

Commission for Justice in Wales, call for evidence

Response by the Youth Justice Board for England and Wales

31 May 2018

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The Youth Justice Board for England and Wales

Our role

The Youth Justice Board for England and Wales (YJB) is a non-departmental public body (NDPB) established by the Crime and Disorder Act 1998. Its primary function is to monitor the operation of the youth justice system and the provision of youth justice services. It has a legal duty to advise the Secretary of State on matters relating to the youth justice system, to identify and share examples of good practice and to publish information about the system: reporting on how it is operating and how the statutory aim of the system ('to prevent offending by children and young people') can best be achieved. The YJB is the only official body to have oversight of the whole youth justice system and so is uniquely placed to guide and advise on the provision of youth justice services. While the YJB is responsible for overseeing the performance of youth justice services including multi-agency youth offending teams (YOTs), the YJB does not directly deliver or manage these services.

Vision

Every child and young person lives a safe and crime-free life, and makes a positive contribution to society.

System Aims

- 1) To reduce the number of children in the youth justice system
- 2) To reduce reoffending by children in the youth justice system
- 3) To improve the safety and wellbeing of children in the youth justice system
- 4) To improve the positive outcomes of children in the youth justice system

Disclaimer

This submission was prepared by the YJB using information available in the public domain.

To clarify, this is an open response to your consultation as we would like to share our views with a wider audience interested in youth justice matters.

YJB response

Introduction

The YJB welcomes the opportunity to provide evidence to the Commission. This response does not seek to respond in detail to each of the questions the Commission has posed, but rather to address, in general terms, delivery of Youth Justice in Wales.

The youth justice system in Wales

Youth justice services in Wales are made up of a range of local, regional and national agencies working together. While the UK Government retains responsibility for youth justice, most services for children in Wales have been devolved to the Welsh Government. Policies such as education, housing, substance misuse, health, and social services and the needs of looked after children are all devolved to Welsh Ministers. All are significant to the delivery of youth justice in Wales. The Youth justice system deals with children between the ages of 10 and 17. The system exists to deal with children who commit crime, and helps children who are at risk of entering the youth justice system. The Youth Justice System in Wales has three main parts:

- **15 Youth Offending Teams (YOTs)** which are part of Local Authorities and include devolved services (health, social services and education) and non-devolved agencies (police and probation). Their role is to manage community sentences and help prevent children from getting into the system.
- **Youth Courts** deal with all children who have been charged with a crime. In very serious cases a youth court might decide to send a child for trial by a Crown Court.
- **Custody** – there are two secure establishments in Wales. Most, but not all, Welsh children are placed in these establishments. Parc Young Offender Institute (YOI) in Bridgend and Hillside SCH in Neath. Children from North Wales are placed in Werrington YOI in Staffordshire. A very small number of children from Wales are accommodated elsewhere in England, these include children with complex needs who require specialist services including girls aged 17.

Multi-agency delivery with dual lines of accountability contributes to a complex and challenging delivery landscape.

Leadership for youth justice in Wales must therefore be delivered as a partnership between devolved and non-devolved organisations. In recognition of this, the Youth Justice Board and Welsh Government have reached a formal working agreement. We have established joint governance for the system in Wales in the form of the Wales Youth Justice Advisory Panel, which is chaired by Welsh Government and the YJ Board Member for Wales and membership includes representatives from all strategic youth justice partners including Local Authorities, WLGA, Police, PCCs and courts. The Panel oversees the delivery of [Children and Young People First](#) – the joint youth justice strategy for Wales. Critically, the devolved nature of delivery is reflected in the way the YJB has organised itself and supports this approach.

This partnership approach has proven to be effective in working together to:

- set the strategic direction for youth justice in Wales
- plan for effective delivery
- monitor performance

- exchange relevant information
- foster an environment in which youth justice services can help children achieve positive outcomes
- identify and disseminate effective practice
- provide reciprocal advice on the interface between devolved and non-devolved policy
- ensure the voice of children is heard and that young people have a say in the development of the services they receive in line with Article 12 of the United Nations Convention on the Rights of the Child (UNCRC).

Challenges faced by the system

Youth justice in Wales is a success story but challenges remain:

1. YOTs continue to deliver prevention and diversion programmes which have led to significant reductions in the number of first time entrants to the system. This is funded, to a considerable extent, by Welsh Government via the Promoting Positive Behaviour for those at risk of offending grant (PPE) but also via the YJB YOT Grant allocation. Prevention and diversion work accounts for almost 50% of YOT work in Wales. Continued investment is vital to maintaining the reduced number of children in the system and ensuring the downstream impact on other services resulting from successful diversion.
2. YOTs are based in Local Authorities but are not as prominent as other children's services. As a multi-agency partnership, the effect of austerity is magnified as budget reductions for each partner (both devolved and non-devolved) add up to a greater cut for the YOT partnership. YJB has fought to protect YOT grant allocation, and this year has committed to YOTs maintaining the grant allocation unchanged from the previous budget year.
3. As the numbers of children in the system have reduced, those who remain tend to have the most serious problems, complex needs and the most prolific offending history. These are difficult cases to manage effectively and the reoffending rate among this cohort is high but YJB, in partnership with Welsh Government, has successfully tested a response to this challenging cohort. This Enhanced Case Management (ECM) approach¹, which is described below in further detail, is viewed as a positive and significant step-change in how emotional and mental health services can be provided. While developed and tested in a youth justice setting the learning from the ECM approach is transferrable across other children's settings, particularly specialist CAMHS, social care and youth work. ECM is a prime example of devolved and non-devolved services working in partnership to deliver effective outcomes for children with the most complex needs, while also achieving organisational benefits. YJB believes this is key to providing sustainable services to help improve community safety, wellbeing and social cohesion and reduce crime. The ambition is for practice across youth justice services to be trauma-informed and child centred. This requires continued investment and a national approach is needed to fully realise the benefits of this approach in a way that is sustainable.

¹ See separate Core Narrative document for more information on Enhanced Case Management (ECM)

4. In terms of custody: responsibility for managing the youth secure estate now lies with the newly established Youth Custody Service. Previously YJB held this responsibility and, in Wales, YJB and Welsh government worked together to make significant improvements in Parc YOI and Hillside SCH. We also fostered effective information sharing links between the secure estate and community to help integrate practice and improve transitions into and out of custody. It is essential these improvements continue as Ministers in London and Wales will need to take assurance from monitoring carried out by YCS that children in custody are safe and have access to the range of services to which they are entitled. YJB has a role to play in advising how to ensure the safety and wellbeing of children is maintained and developed.
5. Policy and legislation made by both governments must be implemented by practitioners. Applying reserved policy in a devolved context sometimes adds complexity, especially where legislation is different in Wales. Additionally, when policy on reserved matters is developed without consideration of the devolved context it can result in policy being applied which does not entirely fit in Wales e.g. the recently published Home Office serious violence strategy. This can have significant impacts on devolved services. For youth justice, through the YJB, there is an established route by which to ensure that operational issues relating to devolution can be worked through with MoJ policy officials.

YJB believes that formal collaboration at the highest (Ministerial) level will best ensure that justice continues to be effectively delivered within the devolved context in Wales. Discussions between Alun Davies AM (Cabinet Secretary for Local Government and Public Services) and Dr Phillip Lee MP (Parliamentary Under Secretary of State for Youth Justice, Victims, Female Offenders and Offender Health) have led to the Justice in Wales Strategy Group being established to develop a blueprint for the delivery of justice in Wales. This group is led by Welsh Government and HM Prison and Probation Services Wales in partnership with other agencies involved in the delivery of justice, and aligned with the work of WYJAP as children are a key element of the blueprint. This is an opportunity to build on the successes in the Youth Justice System, embedding innovative practice like ECM and work in partnership to deliver sustainable services that improve the rights of children and deliver positive outcomes. With the Justice in Wales Strategy Group reporting progress to both Ministers this is an ideal basis for continuing formal dialogue, about Justice in Wales.

Youth justice success in Wales

Despite the complex landscape, the youth justice system in Wales is a success. This is a direct result of the holistic approach, commitment and joined up work of agencies across Wales with policy and delivery partners placing young people at the centre of their work.

The effective partnership between YJB and the Welsh Government has helped to overcome the challenges of increasing divergence between devolved and non-devolved policy. Having a YJB presence in Wales, working closely with devolved partners has advantages in being able to engage directly with key policy leads from the devolved areas to drive holistic practice and deliver shared priorities.

The YJB team in Wales is in a unique position of being part of a strong voice in the Ministry of Justice (with the ability to advise UK Government Ministers and influence the development of policy in reserved matters) but also, through our partnership with Welsh Government do the same in Wales. It benefits too from an established approach which recognises that delivery needs to reflect the circumstances in Wales where these are different. Examples of where this approach has proven successful include:

1. Targeted prevention and diversion programmes, in YOTs across Wales, where restorative justice approaches are used instead of formal criminal proceedings have delivered an 87% reduction in the number of young people entering the youth justice system in Wales since 2007. The number of first time entrants in Wales per 100,000 population is 258, compared with 304 in England.
2. Significant reductions in the number of young people in custody. In December 2008 the number of Welsh young people in custody was 151. There are currently 30.
3. Partnership work with Welsh Government, Public Health Wales and the All-Wales Forensic Adolescent Consultation and Treatment Service (FACTS) – and more lately South Wales PCC to develop the Enhanced Case Management (ECM) approach. This innovative approach recognises the prevalence of attachment and trauma related difficulties in the lives of children and young people in the youth justice system. It utilises a clinical psychology case formulation approach that is underpinned by a theoretical framework, the Trauma Recovery Model (TRM). ECM places a greater focus on underlying needs and helps practitioners guide children through change by delivering interventions in a way that meet the individual's immediate needs and level of development. Evaluation of the approach, which can be found [here](#), has shown it helped improve the understanding, skills and practice of YOT workers, as well as the way agencies worked with children. It helped children improve their resilience to chaotic family life, self-confidence, anger management and emotional resilience. There were some reductions in the number of times children breached conditions and court orders and there are reductions in reoffending rates, both during the trial and subsequently.
4. Partnership work with Welsh Government, Public Health Wales and FACTS has enabled us to train all staff in HMP YOI Parc in trauma based ways of working. This enables Parc to more effectively work with the children there who have complex and interlocking problems. In addition, we have secured improved access to in-reach psychology services and that has helped resolve the long-standing challenges Parc has experienced in being able to access NHS secondary mental health services.

Conclusion

The YJB believes that the successful delivery of youth justice in Wales is based on partnership between all delivery and policy agencies. We need to maintain the most effective elements of this approach while building on the successes in both the community and custody. We (all delivery partners) need to identify and invest in, innovative practice that contributes to the sustainable agenda and helps build safe, resilient communities e.g. ECM. Practice, whether by devolved or non-devolved services should be based on the awareness of Adverse Childhood Experiences (ACE's) and the effects of childhood trauma and deliver services that put the rights of the child first. YJB has an operating model in Wales that enables us to work effectively in partnership with Welsh Government, UK Government and delivery agencies. This model is not predicated on constitutional matters, it is based on effective relationships and partnership working. As such it is flexible and adaptable and will continue to deliver positive outcomes for children in the future as decisions are made about the devolution settlement