

Communities and Culture Committee

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Committee Inquiry into Youth Justice in Wales - evidence gathering - Youth Offending Team Managers Cymru

YOT Managers Cymru (YMC) represents 17 of the 18 Youth Offending Teams and Services in Wales. The Vale of Glamorgan is not represented by YMC. YMC serves to promote the interest of young people in Wales who enter the criminal justice system. To provide support and guidance to YOT Managers and staff. To liaise with the Youth Justice Board for England and Wales ensuring that the distinctiveness of the Welsh agenda is taken into account in policy. To facilitate dialogue in Wales between agencies and bodies involved in criminal justice and children's welfare. To provide a point of practitioners contact for Local Government and Welsh Assembly Government.

Youth Offending Teams were established by the Criminal and Disorder Act 1998 as statutory multi-agency partnerships to provide a range of services for young people between 10 and 18 years of age who enter the criminal justice system. Subsequent legislation has extended responsibility areas to include parents, victims, anti-social behaviour reduction and the prevention of offending by young people 8 years of age and above.

Youth Offending Teams in Wales have been designated as partners to the local authority for the purpose of the Children Plan and have responsibilities to engage in local arrangements for the safeguarding of children. In keeping with Welsh Assembly Government YOT Managers Cymru holds central to its operation the principles set out in Extending Entitlement and the 7 Core Aims. It believes that those we provide services to are children first, offenders second.

YMC Analysis of the of Secure Estate and Welsh Children

The Youth Justice Board for England and Wales is the responsible authority for the commission of placements in the secure estate across England and Wales. In Wales 13 places for younger children aged 12 - 15 or those who are highly vulnerable up to 17 years are commissioned by the YJB at the Hillside Secure Unit at Neath. For boys between 15 years and 18 years of age Parc prison, Bridgend provides 69 beds for boys sentenced to Detention and Training Orders (DTO). There are no DTO placements in Wales for girls.

Young people serving a DTO are moved following their 18th birthday to young offender regimes which cannot facilitate the educational and contact requirements of the DTO to which they were sentenced by the Courts. There is no Secure Treatment Centre provision in Wales. There is no DTO capacity at all in North Wales, nor is there provision for younger children in Local Authority secure provision. There is no capacity for secure mental health placements for Welsh children in Wales.

The insufficient provision of secure estate placements in Wales has a number of negative effects:

Welsh young people in English establishments are frequently placed far away from their home making family contact very difficult. This has implications for human rights legislation, access to family life and contradicts the UN Convention on the Rights of the Child to which Welsh Assembly Government is a signatory

Professional contacts critical to successful rehabilitation are difficult for Youth Offending Teams/Services

Access to continuous service from Child and Adolescent Mental Health Services, education, careers and other services is difficult, if not impossible and impacts adversely on the young person.

For young people from Wales placed in English institutions there may also be linguistic and cultural difficulties, particularly the case for young people from North Wales

As a consequence of these issues it is the opinion of YMC that the policy of Welsh Assembly Government, expressed through Extending Entitlement and the 7 core aims, is denied to young people placed outside Wales.

Issues of Safeguarding established by secondary legislation and the Children Act 2004 cannot be followed as they should be by YOT and Local Authorities.

Within this difficult arrangement there are some examples of good practice that offer some amelioration. Provision at Parc has been extended and working relationships with South Wales YOT are good. A dedicated Social Worker post has improved liaison and for those areas with Resettlement and Aftercare Provision access to young people has improved.

The Department for Children, Education, Lifelong Learning and Skills Rights and Entitlements Branch has pioneered youth service placements in the secure estate to improve advisory services and "Reach the Heights" has focused European Social Fund grants to improve the access to education provision for young people in the secure estate.

Rhondda Cynon Taff and Newport Youth Offending Teams have established dedicated DTO Officer posts which enhance co-working between YOS and secure estate and benefit young people through better planned interventions.

However the inescapable conclusion is that while young people are unable to be placed in Wales, services with the mandate of the Welsh Assembly Government following devolution are not delivered within the control of, or to the standards required by, the Assembly.

The All Wales Youth Offending Strategy (AWYOS) does not address the issues of the lack of secure estate provision or the regime within secure provision. With Crime and Disorder a reserved function of Westminster government AWYOS is largely restricted to community based provision. The Youth Justice Committee for Wales has brought together the Youth Justice Board and Welsh Assembly Government and recognises that both hold responsibility for young people in the criminal justice system. However the rights based agenda promoted by Welsh Assembly Government cannot adequately function in English institutions.

YMC is particularly concerned about provision for those below 16 years of age sentenced or remanded pending sentence into custodial provision. The responsibilities of Local Authority Child and Family Services for young people and those of the Local Education Authority for continuous education have been a focus for legislative actions by Welsh Assembly Government. However the placement of children, sometimes hundred of miles away from their home area, has long term negative consequences. Welsh Assembly Government has made known its preference to establish small local units across Wales to meet the needs of younger children. YMC fully endorses the opinion that this presents the optimum service for the relatively small number of younger children in the secure estate and cites Hillside Secure Unit, Neath as an example of best practice in meeting the needs of young people where removal from the community is unavoidable for purposes of public protection.

The accommodation of young people on release from custody is an issue of concern. Where young people over 16 years cannot return to their families there are specific difficulties. The use of bed and breakfast accommodation for young people has been shown to be unsuitable and Welsh Assembly Government has issued clear guidance that any bed and breakfast accommodation should only be used as a last resort and then for a time limited period. The experience of YMC is that this is not always adhered to.

The inability to access accommodation where electronic tags can be utilised can delay the release from custody of some young people creating an unjust and discriminatory release process for the most disadvantaged young people.

On a positive note YMC has seen a stronger engagement by Supporting People in meeting the accommodation needs of those under 18 years. Registered Social Landlords and Housing Departments as well as voluntary sector providers are playing a part in extending provision. An example of good practice is a grant made by Welsh Assembly Government to evidence best practice through LLamau. In Flintshire Supporting People have established a post to facilitate accommodation placements and provide personal support. Swansea has a multi-agency Youth Homeless Strategy with a supported tenancy project for young people under 18 years. There are many other good examples but there are still too many young people in too many parts of Wales where access to suitable supported accommodation is poor contributing to a high re-offending rate for young people learning the secure estate. Rurality is a particularly difficult factor in accommodation resourcing.

With regard to the education and training opportunities for young people in the secure estate, Hillside Secure Unit, Neath offers a clear example of what can be achieved. Young people there have access to a daily bespoke educational regime that often results in significant improvement in educational standards and attainment during their containment. There is attention to the continuity of education on return to the community and a clear understanding of the importance of education to the reduction of future offending. Young people are regarded as children first, offender second and the unit places clear expectations on education and children's social services to engage at all stages of the sentence - access to Welsh curriculum and Careers Service is assured.

The provision within DTO regimes has shown improvement over recent years under contract arrangements with the YJB. However, resources access to appropriate curriculum and continuity of engagement in a planned manner leaves much to be achieved.

For young people in English institutions access to appropriate curriculum, Welsh examination boards and careers support are serious problems. Mental health provision in English institutions is not continuous with services in Wales and serious delays in the assessment and placement in appropriate medical care occur due to the splits between England and Wales. This matter was report to the Health, Wellbeing and Local Government Committee Inquiry into Community Mental Health.

In summary, where Welsh Assembly Government has devolved policy making responsibility and the young person is placed in an English institution the "rights based agenda" cannot be delivered. For those in DTO establishments where contracts are controlled by the YJB, there is insufficient attention to the difference between English and Welsh policy. Only in Hillside is there evidence of compliance with Welsh Assembly Government policy. However, Hillside is not reserved for Welsh young people and it is the case that English young people are placed there requiring Welsh young people to be sent to English institutions. YOT's do advocate for the return to Wales of young people and YJB placements make every effort to expedite this. There is simply insufficient supply of local Authority run secure provision which has a higher unit cost that those establishments run by the Prison Service and private prison providers.

There is a variable picture of the use of custody across Wales. Some areas have seen a significant reduction in the number of young people sentenced to custody, other areas are experiencing an increase. Many young people continue to receive short custodial sentences for property offences. A minority are imprisoned for serious, violent offences and the protection of the public. There are links between alcohol and drugs misuse and persistent offending behaviour. The YJB has provided funding for Intensive Supervision and Surveillance Programmes and Resettlement and Aftercare projects. The Deter Young Offender element of the Prolific and Priority Offender Scheme also seeks to enhance community based provision for young people at risk of a custodial sentence.

Accommodation, education, training and employment provision are also highly significant in the development of alternative to custody provision. The delivery of these schemes and services in rural areas can sometimes be very difficult. Intensive fostering schemes have been utilised in some areas to reinforce alternatives to custody where family and home circumstances were contributory to offending behaviour. However most young people can be adequately supported within families where access to support services at an intensive level, sometimes backed by technology such as electronic tags is available. Custody should be reserved to the need to protect the public from serious harm.

Whether youth justice should be devolved is a matter for political debate. However children within the secure estate, in common with all children in the criminal justice system, are affected by reserved and devolved functions. If Welsh Assembly Government wishes its policies for children and young people in Wales to be pre-eminent then the secure estate provision will need to be enlarged regardless of devolved or reserved functions. The critical feature is the lack of placements in Wales. New stock needs to be provided in the secure estate if any improvement is to be made.

YMC would recommend that the use of the secure estate for those below 16 years of age should be further restricted. As a sentencing option it should extend only to cases where it is necessary to protect the public from serious harm.

Secondly all young people below 16 years of age should serve their sentence in Local Authority Secure Units within a 50 mile radius of their family home. This would ensure that the positive practice evidenced at Hillside Secure Unit could be replicated across Wales. This would require legislative change, a building programme and an examination of the role and function of Local Authorities in respect of children in the secure estate. To achieve this Welsh Assembly Government would need to either influence the decision making of London or acquire the responsibility for the secure estate in Wales.

This paper has been written following in-depth discussions by YMC at its meeting in Betws y Coed on the 14th May 2009. YMC is willing to provide verbal evidence to the Communities and Culture Committee at the National Assembly for Wales. YMC have no reservation regarding this evidence being published by the Committee as part of its report.

Eddie Isles, Chair YMC
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