



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

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

**Dydd Mercher, 23 Medi 2009
Wednesday, 23 September 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. Mae hon yn fersiwn ddrafft o'r cofnod. Cyhoeddir fersiwn derfynol ymhen pum diwrnod gwaith.

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. This is a draft version of the record. The final version will be published within five working days.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

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

Eraill yn bresennol
Others in attendance

Simon Brown	Pennaeth Dros Dro y Gyfarwyddiaeth, Partneriaethau Addysg, Hyfforddiant a Chynhwysiant, Estyn Acting Head of Directorate, Education Partnerships, Training and Inclusion, Estyn
Dr Bill Maxwell	Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru HM Chief Inspector for Education and Training in Wales
Julie Morgan	Aelod Seneddol Llafur dros Ogledd Caerdydd Labour Member of Parliament for Cardiff North
Maggie Turford	Rheolaeth Arolygiaeth Ei Mawrhydi, Oed Cynradd a'r Blynyddoedd Cynnar Management HMI, Primary and Early Years, Estyn

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 9.31 a.m.
The meeting began at 9.31 a.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies, and Substitutions

[1] **Janice Gregory:** Good morning, everyone. Welcome to the Communities and Culture Committee. I welcome Members back to the new term. I will run through some housekeeping issues, as we have to do at the beginning of every committee meeting. I ask everyone who has a BlackBerry, pager, or any electronic device, to switch them off, as they

interfere with the recording equipment. I will not ask Alun to switch his laptop off. Having said that, I will just make sure that my own mobile is off.

[2] I am sure that you are aware that the National Assembly for Wales operates through the media of both the Welsh and English languages. If you require simultaneous translation, the headsets are set up ready for you. You can also have amplification of sound on channel 0, but the acoustics in this room are pretty good.

[3] I understand there is no emergency drill today. If the fire alarm sounds, we will be required to leave the building. Please be guided by the ushers, who will make sure that we leave safely.

[4] I would like to put on the record my thanks to Karl Gomilla, who has left us to go to pastures new. Karl is going to work with the Health, Wellbeing and Local Government Committee, as well as the European and External Affairs Committee. Karl did a tremendous amount of work, as part of the clerking team, on our reports and in the day-to-day running of the committee.

[5] I welcome Linda Heard—she is outside and not in the room at the moment. Linda is our new team support officer, as I am sure Members will be aware.

[6] I have received apologies from Bethan Jenkins this morning. There are no substitutions.

9.33 a.m.

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

[7] We are continuing our inquiry into youth justice, and gathering evidence. I welcome Dr Bill Maxwell to the committee. He is Her Majesty's chief inspector of education and training in Wales. I also welcome Simon Brown, acting head of directorate, education partnerships, training and inclusion, and Maggie Turford, managing HMI, Youth and Local Authority Services. Thank you all for taking the time to come to committee and for the paper you supplied previously, which Members have had an opportunity to look at.

[8] As I am sure you are aware, the way that we handle proceedings is that Members will have a series of questions they will put to you. There are no trick questions. They are all a serious attempt to gather as much information as we can for the report. I am happy if you want to make some opening remarks, or we can move straight into questions, whatever you are comfortable with. Over to you, Dr Maxwell.

[9] **Dr Maxwell:** Thank you, Chair. I would like to make a few opening remarks.

[10] I welcome the opportunity to come to speak to the committee. It is an important area of work. It is vital that we manage better the needs of this particularly vulnerable and often damaged group of children and young people in Wales, for their sake and for the benefit of society as a whole. If we fail to do that, then, as we know, this group can cause a huge amount of difficulty.

[11] Looking somewhat historically at this, there is a fundamental shift of philosophy going on that I hope that we can grasp the opportunity to accelerate. That shift is from treating the group in question as an essentially undeserving group of young people who require punishment and prison-type sanctions, through to a much more enlightened philosophy, I would argue, of looking at them as young people who have had a range of difficult

experiences in their past and almost invariably have social, emotional, behavioural and learning difficulties mixed together in quite complex combinations and who need quite a high level of intervention and support to meet these challenges.

[12] In my previous life as an educational psychologist some time ago, there was an old saying that such kids end up being treated as ‘the mad, the bad, and the sad’. The ‘mad’ were the small number who were treated as having mental health problems and given provision through psychologists and psychiatrists. The ‘sad’ more generally were kids who had a bad background, whom people felt sorry for, and who tended to receive social work intervention. The ‘bad’ were quite large groups of kids who were treated as being undeserving, as I say, having got themselves into difficulties. They received very little and poor provision, and often ended up being accelerated into the criminal justice system in ways that cemented them into a life of crime.

[13] Basically, we have an opportunity in Wales to move forward and take a more enlightened approach. The different types of provision that we see in the secure estate in Wales represent that variety. Unfortunately, there is not enough secure estate in Wales as such; we have to export to England a lot. You have the likes of Hillside, a secure children’s home, which we visited recently and which, I would argue, takes a more enlightened and therapeutic philosophy. Then, despite their best efforts, there are young offender institutions attached to prisons, the history of which comes from a different place. Therefore, the kinds of resources and provision that they can make available are much more limited.

[14] I hope that through all that we can develop a very Welsh approach that comprehensively intervenes to support those young people through education. Education is one of the strongest levers for getting kids back on the right path and giving them a positive future. I hope that we can improve provision enough to make that much more of a reality for the relatively small number of young people who fall into this category from Wales.

[15] **Janice Gregory:** Thank you for that. We will move onto questions now. The first question is from Dai Lloyd.

[16] **David Lloyd:** Thank you, Chair. Thank you, Dr Maxwell, for the paper and those opening remarks. The committee is involved in quite a wide-ranging review, which has been going on for several months now. We have visited a few establishments both here in Wales and over the border, following your line of thought.

[17] Regarding the all-Wales youth offending strategy and delivering plans, as you will be aware, in July 2008, Estyn published your remit report, ‘Meeting the learning needs of children and young people who offend’. There were three prominent recommendations in that to do with work-based training places, the collection of national data on the attainment and achievements of children, and monitoring the use of individual learning plans. Bearing in mind those recommendations, can you say to what extent progress in those three areas would improve the education outcomes for Welsh young offenders and help to prepare them for working life, and arguably decrease reoffending rates?

[18] **Dr Maxwell:** Those were pretty serious recommendations, which we felt were the biggest priorities to take matters forward. As far as I am concerned, they stand. The level of progress that has been made still has a long way to go to meet our expectations. I will hand over to Maggie to pick up on some of the detail around those individually. However, even the notion of having an individual learning plan for each young person seems a reasonable starting point for any provision of this nature, and yet in the remit report we found that the majority of young people did not have one. At the very least, that would be a starting point.

[19] **Ms Turford:** One of the main problems for these young people is that they get

moved from pillar to post. Keeping track of their achievements and progress is very difficult. Much more effort needs to be made to ensure that they have a plan that is passed coherently from one place to another, whether they are in the secure estate or in the community. We need to make sure that we monitor their progress. It is early for us to tell, but those three recommendations clearly stand.

[20] One thing that we have done since January 2008 is to work extremely closely with HMI Probation and HMI Prison Service so that we share that knowledge. As Dr Maxwell said, where young people are in custody and receiving education and training, it is generally of at least a satisfactory standard. The problem is when they get into the community, their educational provision is patchy, to say the least.

9.40 a.m.

[21] **David Lloyd:** Moving on, although along a similar theme, for the record, do you have any evidence that there is a shortage of work-based training places for Welsh young offenders, in particular for the 14 to 19 age group?

[22] **Ms Turford:** Yes, the report that we produced for the committee is based on our inspection findings and the remit report is specifically on meeting the needs of younger learners. However, we have inspected the secure estate considerably in the last 15 months or so, and there is evidence that there is a shortage of those places. There is also evidence that when, for example, the youth offending teams try to place youngsters into work-based provision, if that person is up against someone who has not offended, it is very tough.

[23] **Joyce Watson:** Good morning, and thanks for your paper. I want to tease out a bit more one particular strand of the recommendations, which is the individual learning plan. You said that it was critical. Again, for the record, how important is that individual learning plan for those youngsters?

[24] **Ms Turford:** It is very important. Apart from having the plan, what happens to it is important. One of our main findings is that when youngsters come back into the community from custody, records are either not available at all, or we do not have any data on what progress has been made. For youngsters who, in the main, have had a poor experience of education, if they are put into some provision that repeats what they have already had, they are likely to be more disengaged. The plan is therefore important, as is who contributes to it. Obviously, education having a big input into that would be a priority for us. So, yes, it is very important.

[25] **Alun Cairns:** Dr Maxwell, in your paper, you describe the achievements and shortcomings in education and training provision in different secure establishments. Do you agree that there needs to be greater consistency in the provision of education and training for Welsh young offenders in custody, or should it reflect their needs, bearing in mind the background behind them going into the secure establishments?

[26] **Dr Maxwell:** Ultimately, the provision should be available to meet the individual needs of the young people in the establishments. That is certainly the case. The problem is that currently it is limited in most establishments and therefore they do not have the flexibility to meet a wide range of individual needs. Many of these children have basic skills needs in relation to literacy and numeracy, for example, and may have other types of learning difficulties mixed in with that and big gaps in their education. Any individual establishment needs to be able to cope with a wide range of needs. I do not think that you could sort out the young people and slot them into different types of establishments that specialise in particular types of educational need.

[27] **Alun Cairns:** We should bear in mind that many of those young people will have special educational needs; they just may have not been identified early on, and that may well have contributed to them ending up in a secure establishment. In addition, from the visit that we made to Hillside, it was clear that the class ratio was 1:3 or in that region—certainly not more than 1:4 or 1:5—which is a fantastic ratio and opportunity. Therefore, is it the case that teachers need additional support so that they can identify and support such special educational needs? What needs to happen, bearing in mind that there is such a good ratio?

[28] **Dr Maxwell:** Certainly, you need highly effective special needs teachers who can cope with a wide variety of inputs. You need inputs from a variety of specialists coming into the school, such as educational psychologists. I know Hillside is quite well served with a variety of different types of more specialist input to complement the educational programme. It seems to me that that type of provision is the kind of model that we should be aiming for. I am not sure that that level of provision is available in the other centres. From having been in other places such as Parc, Maggie might be able to comment more.

[29] **Ms Turford:** The ratios that you describe are simply not there in young offender institutions. Our findings on the quality of education show that the provision that young people receive in places such as Parc is often good, but there is not enough of it. It is obviously more cost effective to keep youngsters in cells than to ensure that they have adequate classroom provision.

[30] **Alun Cairns:** The laws protecting the interests of children with special educational needs are quite strong; they are stacked in favour of the pupil or young person. Are you saying there is a conflict in terms of local education authorities meeting their obligations under that part of the law, and the fact that, as you mentioned, it is easier to just lock them up?

[31] **Ms Turford:** In terms of local authorities' responsibilities, we made some clear recommendations about their role in the prevention of offending and having a more strategic management role within the youth offending teams.

[32] **Alun Cairns:** I meant specifically in relation to meeting their special educational needs.

[33] **Ms Turford:** Obviously, the responsibility rests with the local authority—

[34] **Alun Cairns:** Would you say that there is a conflict between the law protecting the pupils in mainstream schools, where things are generally stacked in their favour—there is a tribunal process and so on—and the nature of where the young people find themselves, which means that they cannot follow that tribunal process? The law, as it stands, seems to be quite strong in the interests of mainstream pupils, but it is not strong enough in the area that we are discussing.

[35] **Ms Turford:** I would agree. Any statement of educational needs is suspended when young people go into secure provision and that is an issue. Local authorities feel that they do not continue that responsibility, and that is important. One of the particularly vulnerable groups that we refer to in the remit is those with particular special educational needs who are not being catered for appropriately.

[36] **Dr Maxwell:** It is an interesting human rights concern that the statement is suspended. It was an issue that I was not aware of until it was pointed out to me. It really stacks the odds against the normal process that would ensure that those young people's needs were met.

[37] **Eleanor Burnham:** We are looking at educational provision in secure units, but

some of us have had experience elsewhere. It is worrying, and we are doing a wonderful piece of work that I think is important. I just hope that we can make progress.

[38] We have been outside of Wales to look at various institutions. Mark and I went to Rugby and we visited Stoke Heath. I wonder whether you have any evidence that placing young offenders closer to home in Wales would help to improve education outcomes for them, bearing in mind the issues that you have highlighted.

[39] You mention the lack of coordination and integration when they come in, and perhaps the information is not available. Some of the staff told us that the information that they would like to have when the young person goes back out into the community, and particularly when they return, was not available. We all realise that some of these young people are repeat offenders. So, my questions are about placing provision closer to home, and about better co-ordination of information sharing all along the line.

[40] **Dr Maxwell:** That is really important. It would be much easier to achieve and to keep local authorities more strongly engaged, where appropriate, if such young people were placed in Wales. If we had a strategic network of provision in Wales we could better cope with their needs.

[41] **Eleanor Burnham:** It would also be better because of the slight curriculum differences, would it not?

[42] **Dr Maxwell:** Yes, and there is the Welsh language issue. That stands out strongly.

[43] **Mr Brown:** One of the issues that we picked up when we visited Hillside was its comments on the support for children and young people who have Welsh as a first language and come from north Wales down to south Wales, and then find that there is a discontinuity in language support and even in language interaction. Of course, there is the travel time to north Wales and the issue of family coming down so that contact is—

[44] **Eleanor Burnham:** Stoke Heath seemed easier because, as you know Chair, it is so close to the border. In fact, a lot of people from the Wrexham area work there and there are connections. However, you made a point about Gwynedd, which is predominantly Welsh speaking. Is that something you are concerned about?

[45] **Mr Brown:** Yes.

[46] **Ms Turford:** We have no provision for young females. They are at Eastwood Park and that is a major issue in terms of family connections.

[47] **Joyce Watson:** Quite a number of us have been told by young offenders on our rounds that there is no educational provision beyond GCSE level. Can you confirm whether this is provided beyond GCSE level in secure establishments in Wales?

[48] **Ms Turford:** Yes, it is. Again, this returns to the issue of finding generally that there is not enough provision right across the board. There is provision for youngsters post 16. We do not have a great deal of evidence for it. The main issue goes back to the lack of work-based learning provision. There are opportunities for youngsters to get accreditation post 16 in some institutions, but it goes back to the argument that there is simply not enough.

[49] **Mr Brown:** There is also an issue about how the youth offending work can be linked into the children and young people's plan and the Extending Entitlement agenda, in terms of local authorities and the partnerships doing the best they can to ensure that there is

continuity from pre-16 to post-16 education. From our evidence, we did pick up that a few 14-19 learning networks are doing some work in this area, but it is patchy across the country.

[50] **Lesley Griffiths:** You refer in your paper to the variety of initiatives at the different sites for young people who have additional needs, or special education needs. Dr Maxwell, you said that in a previous life you were an educational psychologist. Could you tell us how important and appropriate you think it is for young people to have access to a psychologist, and are psychologists available everywhere?

[51] **Dr Maxwell:** I think that it is very important. A lot of these young people have complex and well-hidden difficulties, and have been out of education for large chunks of time so they can take quite a bit of unpicking. It seems that it is not widely available. This could be achieved through the local authorities—the authorities from which these young people come—being more engaged and being involved in offering assessments in the way that they would for other young people with special needs in other provision. That would be one way of doing it.

[52] Alternatively, institutions could employ their own psychologists. However, for young people in the secure estate, there is some benefit in keeping local authorities strongly engaged, as they would—or should be—with any other residential placement, in terms of assessing and supporting transfer back out into the community and even into the mainstream school system. A serious concern is that schools sometimes refuse to take back young people who have been in secure estate establishments and are then released back into the community, which really should not happen.

[53] **Lesley Griffiths:** So, in your experience, are local authorities not that involved?

[54] **Dr Maxwell:** Frequently, they are disengaged.

[55] **Ms Turford:** There is a lot of work to do in terms of local authorities' responsibility for this group of learners.

[56] **Janice Gregory:** Where it works, it works well. When Alun and I went to visit Hillside, they were very keen to ensure we understood the fact that they have access to an educational psychologist and they said that they worked well with that particular local authority. Clearly, that is an example of good practice.

[57] **Dr Maxwell:** I think that Neath Port Talbot supports the establishment quite strongly, but, on the other hand, the home local authorities of many of their young people are not engaged at all.

[58] **Alun Cairns:** Is it fair to say that that is not the case elsewhere with other such secure institutions?

[59] **Ms Turford:** Obviously, Hillside is the only one of its kind in Wales. At Parc, I believe things are improving in terms of its links with Bridgend local authority and getting support there. It comes down again to the issue of the home local authority of these youngsters not supporting them sufficiently. This happens on many occasions when youngsters are placed outside the authority and not just in institutions—where there is a specialised provision in other authorities, there is clearly a statutory responsibility for the local authority to be involved. It is a major issue. The shortage of educational psychologists is a general problem anyway.

[60] **Janice Gregory:** Joyce and I went to visit Parc prison in Bridgend, and I know that

others have been there as well. The staff explained to us that they take youngsters from all over and there is a reluctance from the home local authority to put in any resources. Understandably, the local authority where an establishment is based has finite resources and feels very much under pressure. Additional resources need to be put in if a local authority is not really engaging. Would you agree that there must be benefits from a duty being placed on home local authorities to provide these resources?

[61] **Dr Maxwell:** Yes, absolutely.

[62] **Ms Turford:** Going back to the ILP, this would help the process of keeping track of their progress and making sure the needs are properly identified and met.

[63] **Mark Isherwood:** In response to Alun earlier, you stated that young people with acute special education needs were not being catered for appropriately. What action would you suggest to address that in custody, and to address the continuity of provision on release?

[64] **Dr Maxwell:** One strategy we have just rehearsed is that it would be good if young people were not taken out of the statementing system and statements were not suspended. On the contrary, there should be an obligation for a proper assessment to take place if a young person does not already have a pre-existing statement of special needs or an individual learning plan. Clearly, they are supposed to have individual learning plans in custody. That is not happening enough. A lot more of that assessment needs to take place so that every young person has an individual learning plan. There should then be an obligation to provide and meet those needs. That should involve the home local authority. As we rehearsed earlier, that is probably the way to ensure that somebody takes responsibility during custody and for following that up after the young person leaves custody. That is often where things fall apart. You say there may be a satisfactory minimum level of provision while they are in custody, but frequently, that disappears as they leave.

[65] **Ms Turford:** Obviously, with these young people there are a wide number of agencies involved: health; education; social services; and the voluntary sector. However, it is rare that somebody is co-ordinating that kind of support in the transition period. It is about looking at who is best to lead that resettlement of the young offender.

[66] **Mark Isherwood:** You touched on it earlier, but how important do you consider the feedback way down the line? On the visits that we have been on, there has been concern that those delivering programmes in custody do not find out whether it worked. They do not change their behaviour, or programmes, because they do not know whether young people have gone out and thrived or reoffended.

[67] **Ms Turford:** One of the things we did—and I think it is in the annex to your report—is to host a seminar for all the learning and skills staff across the prisons and secure estate in Wales. It was the first time they had come together to share good practice—and there is some very good practice there. It is a pity to think that it was Estyn who had to do that. It was thanks to our inspection and our remit; we have spent quite a lot of time on this particular piece of work over the last 18 months.

[68] **Janice Gregory:** Is there an intention to repeat that exercise, to keep a watching brief?

[69] **Ms Turford:** Yes, we intend to have an annual seminar for those people in the secure estate.

10.00 am

[70] **Eleanor Burnham:** Some of the evidence we had in relation to that was to do with the fact that because the secure units are so far away from, for instance, north Wales, the staff are not available out in the community to come and co-ordinate, or even visit, to see what is going on in the secure units. This is the point about our exercise—to see how, in Wales, we can improve and put all these things right.

[71] You say that there is not enough basic skills provision for children and young people who offend and many young people drop out of work-based training because of basic skills difficulties. Where we went, we saw bricklaying, plumbing and car maintenance, so I do not think that the young offenders raised the point with Mark and me, but some young offenders in other institutions have said there is more need for vocational courses. Do you agree, and what further action is needed to put in place more appropriate and vocational training?

[72] **Dr Maxwell:** We certainly agree there is a need for more of that kind of provision. It will have to be provided through increasing educational facilities and the availability of staff for those institutions, if that is going to develop. Workshop facilities are necessary.

[73] **Ms Turford:** Talking about staff ratios, workshop facilities take even more staff. There is an issue there in that it is easier to have some other kind of provision. You said yourself that where there is that provision, it is of good quality. There is just not enough of it and those youngsters do not necessarily take to the traditional kind of teaching and learning that they feel they have failed at. That is why we are saying there is a shortage of the work-based, vocational type of provision.

[74] **Eleanor Burnham:** Do you think it is sometimes a matter of cost? One of the institutions was privately run, and this is perhaps a tricky question that you might not want to answer. We just wondered about that cost element.

[75] **Janice Gregory:** Is there an additional cost element to running this outside of the normal curriculum and is it significant? That is perhaps a nicer way of putting it.

[76] **Ms Turford:** I know we are talking about young offenders, but our inspections and visits to prisons for adults show the same thing. The other three prisons are not privately run, it is a question of lack of provision right across the piece.

[77] **Janice Gregory:** I feel a recommendation coming on.

[78] **Mr Brown:** In response to that question, one of the key things that we have already alluded to is the basic skills access. A lot of these children and young people have had a very disjointed education, with a lot of periods away from school or alternative provision. Even if they go on work-based and vocational training, they still need literacy and numeracy skills, and ICT skills. They also need wider skills in terms of working with others and communication to build up self-esteem and confidence. They can then engage in vocational education in a meaningful way that might help them gain employment when they go back into the community.

[79] **Janice Gregory:** It is a whole skills package, is it not? With apologies to Joyce, she did indicate that she would have liked to have asked a supplementary question, so we are going to skip back to Mark's question.

[80] **Joyce Watson:** I just wanted to come back to the tracking. We asked two questions, one of which was to the young people: do people know what sort of levels of training they have had when they go home, and is there an opportunity to continue it? We also asked the people providing it whether they ever hear about how those individuals have done and if

there is a consistency in package and delivery.

[81] What we want to get to the bottom of is that huge emotional and financial investment has gone into trying to turn around young people who are on a path that is going to harm them, their futures and their families. Beyond individual learning plans, how do you think that we can grasp the nettle and get a comprehensive package that delivers not only for the people who are trying their best under difficult circumstances to do something, but for the young people who are trying their very best to turn their lives around? It is about that continuation, and not just about an individual learning plan. It is somehow deeper than that.

[82] **Dr Maxwell:** Yes, and the way the system currently works does not help that kind of co-ordination with young people spread widely, even beyond the border. Smaller, locally based units that had a natural catchment area and a set of local authorities engaged with those units would provide a better context for getting that informal, or formal feedback about how young people are progressing after leaving, building on an individual learning plan. That is clearly one of the mechanisms you would use to ensure continuity from one setting to the next. At the moment, as we say, they are not even there often. Even where they are, I suspect they get lost as transitions happen, and young people move 100 miles away from where they were in secure provision. Contact is lost, so having more local networks that deal with local young people would help.

[83] **Ms Turford:** Most young people gain accreditation in various aspects of their work but it is not passed on. That is disappointing for them and for the teachers or tutors who put in the work. It is lost, even though they have gained standards and basic skills.

[84] **Mark Isherwood:** You have highlighted the importance of careers guidance and the development of job search skills. However, on our visits we heard that some of the institutions in England have difficulty in maintaining contact with Careers Wales, and one said it had experienced difficulty in getting Careers Wales to just visit. Do you have evidence of this, and if so, what is it?

[85] **Mr Brown:** To some extent, this will be an improving picture. There is now a service level agreement between Careers Wales and the English Justice Board, which should help move things on. The main issue for young people who go into the secure estate in England is that they do not have access to the Careers Wales Clic online service, which is the main driver for young people in accessing careers advice and information. In terms of the careers agenda, that is one of the things we were concerned about. It is because of security issues on the IT system.

[86] **Mark Isherwood:** Do you think that face-to-face contact is also important?

[87] **Dr Maxwell:** Yes, it is important. However, even within Wales, Clic online is a major driver for young people accessing careers advice and guidance within their own time, and to follow up face-to-face meetings with careers advisers.

[88] **Janice Gregory:** So they are denied that package.

[89] **Lesley Griffiths:** You refer in your paper to a 2009 thematic report by HMI Prisons in relation to prisoners with disabilities. You cover quite a few areas, from the time they arrive and have their initial assessment to how they access leisure activities, for instance. I wonder if you could give us some examples of evidence you have to show that prisoners with disabilities experience additional difficulties.

[90] **Dr Maxwell:** HMI Prisons has been very concerned about how disability needs are met in the prison service.

[91] **Ms Turford:** It goes back to the point about identifying needs. Quite understandably, staff in the secure estate do not have the skills to identify these needs, so they are hidden for considerable periods. That can happen in the community as well. When you take the range of complex difficulties these youngsters have, that is an additional issue. It comes back to the issue of identification and support for them. Generally, we found the quality of teaching to be at least satisfactory where we went, but it is about getting the expert help and support of the specialist learning support assistant. That is just not there in the secure estate.

10.10 a.m.

[92] **Lesley Griffiths:** Presumably, healthcare is an area that is good for people with disabilities, for obvious reasons. You mentioned that education was perhaps not so good. What about leisure activities?

[93] **Ms Turford:** Generally, it is to do with what is considered time out of cell. Ideally, youngsters should have more time out to exercise. In any inspections that we did, we found that the standards of physical education were very good but there was not enough of it. Where it is happening, it is good, but it is not happening enough. I was taken aback by how important PE was, but it is always inspected by Her Majesty's Inspectorate of Prisons. Our framework links to theirs and so we always inspect PE. However, prisoners are not getting enough of it, and that is hugely important.

[94] We would also say—and I am sure that HMI Prisons and HMI Probation would agree—that not enough emphasis is given to education in their standards of inspection. Education and training are a priority for us but, under their framework, they inspect things like security. They do not advertise careers online for security reasons. Health and wellbeing are hugely important but education is not as high up the list as we would like to see it.

[95] **Joyce Watson:** Following on quite nicely from that, many young offenders told us that they experienced a lot of delay between leaving the secure estate and finding a job or going to college. They thought that that was a contributing factor to their reoffending. So, what action do you think is needed to ensure a smoother and more timely transition?

[96] **Dr Maxwell:** It comes back to the point that we were making earlier about the lack of provision, which makes it difficult even if people are trying hard to set something up in advance. In addition, the key points are the engagement of local authorities and people back at the home base, and for that to be well enough in advance to plan things ready for when they leave, rather than picking them up as an emergency when they suddenly appear locally.

[97] **Ms Turford:** Yes, someone needs to be clearly designated the resettlement person to co-ordinate the range of services, from housing to work, that will be needed. That does not always happen. We have been talking about the individual learning plan, which is a huge plan that needs to be pulled together by one agency. That might be the local authority, if a person is returning to the community before turning 18, but somebody definitely needs to co-ordinate that.

[98] **Eleanor Burnham:** May I ask a supplementary? When that happens, who is usually involved in the local authority, in best practice?

[99] **Ms Turford:** It depends on the age of the youngster. In best practice, a local authority officer would be designated and, usually, it would be someone on the youth offender team management board. Another of our findings is that that person is often not at a strategic enough level to have an impact on the decisions that the local authority needs to

make, about partnership working and pulling everything together. It is a mixed bag in local authorities and their relationship with the youth offending teams.

[100] **Janice Gregory:** So, is it different in local authorities? Would one local authority designate someone in one directorate? Is it always the same person who deals with it or is it not a priority? As has been said throughout this morning, it does not seem to be a priority.

[101] **Ms Turford:** It is not always the same person. Authorities are organised differently. It might be the behaviour support officer, who is not necessarily at a high enough level, who is in charge of the co-ordination of the resettlement of someone coming back from custody into the community. It is a mixed bag. Sometimes, when that happens, it all falls down and nobody is really doing it.

[102] **Janice Gregory:** Indeed. Perhaps I should know this, but I do not. Is guidance issued to local authorities?

[103] **Ms Turford:** Yes, there have previously been clear recommendations on having somebody at a higher level for the management of youth offending. When the youth offending teams were set up, it was clear that that was the role of local authorities, but somehow it has not had the impact that it should have had.

[104] **Joyce Watson:** We have heard a lot of evidence this morning about youngsters not having good experiences in school. We have heard a lot of evidence that some of them are permanently excluded from school and that, when they were excluded, they did not get any help at that time and place. Could you suggest a way in which the role of the local authority might be strengthened when dealing with young people in those situations?

[105] **Dr Maxwell:** Local authorities should be taking responsibility for young people and seeking to engage with them before permanent exclusion arises. As soon as a young person is excluded, there should be a clear assessment and a multi-agency plan put together to meet that young person's needs. Ideally, that should happen before permanent exclusion arises. Usually, permanent exclusion is preceded by a number of temporary exclusions and rarely comes totally out of the blue. There is ample opportunity for schools, having identified someone who is at risk of permanent exclusion, to work with local authorities to put together a plan or a package of additional support, and so to intervene before permanent exclusion is necessary. At that point, it relies on the engagement of local authority services.

[106] **Ms Turford:** We join HMI Probation or the youth offending teams in Wales. That has fed into this report and into our findings. Although all local authorities have a designated officer responsible for meeting the needs of young people in the youth justice system, the relationship between the YOT and the local authority is not as clear as it needs to be to get things happening.

[107] **Joyce Watson:** I remember a report a year or two ago that stated that an awful lot of exclusions are not necessarily flagged up and so you might not find out about them through your inspection procedures. Young people are simply sent home from school. That may be for half a day or a whole day but it is not a permanent exclusion, and you might not pick it up. How would you deal with that? You are quite right in identifying a pattern and that forms a part of that pattern, but it is not necessarily recorded and you might not be able to track it. If you cannot track it, how will you deal with that individual learning need?

[108] **Dr Maxwell:** It is very bad practice to exclude a pupil informally. We have drawn attention to it in previous annual reports. It worries us because, in effect, it sweeps a problem under the carpet and makes it less likely that any intervention is appropriate. It can extend to schools quietly suggesting to parents that they move their young person elsewhere rather than

trying to address and tackle the problem and introduce appropriate support. Where we find it or become aware of it, it becomes quite critical.

[109] **Ms Turford:** Yes, it is very difficult because the statistics on exclusions are improving generally but what about the ones that we do not know about? As part of our local authority inspections, we look at inclusion carefully. We do not just look at the figures, we dig beneath them. We try our best but it is very worrying. Those are the youngsters who end up in the secure estate.

[110] **Eleanor Burnham:** Before I came to work at the Assembly, I once worked in a team with excluded children. We had an eminent professor come to discuss the issue with this committee—or perhaps it was the Children and Young People Committee—about the critical time when the problems are exacerbated, namely in year 7, with the move from primary to secondary school. Other people cite temporary or informal exclusions as coping mechanisms for schools where there are targets and league tables. What do you believe we can do in Wales? There are some very good things going on. The foundation phase in schools is brilliant. There is lots of evidence about why boys go off the rails or why they are stigmatised. I was reading that only the other day. Do you believe that we need to improve teacher training? Do we need to help schools much more because many are doing really well but others are doing badly? Our intention is to help youngsters. What do you recommend as a whole package, so that we do not get to the stage at which so many youngsters become fragile and vulnerable? It is quite scary when you talk to some of these kids.

10.20 a.m.

[111] **Dr Maxwell:** Teacher training can certainly contribute to that, but there is also something structural that you point out between year 7 and the beginning of key stage 3. That transition is a very difficult phase for some children. Some cope very well but, for children who are at risk of going off the rails, it can be very disorientating. There is some good practice that we could do more to spread widely across the system, such as arrangements that provide much more of a support network and almost a home base for the young person as they move into secondary school, or establishing a continuity of knowledge between staff in primary and secondary. Something can certainly be done there. There is quite some national interest in revisiting key stage 3, how the curriculum is structured, and how teaching and learning are delivered. That could help to contribute to avoiding that. There are also adolescent issues around probably that schools need to be able to cope with better. We will never totally engineer them out of the system but pastoral care systems, support networks, and school councillors make a positive contribution in the system.

[112] **Ms Turford:** We are very critical when we find in local authorities that youngsters who have been excluded are not receiving the recommended 25 hours. They are well aware of that as part of their inspection criteria. However, that does not address the ones that we do not find.

[113] **Alun Cairns:** In preparing young offenders for discharge to the community, can you tell us the benefits of a dedicated resettlement worker? Possibly more importantly, which department or division should that dedicated worker be placed in, and at what level?

[114] **Dr Maxwell:** The benefits reflect much of the conversation earlier: having someone take the plan from the secure provision and make sure that it happens, making contact with employers and colleges, monitoring what is happening, and making sure that things are moving forward. Regarding where they should be placed, that may be partly age-related. It seems fairly clear that the local authority has a strong role when it comes to younger children.

[115] **Ms Turford:** With older children, it is quite easy to determine that the resettlement

officer or lead should rest with the local authority. At a certain age, it gets more difficult. The important thing is that agencies are working more closely together.

[116] **Alun Cairns:** When you talk about the local authority, do you mean within social services departments? Tell me, please.

[117] **Mr Brown:** I would have thought that the most appropriate level would be the chief executive of the authority because the chief executives have an overview, as Maggie mentioned. This involves housing, social services, relationships with other agencies, voluntary organisations such as Fairbridge and others like that. If the person reporting is at chief executive level, you have central co-ordination across the various directorates—or however the local authority is configured—to get enough forward movement for that young person.

[118] **Janice Gregory:** It is certainly a cross-cutting issue, is it not?

[119] **Alun Cairns:** Part of the reason I prompted you with social services is because those departments are extremely stretched in all local authorities, in fairness, and there is a huge shortage of social workers. That is why I was pressing. Where would you site it? It could be someone reporting to the chief executive, but that person has to work in one department. Which department would that person be in, or is it not particularly important? That department will then take the lead with the child.

[120] **Dr Maxwell:** I am just thinking out loud here, but really, I do not think that it fits neatly into one discipline, really. Young people are at high risk of being NEET, but perhaps it is the same mechanism.

[121] **Ms Turford:** I think that where the post sits is not as important as the seniority and importance of it and the reporting arrangements to make sure that someone is responsible for the partnership contributing. That is not happening at the moment with local authorities' management of the youth offending teams. There is not the seniority required to take on board the issues. If we get that right, some of the rest may follow. It should not necessarily lie in education or social services; it has to be cross-cutting, as you said.

[122] **Janice Gregory:** It is too cross-cutting.

[123] **Eleanor Burnham:** Should we recommend this in our report, because it is a key issue about driving change and improvements. Should we be trying to discuss changing and improving this with the WLGA?

[124] **Janice Gregory:** Is that your supplementary question?

[125] **Eleanor Burnham:** Yes.

[126] **Janice Gregory:** Good, then I can answer it. The final question in an evidence-gathering session is usually from me. The clerks think that I am being far too silent today, which is certainly not the way I am normally. When we gather evidence, whether written or oral, the ultimate aim is to present a report to the Welsh Assembly Government including a series of recommendations. Eleanor has just suggested one. Throughout your evidence this morning and certainly in the written evidence from you and other organisations, there is a theme emerging on the recommendations. You do not have to do it now, so I am not putting you on the spot, but we would love you to give us some recommendations—no more than two. If you have 10, however, do send them in. I am not saying that we will include them all, but we will do our best to. We think it important to have your expertise. You may think of a recommendation that perhaps we have also thought of, but just in case we have not, it would

be really useful if you could suggest what you would like to see presented to the Welsh Assembly Government. In the last item, we discussed local authorities having a person within their structures to take responsibility, so that seems to be a fairly obvious recommendation, does it not? We have discussed at least two others this morning, and we would be most grateful if you could think about that and drop a line to the clerks or to me as Chair, and we can discuss it when we discuss our recommendations for this report.

[127] **Dr Maxwell:** Fine, we would be happy to do that. In a sense, our remit report contains some recommendations for government generally, but we will refresh that view in the light of this discussion and see whether we can present a concise package, slightly extended, of what we think are the key things that could take progress forward.

[128] **Mark Isherwood:** We were talking about linking with local authorities and how to make that multi-agency, so I thought I would share that, in north Wales, the DAWN Partnership has been quite effective, not only for ex-offenders but also for vulnerable groups including ex-offenders. Could that be a model to consider?

[129] **Dr Maxwell:** We hear about a number of interesting models being piloted in various places, such as the team around the child model. That sort of approach is needed here, because there is a complex range of provision that needs to be co-ordinated to make progress.

[130] **Janice Gregory:** That is marvellous. Thank you very much for your attendance here this morning and for the wealth of information that you have given us in your written and oral evidence. We are delighted that you were able to take the time to come. Thank you very much indeed.

[131] Sorry, before you go, I need to tell you—and I always forget to—that you will be sent a transcript of this morning’s meeting for correction. You may not delete something that you wish you had not said. If you have said it you have said it, but could you check it for factual accuracy and let us know if you find something in there that you have a query about?

10.30 a.m.

[132] **Dr Maxwell:** We have yet to find one. [*Laughter.*]

[133] **Janice Gregory:** Moving on, I am delighted to welcome Julie Morgan MP, chair of the All-Party Parliamentary Group for Children in Wales. Julie, thank you for coming in to give evidence. I am sure that you will have heard some of the previous evidence, and I know that you will have read transcripts of evidence that the committee has already gathered. Thank you for the paper that you have submitted, which Members have had an opportunity to look at. I am more than happy for you to make some introductory remarks, or we will move straight into questions; it is up to you.

[134] **Ms Morgan:** Thank you. It is good to be here, and to have the opportunity to speak to you. I will make some introductory remarks.

[135] I come here with quite a few hats. I am chair of the All-Party Parliamentary Group for Children in Wales, which tries to build on the links between the Assembly and Westminster, which is a key area for children. I am also a member of the House of Commons Justice Committee, and I was a member of the Welsh Affairs Committee when we looked into the issues of young people in Wales. I am also, by background, a professional social worker. I have worked for local authorities in Wales, and for Barnardo’s in Wales. So, I have quite an extensive background in terms of these issues, but I do not have the up-to-date practical knowledge that your other witnesses have. So, I come to this from a professional and a political perspective.

[136] When I was working as a social worker—quite a few years ago now—I started the first family placement scheme in south Wales. Its purpose was to recruit professional foster parents who would take offenders—very difficult, disturbed young people—into their homes and look after them for a professional fee, with intensive support. I ran that scheme, and I tried to give those families the support that they needed to enable them to keep these young people in their homes. That was the first scheme of its kind in Wales. I very much regret that that sort of scheme has not been developed, both in Wales and throughout the UK, to cope with some of the children who have ended up in the secure estate, sometimes far away from home. We started this scheme many years ago when I was starting out on my career. There are schemes to place difficult children, but not the very intensive schemes that help young children who are offenders or who are on remand. I believe there are just three of those schemes in the UK, and they are all Government initiatives. So, that is something that I feel is sadly lacking, and I wanted to draw it to your attention. I think it is something that it would be good for your committee to look at, as a practical solution to some of the problems in this area. So that is one point that I wanted to emphasise. There are not enough alternatives to secure care, or custody, and I think that those alternatives should be developed. It is very regrettable that many children have to leave Wales and go to England for accommodation. I think that there is a particular problem in north Wales.

[137] I feel that the lack of accommodation is an area that this committee could address. However, I do not think that we should develop more accommodation here if it means putting more young people into secure accommodation. I think there are far too many young people in secure accommodation, and we should be looking at the alternatives. We should be looking at intensive support within the community. I do not want so many people going out of Wales, but I also do not want provision development within Wales when it might be better to look after these young people in the community. That is the second point that I would make.

[138] The third point is that, as someone who is on both the Justice Committee and the All-Party Parliamentary Group for Children in Wales, I am always looking to straddle the gap between policies that are delivered here in the Assembly and policies that are delivered in Westminster. We must consider whether the split of responsibilities always results in the best outcome for the child. Quite a few years ago the Welsh Affairs Committee carried out a very intensive study of young people in Wales, of which youth justice was only a small part; it came to the conclusion that youth justice should be devolved to the Assembly. That is what we recommended at that time. I think that devolution should be considered in these areas, because we should be looking at young people as children first. I know that that is the philosophy underpinning your approach to youth-offending strategy. I know there is a lot of liaison and that there are committees that you all sit on together, but I think that devolution is something that this committee should consider.

[139] The final point that I would like to make at this stage is how we should go about convincing the public that putting troublesome young people into custody is not the only way to improve their lives. The Government in Westminster has put a huge emphasis on victims, and I think that that is absolutely right—victims should be at the top of our agenda, but victims do not want the crimes that have occurred to occur again. The historical records show that putting young people into secure accommodation away from home and punishing them with custody does not give a good result. It results in more offending. So, it is not helping the victims, who we want to have at the top of our agenda, while also treating the young people as whole people. We must treat these young people holistically, because they are children. That is what we must remember. I know that that is part of your strategy in the Assembly. So, we must reach out to the public and explain what is happening in the justice system, in particular, and how they will benefit from the results.

[140] **Janice Gregory:** Thank you. I agree with a lot of what you have said. We have heard

many things as we have visited the institutions. It may seem naive, but when we went to Hillside I was much struck—I know that Alun was too—by the photographs of young offenders with their families. I think that there is a stereotypical image of a young offender who has no one at all who cares for him or her. To see a young man who had achieved something within that secure unit with his grandfather was something that struck both of us, and indeed the clerks who came with us. If they return to the community they need strong family support, with a package to assist that family. However, there are some young people who do not have anyone. I think that the placement of young offenders, such as with the scheme that you introduced years ago, with professional foster carers who can assist them, is very helpful. Hillside made it clear that the family is very important. You are quite right to say that we have identified that we are talking about children, from Wales and elsewhere, who are in our secure estate. That struck a chord with me, as did this particular incident in Hillside.

10.40 a.m.

[141] **Eleanor Burnham:** Thank you; you have really struck a chord. I have worked, in my own little way, with damaged young people and I was also a magistrate. I agree with what you have said, especially about getting people on side. You only have to mention the term ‘bail hostel’ in some communities to get people up in arms. I think that we have a lot of work to do with the newspapers. Forgive me for saying this—I hope no one is going to strike me down—but there is a *Daily Mail* syndrome, where the strongest feelings are whipped up in opposition.

[142] You obviously have an enormous amount of relevant experience. Could you outline the goals and purposes of your all-party parliamentary group and the way it interacts with the organisation Children in Wales, for instance?

[143] **Ms Morgan:** This group has existed since devolution came about. The purpose of the group is to highlight to Members of Parliament the plight of children in Wales who may be in the criminal justice system, for example. We also want to highlight what is happening in Wales and what the policies are in Wales. For a time we operated separately and we were not absolutely sure what was going on in each institution, but it is much better now. So, the purpose of the group is to bridge that gap. Its purpose is to work for the good of children in Wales, and we have a regular meeting every year with the Children’s Commissioner for Wales, for example. The children’s commissioner tells us about the issues that children have brought to him. He tells us how asylum and justice are always high on his agenda which, of course, are not devolved issues—responsibility for asylum seekers and the justice system have not been devolved. He points out the fact that he does not have any real say about what happens to those children. The influence that the Children’s Commissioner for Wales has over children who are in the justice system in England, for example, has always been a grey area, or an area of dispute. We try to follow up those sorts of issues and make ourselves aware of the current situation.

[144] We also meet the Assembly’s Minister for children, currently Jane Hutt, each year. So a lot of our work is about information-sharing. When Bills come up that concern children in Wales, we try to get briefed so that we can point out what is important to children in Wales. We did a huge amount of work when the children’s commissioner’s office was set up. We were constantly involved in that. When the children’s commissioner in England was set up, much more recently, we were very involved in that too, because of the overlap between the two roles. We looked at how children in Wales would be affected, and I think it was agreed at the time that there would be a protocol between them that would address these issues. However, I do not think that that has ever been properly developed, from what we have been able to find out. So, it is about those sorts of links.

[145] It is an all-party group, which is serviced by the organisation Children in Wales, and

the chief executive of Children in Wales tries to come to as many meetings as she can. I think that you probably have all-party groups here, and what we do is try to get what we want on to the agenda. However, we are an all-party lobbying group without any power, in the same way as your groups are.

[146] **Eleanor Burnham:** You mentioned intensive fostering. Is that something that we will be discussing and, possibly, recommending, Chair? Ironically—I do not know whether there is a linkage; I will leave that to your good self to decide—the Children and Young People Committee is looking at fostering, generally, and we are trying to make linkages between different committees.

[147] **Janice Gregory:** Yes, absolutely.

[148] **Ms Morgan:** It can be very successful. However, the other point that I would like to make is that, if you want successful fostering, it is not a cheap option. It is cheaper than secure care—there is no doubt about that—but the support has to be put in. There must be someone available, all day and all night, who can deal with difficult, damaged children. There must be someone there who can give support to foster parents. I had to be available all night, for example, when I was the family placement officer. I was on the phone, talking people through crises. It seems to me that that sort of investment is absolutely worth it. I think that there are three Government schemes, but I do not know whether there is one of this type, for offenders, in Wales.

[149] **Eleanor Burnham:** Moving on to something that you mentioned earlier, I am from north Wales and, when I was a magistrate, other magistrates used to ask me why we did not have somewhere in north Wales to place people. Do you have any evidence that placing young offenders closer to their homes in Wales would help to improve standards for this vulnerable group?

[150] **Ms Morgan:** I think that it is common sense. We have already heard how important it is that family links are maintained. The family links are the most important links. We have Hillside in south Wales, but north Wales does not have a similar establishment. I would certainly prefer to see that sort of development—a secure care home—rather than extending the custodial provision. So, I think that there is a lack of these facilities in north Wales. The main point is having links with families. I was much struck by what the Chair said about visiting Hillside, and seeing the young man with his grandfather. These young people are labelled as ‘hoodies’, but they are human beings with the same sort of feelings as the rest of us, and which all young people have. The nearer to home that they can be placed, the better. Of course, being closer to home would make it easier for them to use the after-care service and would be better for their education. You were talking about education before I came in. There is no doubt that having something close to home is absolutely essential. However, I also think that children should go into secure accommodation in only the most extreme cases. Such care is needed, but for a much smaller number than we have at the moment.

[151] **Lesley Griffiths:** Julie, I suppose that I am asking you to contradict yourself a little with this question. Following on from your previous answer, in your paper you state that 57 per cent of children and young people sentenced in Wales are housed in the secure estate in Wales. You also say that it has taken eight years to achieve that, and that we cannot take another eight years to achieve 100 per cent. However, you said in your opening comments that you do not necessarily want to see more provision—what you want to see is more help in the earlier stages. Does your group have any ideas about how we can address this lack of accommodation?

[152] **Ms Morgan:** The group has not discussed in detail the actual provision of secure accommodation. The issue of juveniles in custody is something that we have discussed at

length, and there is a general feeling in the group that the UK has far too many young people in custody. Some of the figures show that the position in Wales might be slightly higher than in the UK as a whole. Looking at other countries, I think that only the United States and South Africa have more young people in custody than we have. Our general feeling is that that is not appropriate. The figures that I put in the paper were taken from your document on youth offending strategy. There is a dilemma here, because you can work to have more provision and get the children back to Wales, or you can work to get the children back into the community and not use so much provision. I think that it is a step forward if we can get the children nearer to their families, but we need another policy move in order to consider whether all those children need to be in those places. So, yes, it is a contradiction.

[153] **Mark Isherwood:** May I clarify one of your points? My understanding is that your previous proposal referred to north Wales, but now you are talking about the whole of Wales. I just want to clarify that this needs to be looked at regionally, and not just across the whole of Wales. In other words, sending a child from Conwy to south Wales would not be ticking the box. That child might currently be sent just 11 miles across the north Wales border. Ideally, the child would be within north Wales, but we would not want simply to say 'Wales' in order to tick a box.

[154] **Ms Morgan:** Yes, and I would have thought that there is a case for having provision in north Wales.

[155] **Joyce Watson:** I read your paper with interest. I am not going to ask you to contradict yourself, because you are very clear about the position of a women's prison in Wales.

10.50 a.m.

[156] That will be my line of questioning. You told the Welsh Affairs Committee in 2006 that you did not see the building of a women's prison in Wales as a way forward, but you suggested that the findings showed that there was a need to build women's units in Wales instead. What discussion has the all-party group had about girls and young women in prison?

[157] **Ms Morgan:** The discussion has been in the context of the Corston report, which I am sure you have all heard of, which concentrates mainly on women in prison. I repeat that I do not think that it would be good to have a women's prison in Wales. I do not think that the number of women who need to be in prison would justify a women's prison and there would be a danger that you would attract more women because the places are there, or you would have women from England coming into the Welsh prison, which would not be good for them or for anybody. Therefore, I do not support a Welsh prison for women.

[158] As for the units, Jean Corston recommended small units of about 30 women, but those were for small prisons. The Government has rejected that idea because it thinks that 30 is too small a number to provide some of the benefits that may be available to prisons and that the expense of building such units would be too great. I am now supporting the development of alternative facilities in the community, with the aim of preventing women from going to prison, such as the Women's Turnaround Project in Cardiff—I do not know whether any of you has had any contact with that project—which I have worked with quite a lot. That project has been funded by the National Offender Management Service and the idea is to help women before they get to the stage at which they end up in prison.

[159] I am sure that you all know that women who end up in prison have multiple problems of abuse. They have usually been abused as children, or have suffered domestic abuse, and have many other problems. Their offending needs to be addressed because we must never forget the victims in these situations, but sending them to a prison does not usually help. It is

usually very destructive to the children and there are too many children who are affected by their parents going to prison.

[160] The girls and young women who end up in prison and custody are a tiny percentage—in Wales, about 12 young women were in care or custody—but those young women are ideal candidates for the sort of intensive family placement or fostering that we should invest in. That has not been a formal discussion at the group; that is my view. Although it is a tiny number of girls, the needs of women and girls throughout the penal system have not been recognised until now, when Jean Corston highlighted the issue. Although not all her recommendations have been accepted by the Government, the main thrust of them has been accepted and therefore, since the young girls in the system share many of the same issues as those analysed in women, we have to make special provision for them.

[161] **Janice Gregory:** Thank you for that information on the Turnaround Project. I do not think that any of us was aware of it, so we will make some enquiries.

[162] **Ms Morgan:** It is based down here in Cardiff bay and you can visit it. It is very impressive and you can talk to the young women—and they are mainly young women—who have been helped by it. Some of them have been in prison and the idea is to prevent reoffending—that is where we need resources.

[163] **Janice Gregory:** That is great. We will make contact with them.

[164] **Alun Cairns:** Ms Morgan, what discussions has the all-party group had about the type of secure provision that is needed in Wales?

[165] **Ms Morgan:** We mainly discuss children, and we generally talk about the principles of the issue, rather than the actual provision that should be there. With the children's commissioner, for example, we had quite a discussion about the fact that there are 160-odd young men and women from Wales in custody and whether this was right. Obviously, a lot of what I am saying is my personal view—I have been to Hillside, but the group has not visited Hillside, for example, so we do not have that practical knowledge. We feel there should be more provision in north Wales, which was raised at the meeting with the children's commissioner. We have also had discussions with people from Children in Wales about youth custody.

[166] **Lesley Griffiths:** Julie, the UK children's commissioner's report to the United Nations Committee on the Rights of the Child highlighted youth justice as one of the main areas where there were breaches of children's rights. The Children's Commissioner for Wales, when he gave evidence to the committee, expressed concerns about children and young people in Wales's secure estate. What discussions have your group had on this issue?

[167] **Ms Morgan:** We have discussed with the children's commissioner the problem of having so many children in the secure estate, but I repeat that we discussed the philosophy of it, rather than the details of who goes where and who is there. We have individual examples, but as an all-party group we look at the relationship between the devolved body and Westminster, and how we can work together and those sorts of issues. So, we discussed the fact that so many children are in custody with the children's commissioner, with Children in Wales and with the Minister for children.

[168] **Mark Isherwood:** To follow on from that, briefly, before I ask my question, there are very young Welsh young people in the secure estate. We met one young lady from Wales who was pregnant and other young women who were not necessarily from Wales, but who had young children with them. What provision or consideration has your group given to the

situation where the young offender is a young mum, or pregnant, often giving birth while in custody?

[169] **Ms Morgan:** This is a very difficult situation. That person must have done something very extreme to be giving birth in custody. In many cases, that does not happen. The number of cases in which it is absolutely essential to give birth in custody should be the absolute minimum and I am not convinced that that is the case. I visited the mother and baby unit and the nursery at Holloway prison with the group and questioned whether this was the way forward. The provision was relatively good, the staff and everyone there were doing their best, but I feel that to give birth while you are a prisoner is unacceptable.

[170] I know that the Children's Commissioner for England, Al Aynsley-Green, came forward with a report saying that mothers with young children should not be in custody and calling for that to happen. It is difficult without knowing the individual circumstances of the women who are there, so you cannot take a blanket approach. However, my initial feeling is that every effort should be made for those women and young girls not to be in custody. We talked to the young women in Holloway who had given birth and who had their children in the nursery. As I say, everything had been done to help them, and in prison a lot of humane work is done, but it did not seem right, so my answer is that I do not think they should be there.

[171] **Mark Isherwood:** I will get back to the script. How well do you believe the secure estate in England and Wales supports the Welsh Government's rights-based agenda?

[172] **Ms Morgan:** It is sometimes difficult to put the two elements together because if you have a rights-based agenda, your starting point would be the rights of the child or young person going into the secure estate, whereas our starting point is to look at the places. Places are often not allocated on the basis that they would fulfil the rights of the child, but on the basis that accommodation happens to be available, so it is quite difficult. I have a young constituent at the moment who has been placed in Newcastle, which is such a long way away, so a part of her rights agenda are bound to be lost due to the placement. However, perhaps that specialist placement will be able to work on some of the issues, but it is a bit of a conflict. There should be a more holistic approach and it should be more bound together.

11.00 a.m.

[173] **Joyce Watson:** The majority of Welsh people in custody are placed in youth offending institutions. We have heard that some of these establishments give staff formal and accredited training on the needs of young people, but we have also heard that others do not. Is this an area that the all-party group has explored or might explore?

[174] **Ms Morgan:** It is an important issue. I do not know whether you have visited Parc prison, but I visited the youth section where great efforts were being made to provide courses and activities that were of great benefit. That being the nearest one in Wales, I felt that their work was quite impressive but, again, there were too many young people there. My standpoint is that we want to get in there first to stop it happening and to stop them going there.

[175] **Mark Isherwood:** What are your views on the statement by Estyn that the role of children's services in overseeing resettlement provision should be strengthened?

[176] **Ms Morgan:** I agree with that. We need to approach children as being children first. Children's services should be strengthened in order to help children and young people resettle into the community. It is such a huge jump if you are placed a long way away from home and you have to come back and try to resettle yourself in school. I visited a school the other week

where they had a young man who had come back after being in Parc prison. It is very difficult for a school to resettle somebody who has been in prison and knows all that goes on there when young people are together. I favour the maximum contact while young people are away from home.

[177] Also, there is the issue of the curriculum if you go out of Wales. I am not sure how that is addressed and whether the Welsh curriculum is followed. You may have had some evidence about that. It is a number of years since I visited the young offender institutions in Bristol, but I think that that is absolutely crucial: children's services should be strengthened. Let us remember that we are dealing with children. The other issue is the age of criminal responsibility, and I do not know whether your committee will look at that.

[178] **Mark Isherwood:** What, if any, consideration have you or your committee given to regional variations in sentencing? You referred to the UK and Wales in an international context, but recent figures show that certain parts of England and Wales seem to be sentencing a far higher proportion of offenders than other parts. What are the reasons behind that and how can they be addressed with regard to sentencing and resettlement?

[179] **Ms Morgan:** It varies widely—between 2 and 12 per cent. I read somewhere—I do not know whether it is true—that Merthyr Tydfil is the highest sentencer in the UK in relation to putting young people into custody. It is a matter of concern and the situation is being reviewed at the moment, to try to get a clearer way to ensure that ending up in custody, or not, is not a postcode lottery. It is difficult to achieve. There are magistrates who are able to use a certain amount of their own views, although there are guidelines, but it needs to be reviewed and that is being done. The Government is looking at the situation to see why there are such wide variations within Wales.

[180] **Eleanor Burnham:** On strengthening the resettlement provision, Mark and I saw some evidence in one of the institutions that there is very little contact with Careers Wales, for instance, which should be helping. Have you discussed that, or do you have a view on the provision that should ideally be available?

[181] **Ms Morgan:** Yes. If you are not able to get employment after you have served custodial time, your prospects are very bleak. There are high reoffending rates already and if you are not going out to work, it will be much worse. We have not discussed the careers officers being involved, but it is an obvious step and I would strongly support that.

[182] **David Lloyd:** My first question, on the intensive fostering scheme, has been very well answered, so we will skip that one and enter into the devolution point that you allude to in your paper. In your view, what might the benefits be of devolving the secure estate to the Welsh Assembly Government?

[183] **Ms Morgan:** You would then be treating the child or young person holistically. I mentioned earlier the committee that comes together from the Youth Justice Board and the Welsh Assembly Government, so there is joint working and some of it is going very well. However, if the secure estate were devolved, I feel that the workings between the local authorities, the Assembly Government and the secure estate would be much easier. It is common sense to me. When we wrote the Welsh Affairs Committee report some years ago, we did not just say that the secure estate should be devolved, we said that youth justice should be devolved, but the devolution of the secure estate would be a step towards that and I would support it. It would make it simpler, easier and more straightforward and the interests of the child would be foremost.

[184] **Janice Gregory:** We have come to the end of this session. Thank you very much for coming, Julie. You have raised some interesting points this morning. I have had a quiet chat

with the clerk. You asked about the curriculum, and, hand on heart, I could not say whether they were slavishly following the Welsh curriculum in English institutions. Tom was saying that there is a line in the youth offending strategy that says that it should be done, but we do not believe that it is being done, so that is something we can explore. Thank you also for the information on the Turnaround Project, for which I am sure you have the contact details. If we could have those, it would be most useful for the team.

[185] As always, at the end, the one question from me—you will have heard what I said to Estyn—is about recommendations for this report. As with everyone else, we would like to give you the opportunity to suggest recommendations, either in the singular or the plural, that we could include. I am sure you have a huge list in your head now, but if you want to have a think about it and let us know, that would be fine. We would be most grateful for your input into those recommendations, unless you have one that you would like to suggest now?

11.10 a.m.

[186] **Ms Morgan:** I think that developing the intensive fostering would be one. There is a big hole there. It is practical and does not raise wider issues that would have to be debated at length. A lot of organisations are saying that, so that would be a good one to go for as an easy one to recommend.

[187] **Janice Gregory:** Thank you, Julie. That is great and something that we can build up on. Again, you will be sent a transcript of this morning's evidence session. You cannot take out anything that you wish you had not said—I am sure that that would not be the case anyway—but you will be able to check it for factual accuracy. Thank you again for coming to committee this morning.

[188] We will now move on to the next item.

11.11 a.m

Cynnig Trefniadol Procedural Motion

[189] **Janice Gregory:** 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).

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

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 11.11 a.m.
The public part of the meeting ended at 11.11 a.m.*