships and Communities Together meetings. Those meetings are where communities raise concerns. Some people would define those concerns as criminal activity, although we would not. That is about resolution, with all of the agencies and the communities mobilising to reach an understanding and a way forward on key priorities. Previously, young people or adults who came within those concerns may have entered the criminal justice system.

[68] **Dr Wilding:** Just to add to that, if anyone were to ask me as a chief constable, 'What is your big concern?', I would say that it is the distance that has opened up between young people and those aged over 50. It comes through at the PACT meetings time and again, and all the surveys that we do of neighbourhoods. Often, young people on the street are a concern, although they are not doing anything. The more work that we do around restorative justice, and bringing young and old together, the better it will be for the future.

[69] **Janice Gregory:** Time is against us, unfortunately. It is always unwise to say at the beginning that you are not pressed for time, and I will learn that lesson soon, I am sure. However, we are now pressed for time, so I would ask for questions and replies to be concise.

[70] Joyce, are you burning to ask a supplementary question?

[71] **Eleanor Burnham:** She is.

[72] **Joyce Watson:** This goes back to where you left off, because part of restorative justice has to be people not getting into that situation in the first place. You have just said that there is often misunderstanding. Do you then look more widely at why some young people might end up needing care, guidance or whatever, and the facilities that could be made available to them, but are not?

[73] **Dr Wilding:** I will hand over to Carmel, but I will just say that in PACT meetings, it is very obvious that there are no young people there. They are seen as the problem, not part of the solution. We now hold street PACT meetings to which young people and older people are invited. Young people explain why they gather in certain places—because they also are fearful. It may just be that there is lighting in the area, and there is nowhere else for them to go. By working together, people can come up with a solution. That is being concise, Chair. I now hand over to Carmel.

[74] **Ms Napier:** I have nothing to add.

[75] **Janice Gregory:** Wonderful. Eleanor is next.

[76] **Eleanor Burnham:** Nacro told us about young people being given short-term custodial sentences, where they are only in custody for a matter of weeks. What issues of post-custody resettlement are raised by short-term custodial sentences? Also, what role should the police service take in contributing to reducing the use of short-term custodial sentences

for young offenders?

[77] **Dr Wilding:** To answer the first part of the question, I visited Parc prison only two weeks ago. I asked the governor similar sorts of questions. When you have people with short sentences, what can you do? If the sentence is for less than six weeks, you can do absolutely nothing and there is no package for those people when they come out. I remember the previous children's commissioner doing some work around under-18-year-olds in custody who were terrified of coming out, particularly the ones who had been there for a little longer, because they did not know where they would live. They would have to go back to the same community, and were worried about what support system they would have around them, particularly if they had come clean from substance misuse. Those young people suddenly see a different life open to them, but the opportunity to pursue that life will be vastly reduced if they just go back to the community without a structure around them, particularly in relation to mental health. If you are not in employment, education or training, there is nothing for you between the ages of 16 and 18. We do not listen to young people enough. We need to listen more to what are their issues. If we did, we probably would not have to provide secure estate down the line because they have gone on to re-offend.

[78] **Ms Napier:** I would say exactly the same. It is about accommodation, education, training and jobs. Young people do not always want to do O-levels. There is an over-focus on the education system—five O-levels, and A-levels. Not everyone wants to do that. It is not that they are not capable of doing it; it is not their area of interest. We need to ask, 'Where is their mentoring support?' and when we put them back into the community, we need to look at the family unit that we are putting them into.

[79] **Eleanor Burnham:** If a young person is in education that is quite crucial, for instance, and they are away from Wales—in England—that could cause another issue.

[80] **Lesley Griffiths:** In your paper, you state that,

[81] 'for persistent and prolific offenders a sustained multi agency holistic approach is required that addresses the often complex mix of causal factors.'

[82] What role might the police play to ensure that there is an appropriate and effective resettlement and rehabilitation programme for these persistent offenders?

[83] **Dr Wilding:** It operates very successfully in some ways where you have offender management programmes. Most local criminal justice boards have a sub-group of offender management, and the police play a role in that. The whole issue around priority offenders is that we look at why they are offending, and what we need to put around them when they come out of custody to prevent them from offending again. The other side of that is, through the neighbourhood management teams, once they are back in their area, if the local police and the neighbourhood team know that they are there, they are also able to give support and encouragement, asking questions about how they are doing, whether they have a job yet, what they are up to, whether they have been to see the probation officer, and whether they have done this or that—not in a hectoring way but in a supportive way to give them encouragement. The officer might find out that perhaps the young person does not have the fare to make the next visit. If the officer knows, at least the officer can try doing to something about it, or contact the probation officer to say that the young person does not have the money to go to see him or her. What can do about that? Do we issue them a warrant? Those kinds of questions arise. We will get better at this, but the offender management programmes are already starting to deliver that holistic support to young people, and particularly persistent young offenders.

1.50 p.m.

[84] **Mark Isherwood:** You identify above-average custodial remands in some parts of Wales. How do you reduce that, and what support would be needed to keep those young people in the community?

[85] **Dr Wilding:** Sadly, you were not here when I raised that issue. It is interesting, and I think that we need work on it. When young offenders are in custody with us, from remand to the secure estate, the attrition rate of custody disposals needs to be looked at. What information have we discovered about the intervening period that means that people avoid custody? What did we not know at the time the charging decision was made?

[86] We are trialling a scheme that used to operate when I was a detective sergeant in the 1970s in the east end of London. You could get a YOT officer to do a juvenile bureau inquiry on the young person straight away, and they would contact all the agencies to see what they were able to do for the young person who could then be released. I understand that that is working successfully in Northern Ireland, and I have asked for some papers on that. We are trialling it in Swansea, so the disposal is discussed not straight away, but at a meeting of all the parties. What we do not want, as happens in some areas of England, is for young people to be given bail because the local authority has put them in bed-and-breakfast accommodation. That is not what we want at all. As Carmel said, we need that supervision, mentoring and support. There are one or two things going on, but I think that we need specific work on this, given that the figures in some areas of Wales are higher than the national average. So, that needs to be looked at.

[87] **David Lloyd:** I was going to concentrate my questions on housing, but you have already spoken a fair bit on that, and so some of them have been covered. I will therefore take the next two questions together and cover housing en bloc, as it were. Could you elaborate on what contribution to reducing the use of custody could be made by addressing housing needs in general? What are the issues for post-custody resettlement raised by a shortage of suitable accommodation? Thirdly, there is guidance that housing representatives ought to be involved in the strategic management boards of youth offending teams, but it is only guidance. Should housing be a statutory partner in your view?

[88] **Ms Napier:** Housing certainly should be a statutory partner, but who would represent the sector? We need to look at that urgently. Who is coming to the table? Who has responsibility for that? The whole issue with housing comes down to the integrated plan. It is about providing a home and not just accommodation. We ought to be talking about a home for young people. Is a home a single room in bed-and-breakfast accommodation where there are no cooking facilities, and no-one in loco parentis, whether in that location or next door to it? Even at age 18 or beyond, we just cut that line off and they move, but we all know that the majority of us needed some parental input after that age—if not on top of us day to day, certainly within easy reach. So, for me, housing is not just accommodation but a home, but is that set out in the integrated children and young people's plan? Exactly as the chief constable says, in the joint strategy meeting, all agencies will, hopefully, be measured on putting fewer people through the courts and the judicial process and success is measured on what we put in place before that.

[89] Like the health service, the expectation is that we will have universal provision for young people, rather than thinking of children in need as a separate category. All children are in need. So, we will have a universal core provision of services. Sadly, if they move up what I call the 'triangle' to the secure estate, the system will have failed those young people. The fact that they are in the secure estate will show that. We have to make that provision available, because sometimes we move beyond that for all sorts of complex reasons. However, when people get to the top of the triangle, they drop out of universal provision. I do not understand that. So, when we release them from the secure estate—and even when they

are still in the secure estate—we forget that the universal provision of health, education, and a home, as well as having a parent or someone responsible to look after their welfare needs is still a part of that core. Instead, it is just dealt with as a process. They are looked after extremely well in the secure estate provision, but they are dropping out from the bottom.

[90] **Joyce Watson:** Moving on to resettlement, you identify in your paper a lack of secure estate capacity in Wales and the fact that young people housed outside Wales could be disadvantaged compared with those in secure accommodation in Wales. How can we overcome those barriers?

[91] **Ms Napier:** We have to assess our provision. The research that this committee has done and the witnesses who have appeared before it are providing us with significant data to get on with and act on, rather than wait, because this is urgent provision. As we have identified, it is about children with mental health needs and females. Do you put them all in that large bracket or should you split up age groups? It can be quite frightening for them, and we know that the vulnerable age for children is when they move from primary school to secondary school. So, should the accommodation be one size fits all, where young ones might learn inappropriate things from older ones? It is about professionals sitting around a table and making some decisions about what they need. Fortuitously, even though the number is too high, it is a measurable number for us to know.

[92] As you can tell from my accent, I come from south-east England. I imagine that it would be an extra burden for a young person with a different accent and a different culture—and Wales has strength in its own culture—to go across to England. We can all think about the challenges of simply moving from primary to secondary school in the area where you were born, bred and brought up. Then, at a time of crisis in the child's life—because that is what it is—we double the crisis by putting them in a very foreign environment, which is what it would be for the young person. I know from my experience of moving here, as a confident, professional adult, that you have to adjust to different things, and it is not easy.

[93] **Alun Cairns:** We have already touched on this issue, but I want to talk about the weaknesses in the provision of mental health services for Welsh young offenders, particularly those going into custody. How can the provision for discharge and after-care support be improved for these young people leaving custody who are at significant risk of substance misuse or who have a dual diagnosis including mental health problems?

[94] **Dr Wilding:** Mental health services provision is a big issue for Wales, full stop. For these young people, good services are doubly necessary, because they usually have so many things going on in their lives. This must be seen against the backdrop of some of the things that we talked about earlier. Is there someone in the home that they go to who will make sure that they go to appointments, do various things, take their medicines, and so on? If not, who would do that? Some of the biggest issues relating to re-offending include whether someone has somewhere to live, so that they have an address, which means that they can have a doctor, dentist and so on, having someone who can care for you where you live, and having a job, if you are aged between 16 and 18, because that will stop you re-offending. However, mental health services provision, which should really cover mental health and disability, is a huge issue, and I go back to the point that I made right at the beginning, which is that this should be identified at a much earlier stage before someone begins offending.

[95] By putting someone into the secure estate, you are not necessarily addressing their wellbeing and mental health needs. So, from my perspective, we need to take a much more in-depth look at that as a subject on its own. From a very young age, children with disabilities and those who require mental health services should be identified, before they get to the point of being sent to a secure estate. Once someone is in the secure estate, they should get that provision, and, when they come out, they need to be with someone who is capable not only of



ensuring that they take their medicine and go to appointments, as would happen with looked-after children, but also of providing that extra nurturing. That provision is not available at present.

2.00 a.m.

[96] **Alun Cairns:** I am conscious that time is short. We pursued this issue in another meeting. On the mental health issue, particularly when you are talking about early identification, special educational needs and the crossover, from your observations of this at the very early stage, do you think that there is insufficient joint working between the education and health organisations to identify the health and educational issues, given the huge number of young offenders who, sadly, have special educational needs?

[97] **Dr Wilding:** ‘Yes’ is the short answer.

[98] **Eleanor Burnham:** You have probably answered my question, but I will put this to you briefly. Earlier—and you are very important in ACPO, so you know exactly what you are supposed to have said—you were outlining some of the initiatives to improve support for young offenders and the benefit of having a cross-agency performance framework and so on. Which agencies should be involved that you may not have mentioned before?

[99] **Dr Wilding:** Certainly, all the statutory agencies. They are the primary ones. Although there is legislation that says that it should be in guidance, it should be statutory. Housing is one example. Housing is critical to all prisoners in the prison estate, because that can enable them to access services. The Young Foundation produced a report that is very clear in these areas. It said that we need to be looking at those who have unmet needs. They have unmet needs because they are virtually stateless; they operate beneath everybody’s radar, so they cannot access services. If they are aged under 18, it is even worse.

[100] **Ms Napier:** Linked with that is the question of whether the service provision is there. I speak to some very articulate people who have children with mental health issues, and they tell me about the challenges that they face and almost the fights that they have to go through. They have to be aggressive to get what their children need. If you were a parent who was not aware of the system and was not able to do that, think how hard it would be to gain access to it. Why is it so hard? The process is too long for children with mental health issues, autism—which we are very much aware of—and dyslexia. It takes too long to get assessed. The children sometimes go through two or three years of school before the problem is even picked up and the assessment starts. So, the process needs to be quicker.

[101] **Eleanor Burnham:** If a young person has become incarcerated in an institution, should it not be incumbent on the place of custody to inquire into and manage some of the fundamental issues before releasing people back into the community?

[102] **Dr Wilding:** As I say, I have been to HMP and YOI Parc recently, and the governor there says that, if the young people are there for fewer than six weeks, they do not get through most of the assessments that would determine the most appropriate provision, and that includes basic skills provision, never mind any mental health services provision.

[103] **Janice Gregory:** I am sure that the governor will tell us the same thing when we visit Parc, which will happen as soon as we get a date.

[104] **Mark Isherwood:** You have identified several barriers to the devolution of responsibility for the secure estate. Why and how should those barriers be removed, and to what extent could that be done under the current arrangements?

[105] **Ms Napier:** The barriers are worrying, because this is an immediate issue. My recommendation—and this is a personal view—is that we should do what we all want to do. There is a lot of very good practice relating to an integrated framework in Wales. Along with the community safety partnership framework, that gives us a structure for delivery. Our focus ought to be on delivering success from that framework and, once that is happening, our energies should be put into looking at who owns what. That would need to be done through a little team; otherwise, we would be distracted in our energies and would lose our focus on time by worrying about who owns what, when we do not really want that central bureaucracy. We want to improve the services that we have today, and that is achievable through the collective will and grip of the Welsh Assembly Government along with the statutory agencies, working closely with the third sector, to give the best to our children in Wales.

[106] **Dr Wilding:** That would also include the non-devolved services. There is no lack of willingness among the non-devolved services in the criminal justice sector to work together. If you think about it, this is all about flows. If we can turn things off down here, it does not all become acute, which is the most expensive end of the market. We should all focus, which is what we want to do, on early identification and intervention so that we can turn those flows off. However, some critical things will still need urgent attention.

[107] **Janice Gregory:** We have come to the end of our evidence-gathering session. Thank you for taking the time to come to committee to provide invaluable evidence to this review. You will be sent a transcript of the meeting. I always say that you cannot take out something that you wish you had not said, but if you could check it for factual accuracy, that would be helpful.

[108] **Dr Wilding:** Thank you for inviting us to give oral evidence.

[109] **Janice Gregory:** Thank you, Barbara and Carmel.

2.07 p.m.

### **Cynnig Trefniadol Procedural Motion**

[110] **Janice Gregory:** The next item is the consideration of our draft report on promoting Welsh arts and culture on the world stage. For this item, we will go into private session.

[111] 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).*

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

*Derbyniwyd y cynnig.  
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 2.07 p.m.  
The public part of the meeting ended at 2.07 p.m.*