



The Standing Committee for Youth Justice

SCYJ response to the Transforming Youth Custody consultation April 2013

The Standing Committee for Youth Justice

The Standing Committee for Youth Justice (SCYJ) is a coalition of over 25 organisations, which is working to improve the youth justice system in England and Wales. The SCYJ advocates child-focussed provision that promotes the integration of such children into society to serve their best interests and those of their communities. For more information on this briefing please contact Ali Crossley, Policy and Parliamentary Officer on a.crossley@scyj.org.uk

Summary

SCYJ firmly believes that reforms to the youth secure estate should be guided by the following principles:

- Reduce the numbers of children entering custody through raising the custody threshold, investing in early help and further devolution of the costs of custody;
- Meet children's wider health and welfare needs, as well as educational needs while ensuring that there is real aspiration for what they can achieve;
- Small, local facilities with high staff to child ratios and positive relationships between staff and young people at the heart of practice;
- Prioritise the improvement of outcomes over reducing costs; and
- A high level of 'Secure College' staff training with a clear career path.

Response to consultation questions

Tailoring education to young people in custody

(a)

How should we best engage young people in custody (both sentenced and remanded) in education and training? What evidence is there of different approaches that work well?

The starting point for the effective engagement of young people in custody in education and training must be a holistic, therapeutic environment in which all of their needs are met. Those in the youth secure estate are some of our most disadvantaged and troubled young people:

between 65 and 78 per cent have had a period of non-attendance at school;¹ nearly half have literacy and numeracy levels below those of the average 11 year-old, and over a quarter equivalent to those of the average seven year-old or younger;² almost one in ten were regular crack users;³ and 80 per cent have experienced five or more factors of disadvantage.⁴

Looking at health issues, reviews of the evidence indicate that just over 53 per cent of young people in custody meet the threshold for conduct disorder (CD).⁵ We also know that more than half of those with CD meet the criteria for special educational needs, requiring a different and more resource intensive educational approach.⁶ 60 per cent also have speech and communication difficulties which will impact on their ability to engage with mainstream education.⁷ These significantly impact on the ability of these children to engage with mainstream educational approaches.

Given these statistics, the Government's aspiration to put education at the heart of youth custody is unlikely to succeed if the wider needs of young people are not first addressed. Creating an educational regime in a secure setting will not be a simple question of replicating mainstream education in the custodial environment. Children's needs are likely to be addressed if the planned Secure Colleges are configured along the following key principles: small establishments; high ratios of staff to children; wrap-around care and support to meet all of the child's needs; highly trained and qualified staff who are committed to working with children; a therapeutic environment; strong links supporting positive parenting (critical to helping children who meet the threshold for conduct problems); and, most crucially, practical, therapeutic and motivational support on release. Any educational regime would also need to build in a robust special educational needs model including expert education psychology overview and consultation for frontline educational and secure estate staff in behaviour and learning management techniques.

Such a model is expensive and thus likely to be most readily achieved if the numbers of children entering custody are reduced. While there have been significant reductions in the child custody population in the past 10 years (48 per cent)⁸, there is scope to reduce the numbers still further. Custody continues to operate as a 'backstop' for non-violent and repeat offending children who do not need to be there. Analysis of the composition of the child custodial

¹ Gyateng T, Moretti A, May T and Turnbull P (2013) Needs and Interventions, London: Youth Justice Board, p39; just under four-fifths (78%, n=128) of young people in SCHs, 74% (n=128) in STCs and 65% (n=270) in YOIs were recorded as having had a period of non-attendance at school

² ECOTEC, *An Audit of Education Provision within the Juvenile Secure Estate: A Report to the Youth Justice Board*, London: Youth Justice Board, 2001, p9

³ Galahad SMS, *Substance misuse services in the secure estate – summary*, London: Youth Justice Board, 2009, p8

⁴ Jacobson J et al (2010) *Punishing Disadvantage: a profile of children in custody*, London: Prison Reform Trust

⁵ Fazel, Doll and Långström (2008), 'Mental disorders among adolescents in juvenile detention and correctional facilities: a systematic review and metaregression analysis of 25 surveys', *Journal of the American Academy of Child and Adolescent Psychiatry*, 47(9), September 2008, pp.1010-1019

⁶ Green, H. et al., (2005) *The mental health of children and young people in Great Britain 2004*, Basingstoke, Hampshire: Palgrave

⁷ Royal College of Speech & Language Therapists (2009) *Locked up and Locked out: Communication is the key* [http://www.rcslt.org/about/campaigns/Criminal_justice_campaign_briefing (26.04.2013)]

⁸ Ministry of Justice (2013) Youth Custody Report at: average population table, 48 per cent reduction from 2002/03 to 2012/13 [<https://www.gov.uk/government/publications/youth-custody-data> (26.04.2013)]

population, conducted in 2008, found that three-fifths of sentenced children were convicted of offences that usually result in non-custodial sentences. At least 70 per cent of children in custody were assessed as repeat offenders.⁹ Too frequently young people are recalled to custody for minor or ‘reasonable’ breaches, often because they haven’t been provided with the support that they need to comply.¹⁰ In one case a child was breached because they couldn’t tell the time and had therefore failed to attend their YOT appointments.¹¹ In too many cases the detention of these children is a reflection of the inadequacy of the services in the community. This is particularly the case for children with mental health and neuro-developmental difficulties where poor commissioning, non-engaging mental health service models and very high thresholds for accessing support have combined to stop vulnerable young people with multiple needs getting the help they need in the community.

In order to achieve this, SCYJ advocates a higher custody threshold for children to ensure that only very serious young offenders are sentenced to custody. Our position is set out in the report *Raising the custody threshold*.¹² Adopting such a threshold would bring England and Wales into line with Article 37 of the United Nations Convention on the Rights of the Child (UNCRC) that custody should be used as a last resort.¹³ SCYJ does not feel that the current “measure of last resort” threshold outlined in the youth sentencing guidelines is adequate;¹⁴ not least because it is insufficiently defined and, despite recent guidance,¹⁵ is open to varied interpretation. Therefore, where there are inadequate alternatives to manage risk and provide rehabilitative support in the community, custody can very quickly and legitimately become the only remaining option – “the last resort”.

In the past three years, several major research reports on youth justice in England and Wales have advocated raising the custody threshold. These include the Independent Commission on Youth Crime and Antisocial Behaviour, the Centre for Social Justice and, most recently, the House of Commons Justice Select Committee.¹⁶ The threshold for youth custodial remand has, notably, been raised significantly and without public objection through the Legal Aid, Sentencing and Punishment of Offenders Act 2012.¹⁷

⁹ Jacobson J et al (2010) *Punishing Disadvantage: a profile of children in custody*, London: Prison Reform Trust

¹⁰ The Howard League for Penal Reform (2011) *Life outside: Collective identity, Collective exclusion*, London: The Howard League for Penal Reform

¹¹ House of Commons Justice Committee (2013) *Youth Justice: Seventh Report of Session 2012-13*, London: The Stationary Office, p30

¹² Standing Committee for Youth Justice (2010) *Raising the custody threshold* [http://www.scyj.org.uk/files/Raising_the_custody_threshold_FullDocAug10_FINAL.pdf (15.04.2013)]

¹³ United Nations Convention on the Rights of the Child, Article 37 (b)

¹⁴ Sentencing Guidelines Council (2009) *Overarching Principles – Sentencing Youths: Definitive Guideline* [accessed via: http://sentencingcouncil.judiciary.gov.uk/docs/web_overarching_principles_sentencing_youths.pdf (15.04.2013)]

¹⁵ Ibid

¹⁶ The Independent Commission on Youth Crime and Antisocial Behaviour (2010) *Time for a Fresh Start: The Report of the Independent Commission on Youth Crime and Antisocial Behaviour*. London: The Police Foundation, p75; Centre for Social Justice (2012) *Rules of Engagement: Changing the Heart of Youth Justice*. London: Centre for Social Justice,

¹⁷ Legal Aid Sentencing and Punishment of Offenders Act 2012, p147; House of Commons Justice Select Committee (2013) *Youth Justice: Seventh Report of Session 2012-13*, London: The Stationery Office Limited, p35

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Raising the custody threshold would mitigate against the very expensive and real risk of more children being sentenced to the planned Secure Colleges in the belief that they will be better off. There is a genuine danger here of custody being made too attractive to sentencers. There are also, sometimes, perverse incentives for local authorities to ignore these children's need, allowing them to drift into settings where they will be 'somebody else's funding problem'.

Furthermore, if the custody threshold were raised, consideration could be given to increasing the minimum duration in custody (without the risk that this would lead to more children being detained for longer). The longer time period would likely provide greater scope for children to progress. According to a number of recent research studies, short sentences are a key barrier to rehabilitation: they are too brief to provide a meaningful intervention but sufficiently long to disrupt family and schooling in the community.¹⁸ The evaluation of the Heron Unit (Project Daedalus) found that young people on short sentences were 'unable to benefit fully' from the programme, with limited potential for Release on Temporary Licence (ROTL) and engagement in Juvenile Enhanced Thinking Skills (JETS). The short period of time spent on the unit was reported to be a factor in some of the young people not being 'job-ready' on release.¹⁹ Likewise, a recently published five-year study of the youth secure estate reported that there were:

...concerns among staff interviewees that short sentences often meant that there was insufficient time for staff to build strong relationships with young people or to provide appropriate and effective interventions which could be carried forward upon release.²⁰

Analysis of Asset scores pre-sentence and post-release found that 'no significant relationship could be detected between sentence length (six months or less compared to greater than six months) and changes to the total Asset scores'. However, notably, a higher proportion of young people serving longer sentences had a reduced Asset score for risk factors in the areas of family and personal relationships, education, training and employment and neighbourhood, than those serving a sentence of six months or less.²¹ This suggests that short sentences may be of limited effectiveness in addressing these needs.

We emphasise here that the effectiveness of educational and rehabilitation programmes should not be a reason in and of itself to increase sentence length where that would be disproportionate to the offence committed. Thus, longer sentences must be accompanied by a higher custody threshold. Evidence indicates that prison sentences are more damaging than community sentences.²² Under a high custody threshold, anyone who would currently receive a short prison sentence would receive a community sanction. There are signs that the public

¹⁸ Centre for Social Justice (2012) *Rules of Engagement: changing the heart of youth justice*, London: Centre for Social Justice, p130

¹⁹ Ipsos MORI (2012) *Evaluation of the London Youth Reducing Re-offending Programme (Daedalus). Final Report*. London: The London Criminal Justice Partnership, P131

²⁰ Gyateng T, Moretti A, May T and Turnbull P (2013) *Needs and Interventions*, London: Youth Justice Board, p64

²¹ *Ibid*, p66

²² Ministry of Justice (2012) *2012 Compendium of Re-offending Statistics and Analysis*. Ministry of Justice Statistics Bulletin. London: Ministry of Justice, p22; comparison of a sample of matched young people (aged 15-17) showed that reconviction rates in four of the five years and the frequency of reconviction for all years were lower for those serving a high-level community sentence than for those serving a custodial sentence of six months or less

would support a move to raise the custody threshold: a YouGov poll found that 61 per cent of people think that short custodial sentences (below six months) should be replaced with tougher non-custodial sentences.²³

SCYJ also suggests that the assumption is challenged that education should be delivered in the secure estate rather than in the community. Why not have a much more flexible system that allows the young person to receive education and/or training outside the institution, if that can be arranged and is appropriate? This would involve rethinking the whole purpose of ROTL, whereby it is used not only as a means of preparing for release but can be an integral part of the sentence of some young people. This type of regular day release system is used quite a lot abroad where people return to custody at night but for the rest of the time function more or less normally in the community.

(b)

How would you segment the young people in custody to deliver education and training?

Young people should be segmented according to previous educational attainment, attitude to education, gender, age and vulnerability as well as assessed special educational needs (by which we mean: learning difficulties, communication problems, emotional and behavioral disorders, and developmental disorders). It is essential, too, that young people's wishes, feelings and aspirations are taken into account.

(c)

How might the educational balance in Secure Colleges best be struck between basic skills (literacy, numeracy, etc.), traditional academic subjects, vocational learning and wider life skills such as self-respect and self-control, communication and teamwork?

Many of the young people in custody are not 'education ready': a third to two-fifths have been out of education since the age of 14,²⁴ one-third have SEN²⁵ and 60 per cent have communication needs.²⁶ Therefore, while it is a valuable aspiration for these children to receive a formal education, it is vital that their wider needs (such as speech, language and communication difficulties) and life skills are met and developed before this can happen. As a case in point, evidence from the Royal College of Speech and Language Therapists shows that over three quarters of young offenders taking part in enhanced thinking skills programmes

²³ CSJ/YouGov polling of 2,084 British adults, September 2011

²⁴ Statistics relate to 15-18 year old in YOIs only; Murray R (2012), *Children and Young People in Custody 2011-2012: An analysis of the experiences of 15-18-year-olds in prison*, London: The Stationary Office, pp27-30

²⁵ Gyateng T, Moretti A, May T and Turnbull P (2013) *Needs and Interventions*, London: Youth Justice Board, 38; As indicated earlier, even this figure is likely to be an underestimation since 41% to 65% have been identified in custody with CD (Fazel, 2008) and we know that at least half of these (three quarters in the case of those with ADHD who make up 10% of the youth custody population and nearly all of those with autistic traits – who are an unknown group in custody in terms of prevalence) have SEN.

²⁶ Royal College of Speech & Language Therapists (2009) *Locked up and Locked out: Communication is the key* [http://www.rcslt.org/about/campaigns/Criminal_justice_campaign_briefing (26.04.2013)]

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neither have the listening and speaking skills that these programmes demand, nor the concentration and understanding of the vocabulary used.²⁷

A curriculum seeking to meet the needs of young people with high levels of mental health difficulties and SEN needs to do numerous things:

- To in parallel strengthen and support the emotional wellbeing and mental health of young people as a priority. Poor wellbeing and mental health is noted as a barrier in longitudinal studies to educational attainment.²⁸
- Effective therapeutic services as well as effective Social and Emotional learning educational programmes will be critical to any goal to improve outcomes for these children and have been noted to support improvements in educational attainment.²⁹
- As indicated earlier, educational input will also need to mirror SEN learning support models in schools which require well trained staff supervised by educational psychologist, experts in advising staff about learning styles and behavioural management strategies.

Young people in custody have too often had negative experiences of education. It follows that creative and innovative vocational learning has a key role to play in engaging young people in education while teaching them core skills. One example of this is the 'Urban Skillz' course offered by the charity Reflex: The programmes involve lyric writing, performing and recording music and drama; they are delivered by YOIs and run by non-formal education tutors who are established urban artists. The programme offers young people a means to reflect on their life experiences, express emotions positively, build confidence and develop literacy skills 92 per cent of participating young people achieve an accreditation.³⁰

However while children in custody have often had very negative experiences of education, it is important that there is real aspiration for what they can achieve and educational provision that reflects this. Several inspection reports have noted that courses offered in YOIs are often at a low level compared with children's previous attainment.³¹ A study by the Office of the Children's Commissioner reported that there was a poverty of aspiration for young people's educational attainment in many secure facilities: in some 'education reinforced a stereotypical

²⁷ Royal College of Speech and Language Therapists, cited in Centre for Social Justice (2012) *Rules of Engagement: changing the heart of youth justice*, London: Centre for Social Justice, p139

²⁸ Eisenberg, N., 2006. Volume 3: Social, emotional, and personality development. In: W. Damon & R. M. Lerner, eds. *Handbook of child psychology, 6th Edition*. New York: : Wiley; Gutman & Vorhaus, 2012; Weissberg, R. P. & Greenberg, M. T., 1998. School and community competence-enhancement and prevention programs. In: I. E. Siegel & K. A. Renninger, eds. *Handbook of child psychology. Vol. 4. Child psychology in practice (5th ed.,)*. New York: Wiley, p. pp. 877–954; Gutman, L., & Vorhaus, J. (2012). *The Impact of Pupil Behaviour and Wellbeing on Educational Outcomes: research report DFE-RR253*. London: Department of Education.

²⁹ Durlak, J. A. Weissberg, R. P., Dymnicki, A. B., Taylor, R. D. & Schellinger, K. B. (2011) The Impact of Enhancing Students' Social and Emotional nLearning: A Meta-Analysis of School-Based Universal Interventions. *Child Development*, 82, pp. 405–432.

³⁰ Reflex, cited in Centre for Social Justice (2012) *Rules of Engagement: changing the heart of youth justice*, London: Centre for Social Justice, p163

³¹ Ofsted, (2010) *Transition through detention and custody: Arrangements for learning and skills for young people in custodial or secure settings*, Manchester: Ofsted, p 16; HMI Prisons (2011) *Annual Report 2010-11*, London: The Stationary Office, p64

and gender-specific approach – hairdressing and beauty for girls and motor mechanics for boys’ and in others ‘there seemed to be a lack of ambition’.³²

All children in custody should receive a sufficient quantity of education and/or training. This should not be reduced because of operational issues as currently often happens in YOIs.³³ However, policy makers should be aware that the large majority (83 per cent in February 2013) of children in custody are now aged 16-17 years.³⁴ Although the statutory age for compulsory training has increased, a lot of the peers of these children in the community will be engaged in activities that don’t necessarily look like formal education. The University of Bedfordshire has recently undertaken some research in custody (in one of the girls units), which found that they were very aggrieved at compulsory education.³⁵ This raises questions about whether formal education should be imposed on this age group in custody. The issue of choice is clearly very important here. Whatever education is delivered in custody, it has to be what young people see as being relevant to them, helping to increase future opportunities and preparing them for what will happen on return to the community. Young people may need help in making choices (particularly where previous experiences have been negative), but the choices should not be constrained by a pre-ordained balance. This should be more achievable in small units.

(d)

How can we best meet the needs of young people with learning disabilities, special educational needs or mental health needs, and how might Education, Health and Care Plans be used to ensure appropriate special educational provision is in place?

Provision to address learning disabilities, Acquired Brain Injury (ABI), special educational needs or mental health needs should be systematically commissioned. This is not so at the moment with respect to SLCN and ABI, despite the prevalence of such difficulties among children in custody; currently only a minority of secure facilities have access to speech and language therapists (SLT).³⁶ All should have access to a range of specialist therapeutic services; psychiatrists; psychologists; talking therapy practitioners (E.g. Improving Access to Psychological Therapies – IAPT), occupational therapists; learning difficulties staff; speech and language therapists; art, music and drama therapists; and substance misuse workers.

As with schools, improving educational attainment is only feasible with a whole unit approach which promotes emotional wellbeing and mental health.³⁷ All staff working in units need to have

³² Office of the Children’s Commissioner (2011) *‘I think I must have been born bad’: Emotional wellbeing and mental health of children and young people in the youth justice system*, p51

[http://www.childrenscommissioner.gov.uk/content/publications/content_503 (26.04.2013)]

³³ HMI Prisons, *Annual Report 2010-11*, Norwich: The Stationery Office, 2011, p64

³⁴ Ministry of Justice (2013) Youth Custody Report at: average population table,

[<https://www.gov.uk/government/publications/youth-custody-data> (26.04.2013)]

³⁵ Bateman, T, Melrose, M and Brodie, I (forthcoming) *‘Nothing’s really that hard: you can do it’. Agency and fatalism: the resettlement needs of girls in custody*. Luton: University of Bedfordshire

³⁶ Khan L (2010) *Reaching out, reaching in: Promoting mental health and emotional well-being in secure settings*, London: Centre for Mental Health, p36; Centre for Social Justice (2012) *Rules of Engagement: changing the heart of youth justice*, London: Centre for Social Justice, p139

³⁷ MindMatters (2012) *A whole school approach to valuing community, culture: The Mindmatters approach: Part A: draft*. Mindmatters

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a good understanding of child development, of the importance of developing and modelling positive attachments and connectedness and be committed to the promotion of positive mental health in children and wellbeing.³⁸

Education, Health and Care Plans

SCYJ's position is that Education, Health and Care (EHC) plans should be delivered while a child is in custody, where appropriate. Recent data shows that one-third of children in custody have special educational needs (SEN) compared to 3 per cent of the general population.³⁹ Their successful rehabilitation relies on these needs being addressed. However, we also know that many children (who do not have committed and tenacious parents) do not get their needs assessed and fail to access special needs provision leading to exclusions or disengagement from education instead. The first point of arrest, contact with YOTs and entry into secure settings provide opportunities to start this process of identification, sometimes for the first time. Short stays in custody, disputes over which party funds assessments, a lack of engagement by local educational authorities on return or a return to chaotic patterns on the part of the young person have all been reported as hindering identification of SEN needs leading to young people consistently falling between the cracks of services and systems. More effort is required at all levels (front line right up to policy/treasury) to seize (rather than ignore) opportunities for identifying these needs and to problem solve ways around the multitude of barriers which currently prevent children from having their needs adequately met.

The current arrangements are also ineffective in other ways. The 'best endeavours' duty on the local authority hosting the custodial establishment in which the child is placed to attempt to provide support in line with a child's statement is not routinely fulfilled. This is because, in most cases, local authorities have little, if any, control of the education delivered in their local establishment because it is commissioned by the establishment or nationally. Custodial establishments struggle to obtain statements.⁴⁰ Anecdotally, provision is often inadequate and assessments often do not follow children back into the community.

SCYJ recognises that there are difficulties in extending EHC plans to the youth secure estate. These include: the mismatch between the period needed for an EHC assessment – 28 weeks⁴¹ – and the average length of stay in custody – 77 days⁴²; and the fact that EHC plans are specific to the provision available in the home local authority (LA) school and therefore may not be able to be delivered in custody. However, these obstacles are not insurmountable as we detail below.

³⁸ Ibid

³⁹ Gyateng T, Moretti A, May T and Turnbull P (2013) Needs and Interventions, London: Youth Justice Board, p38

⁴⁰ Ofsted (2010) *Transition through detention and custody: Arrangements for learning and skills for young people in custodial or secure settings*, Manchester: Ofsted, pp11-12; Centre for Social Justice (2012) *Rules of Engagement: changing the heart of youth justice*, London: Centre for Social Justice, 136

⁴¹ Robert Buckland MP, 18 April, Public Bill Committee debate, Children and Families Bill [http://www.parliament.uk/business/publications/hansard/commons/this-weeks-public-bill-general-committee-debates/read/?date=2013-04-18&itemId=383 (30.04.2013)]

⁴² Youth Justice Board/ Ministry of Justice (2013) *Youth Justice Statistics 2011/12*, p39 [https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/163526/yjb-stats-2011-12.pdf.pdf (26.04.2013)]

Young people in custody fall into three broad categories with regard to EHC plans:

- i. those who have EHC plans immediately prior to their entry into custody;
- ii. those who do not have EHC plans because their EHC needs have been previously assessed and do not meet the threshold for a plan;
- iii. those who do not have EHC plans because they have unidentified EHC needs.

SCYJ recommends that for the first group, there should be an immediate review of the statement/EHC plan when the child enters custody to identify what parts can continue. The home local authority and school should be involved. For those in the second and third group, custodial settings should be able to trigger the start of a statutory assessment process even if it can't be completed and it should continue in the community. Consideration should be given to conducting such reviews and assessments via the new Comprehensive Health Assessment Tool (CHAT),⁴³ which we believe, with minor amendments, could be used for this purpose. Funding attached to plans should be 'passported' with the child into custody.

Meeting the wider needs of young people in custody

(e)

How would young people best be kept safe and secure in your model of a Secure College?

The physical environment should be appropriate to detaining children and not based on an adult model as in the current estate. Safety for children is best achieved when they trust staff and their peers and where incidents of difficult behaviour/violence are dealt with by adults who are skilled at using persuasive speech to de-escalate violence and who follow up using appropriate methods, including high quality restorative justice. Children feel safe when they feel respected, genuinely cared for and when they understand both what the expectations on them are and how transgressing expectations will be dealt with. It is therefore our view that 'Secure Colleges' should follow the below principles:

- **Small therapeutic unit, with high staff to child ratios.**
 - A recent review of mental health provision and emotional wellbeing found that smaller units allowed staff to develop closer and more supportive relationships, and fostered a more caring environment; larger facilities were expected to function as institutions.⁴⁴
 - Environments that are open with a less institutional feel are considered more conducive to good emotional wellbeing, which can in turn aid rehabilitation.⁴⁵

⁴³ CHAT [<http://www.chimat.org.uk/resource/item.aspx?RID=126554> (26.04.2013)]

⁴⁴ Khan L ((2010) *Reaching out, reaching in: Promoting mental health and emotional well-being in secure settings*, London: Centre for Mental Health, p43

⁴⁵ See for example, Office of the Children's Commissioner (2011) '*I think I must have been born bad: Emotional wellbeing and mental health of children and young people in the youth justice system*, p50 [http://www.childrenscommissioner.gov.uk/content/publications/content_503 (26.04.2013)]; and Cordis B (2011) *Keppel Unit Process Evaluation: Summary*, London: Youth Justice Board, p1

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- A major review of youth justice by The Centre for Social Justice found that the low staffing ratio (10-15:1) in YOIs was seen to be a key determinant of their safety and security problems. Institutional size was also said to be another important determinant of culture.⁴⁶
 - The Missouri custodial model comprising small, (i.e. 40 young people) therapeutic and 'home-like' secure facilities was found to produce substantially lower reconviction rates than larger alternatives.⁴⁷
- **A whole system WHO model of a health promoting educational environment**
 - It is reliant on a skilled and aware workforce, health promoting policies, connectedness with families and other community organisations and including pathways for MHEWB matched to need.⁴⁸
 - In order to measure whether units are 'health promoting' something like the Good Childhood Survey (Children's Society) should be used to measure children's health and wellbeing. Lower levels of wellbeing in a unit are linked to lower educational attainment.
- **High level of contact with key workers**
 - A recent five-year study of the secure estate reported that 'building relationships based on trust was viewed by staff interviewees...as one of the key drivers to improving young people's engagement with, and successful completion of, the range of interventions offered'.⁴⁹
 - A review by Ipsos Mori found that positive relationships played a 'significant role in ensuring the behaviour of young people was managed effectively' and helped staff "to understand the needs of young people".⁵⁰
 - More generally, there is a growing body of evidence that young person – worker relationships are central to achieving engagement and reducing reoffending.⁵¹
 - Positive relationships are a particular lever for girls seeking to exit crime, violent behaviour and negative peer networks.⁵²

⁴⁶ Centre for Social Justice (2012) *Rules of Engagement: changing the heart of youth justice*, London: Centre for Social Justice, p143

⁴⁷ Peterson J (2006), *A Blueprint for Juvenile Justice Reform: Second Edition*, Youth Transition Funders Group, p9 [accessed via: http://www.ytfg.org/documents/JEHT_SecondEdition.pdf (15.04.2013)]

⁴⁸ MindMatters (2012) *A whole school approach to valuing community, culture: The Mindmatters approach: Part A: draft*. Mindmatters

⁴⁹ Gyateng T, Moretti A, May T and Turnbull P (2013) *Needs and Interventions*, London: Youth Justice Board, p3

⁵⁰ Ipsos MORI (2011) *Behaviour Management across the Secure Estate for Children and Young People*. London: Youth Justice Board, p17

⁵¹ See for example: Youth Justice Board (2004) *The summary of the initial report on the Intensive Supervision and Surveillance Programme*, p33; Youth Justice Board (2010) *A Report on the Intensive Fostering Pilot Programme*, London: Youth Justice Board.; Rex S (1999) 'Desistance from Offending: Experiences of Probation', *Howard Journal of Criminal Justice*, 38: 4, 366-383; Knight B (2010) *Back from the Brink: How Fairbridge transforms the lives of disadvantaged young people*, Newcastle: The Centre for Research and Innovation in Social Policy and Practice

⁵² Bloom, B. E. & Covington, S. S., (2001) *Effective Gender-Responsive Interventions in Juvenile Justice: Addressing the Lives of Delinquent Girls. Paper presented at the 2001 Annual Meeting of the American Society of Criminology*. Atlanta, Georgia, American Society of Criminology; Gaarder, E., Rodriguez, N. & Zatz, M., (2004) *Criers, liars, and manipulators: Probation officers' views of girls*. *Justice Quarterly*, Volume 21, p. 547—578.

- **Participation**

We recommend that 'Secure Colleges' be required to have participative arrangements (for example, youth forums and regular meetings with senior staff) in place, enabling young people to provide feedback on how the provision could be improved.

Participation can improve engagement, raise self-esteem and increase motivation to change.⁵³ It also helps to develop services that better meet offenders' needs and reduce reoffending.⁵⁴

- **Security and safety measures**

- **Minimal use of restraint.** This could be better achieved through the provision of high level of training for all staff in dealing with difficult behaviour and understanding underlying needs and motivations.
- **No routine strip-searching** should be allowed.
- **Local Safeguarding Children's Boards** should include their local 'Secure College' managers
- **An Inspection regime** that involves both the children's inspectorate and HMIP (as was planned to commence in June 2012). The inspectorate responsible for children's services and schools is the appropriate one to deal with kids in custody. However HMI Prisons (HMIP) has significant expertise in this area, which should not be lost. In addition, in recognition of issues of transition and overlap (i.e. many of the young people will be transferring to adult services, and within 'Secure Colleges' there will be outcomes and considerations over and beyond education) HMIP should continue to be involved in inspection

- **Looked after status**

- The SCYJ would subscribe to the principle underpinning Sir William Utting's report "*People Like Us*" that **all** children living away from home need to be safeguarded and have their welfare promoted by a set of standards common to all groups. Accordingly the SCYJ believes **all** children deprived of their liberty and placed in youth detention accommodation should have 'looked after' status.⁵⁵

(f)

How should we best approach the particular challenges of a group of young people in custody (such as, the youngest, the most vulnerable, the most dangerous and most disruptive) and ensure their needs are met? Could this group be managed within your model of a Secure College?

⁵³ National Youth Agency (2010) *Voice and Influence in the Youth Justice System*, National Youth Agency: Local Government Association, p18

⁵⁴ User Voice (2010) *The Power Inside: the role of prison councils*, User Voice, p11

⁵⁵ Utting, W (1997) *People Like Us: the report of the review of the Safeguards for Children Living away from home*. Department of Health and Welsh Office

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Mental health needs

We recognise that there are some children routinely held in prisons who have exceptionally high levels of need. However we do not believe that the appropriate care and expertise required for complex mental health and neurodevelopmental needs can be delivered in a prison or 'Secure College' environment. Children with highly serious mental health needs should be transferred to specialist mental health environments, staffed by fully trained mental health professionals, where these needs can be met.

However, in reality, many children in the secure estate will be at an age when they will not yet reach the threshold for a diagnostic label (even though their presentation, behaviour and vulnerability before and after diagnosis often remains unchanged). For example, one young woman in custody from the age of 15 was only eventually diagnosed and transferred to a secure psychiatric setting under the mental health Act when she attempted to take her life on the third occasion in custody at the age of 19 and she was eventually diagnosed as having a psychotic illness. Her behaviour was no different during her early teens, the pattern just became clearer to psychiatric staff as she matured. The label eventually facilitated her access to a specialist women's psychiatric unit. It is ironic the original point of her arrest aged 15 years, a forensic psychiatrist noted her vulnerability and predicted that she was likely to end up with a diagnosis as she matured. On this basis, she recommended a non-placement in a therapeutic unit to the court; however, because there was no mental health diagnosis at the time of sentence, the court declined to follow this recommendation.

The challenge for 'Secure Colleges' is that they will be trying to hold, support and manage these very vulnerable 'pre diagnosis', vulnerable and emotionally volatile young people during this period when they are too young for a formal diagnosis.

Enhanced units

In recent years a number of YOIs have introduced specialist units for children with complex needs (e.g. the Keppel Unit HMYOI Wetherby and the Willow Unit in HMYOI Hindley). These units have been the subject of some praise for their higher staffing levels and child-focus, relative to the 'normal' regime in YOIs.⁵⁶ However, it remains the case that many children with very similar needs do not have access to such provision.⁵⁷ There are related reports of an 'us and them' culture among young people in the establishments that do have such provision, which fosters inequity and resentment.⁵⁸ While the intentions behind creating such units should be commended, all children in custody are vulnerable and thus all need to have an environment and activities designed for vulnerable children. Singling out a group of children within an establishment as more vulnerable is not helpful.

⁵⁶ Office of the Children's Commissioner (2011) *'I think I must have been born bad' Emotional well-being and mental health of children and young people in the youth justice system*, p70

[http://www.childrenscommissioner.gov.uk/content/publications/content_503 (26.04.2013)]

⁵⁷ Ibid

⁵⁸ SCYJ (2011) *Secure Estate Strategy Consultation Response*, p7 [accessed via: http://www.scyj.org.uk/files/Secure_estate_strategy_consultation_response5.pdf (16.04.2013)]

Given that units will be managing many young people at a stage in their life when they are ‘sub threshold’ (and many other young people who have multiple vulnerabilities), there is definitely a case for ensuring that units adopt a Psychologically Informed Environment (PIE) involving a whole system thought-through therapeutic approach with a well supervised workforce using reflective practice to support progress.⁵⁹ PIE has been used to meet the complex needs of those who are homeless. It has also been highlighted as a desirable model for secure units.

We would like to see this taken into account when configuring ‘Secure Colleges’. Those with serious needs should be accommodated in specialist mental health facilities. For those with lower levels of need, the custodial facility in which they are detained should be sufficiently small, therapeutic and psychologically informed to meet their requirements in the ‘basic’ environment; that is, not a YOI. It is SCYJ’s firm view that what is required are ‘enhanced facilities’ not ‘enhanced units’.

s34

We are an advocate of the implementation of s.34 of the Offender Management Act to place children with particularly complex needs in non-secure accommodation – with the very important safeguard that this is only used for those who would otherwise be in secure accommodation and is not used to widen the net for those seen more generally to be in need.

(g)

What are the other key services you would deliver, or establish partnerships with, within a Secure College both to support the provision of high quality education to young people in custody and to prevent them from offending on release?

Specialist therapeutic services (i.e. a Psychologically Informed Environment)

As outlined in our response above (d) SCYJ believes that ‘Secure Colleges’ should have access to a range of specialist therapeutic services: speech and language therapists; psychiatrists; psychologists; talking therapies, occupational therapists, learning difficulties staff; art, and music drama therapists; and substance misuse workers.

Family workers

In addition, we strongly support the introduction of family and parenting staff across Secure Colleges to work with young people and their families during their sentence or period of remand and after release. In many cases, family problems are a root causes of offending; if efforts are not made to address these while the young person is in custody, we are setting them up to fail by returning them to the same negative circumstances from which their offending may flow. A range of research studies have demonstrated both the benefits of working with the parents of children with persistent behavioural problems and with offenders’ families,⁶⁰ benefits include reduced reoffending, increased engagement in education, training and

⁵⁹ See <http://www.nmhd.org.uk/silo/files/meeting-the-psychological-and-emotional-needs-of-people-who-are-homeless.pdf>

⁶⁰ National Institute for Clinical Excellence, 2013. *CG158 Conduct disorders in children and young people: NICE guideline*, London: NICE

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employment, and higher rates of accommodation being arranged for release.⁶¹ Notably, intensive family work is a key component of the MultifunC residential treatment model in Scandinavia,⁶² which was recently highlighted by the Justice Committee in their youth justice report for its 70 per cent success⁶³ rate.⁶⁴

Depending on the configuration of 'Secure Colleges', dedicated family workers could either adopt a role, similar to social workers in YOIs, as the 'link' between the young person, family and home local authority to aid reconciliation and ensure that families are receiving the required support in the community. Ideally, these workers would also be supporting evidence based positive parenting approaches and systemic support in local areas as part of the preparation for the young person's return from custody and also as part of the resettlement plan.⁶⁵ If a model of local facilities were adopted, we would like to see workers adopting a family outreach role working with both the young person and the family for the duration of the sentence and post-release. This would be difficult to achieve within the existing secure estate network as a significant proportion of children in custody are accommodated more than 50 miles from home,⁶⁶ by virtue of there being a relatively small number of large facilities. But there are resources that resettlement plans may not be tapping into, such as Multi-Systemic Therapy (MST), Functional Family Therapy (FFT) and the Troubled Families Programme. If these programmes are not available, patterns of unmet need should be identified and units should feed this information into local health and wellbeing boards to inform more effective commissioning.

One-to-one support

There is a growing body of evidence that the existence of a stable and positive relationship between a young person and an adult plays a fundamental role in their successful rehabilitation.⁶⁷ Pro social relationships are particularly important in the case of young women

⁶¹ Ministry of Justice and Department for Children, Schools and Families (2009), *Reducing reoffending: supporting families, creating better futures*, London: Ministry of Justice, p21; Niven S and Stewart D (2003) *Resettlement outcomes on release from prison in 2003*, London: Home Office, 2005

⁶² For 14-17 year-olds with severe anti-social behavioural difficulties

⁶³ Success is defined as no violent behaviour, no substance abuse, accepting adult rules and parental control over behaviour, pro-social behaviour, understanding of risks of deviant environments and positive feedback from families.

⁶⁴ House of Commons Justice Committee (2013), *Youth Justice Seventh Report of Session 2012-13*, London: The Stationery Office Limited, pp41-42

⁶⁵ National Institute for Clinical Excellence, 2013. *CG158 Conduct disorders in children and young people: NICE guideline*, London: NICE

⁶⁶ Murray R (2012), *Children and Young People in Custody 2011-2012: An analysis of the experiences of 15-18-year-olds in prison*, Norwich: The Stationery Office

⁶⁷ Maruna S and LaBel T (2010) 'The desistance paradigm in correctional practice: from programmes to lives' in F. McNeill, P. Raynor and C. Trotter (eds.) *Offender Supervision: New directions in theory, research and practice*, Oxon: Willan Publishing; McNeill F (2003) 'Desistance-Focused Probation Practice' in W. Hong Chui and M. Nellis (eds.), *Moving Probation Forward: Evidence Arguments and Practice*, Harlow: Pearson Education Limited; Burnett R and McNeill F (2005) 'The place of the officer-offender relationship in assisting offenders to desist from crime', *Probation Journal*, 52: 3, 221-242

as a lever for change.⁶⁸ Yet many young people in custody do not have such relationships. Family work can improve this situation but it is not a panacea. One-to-one voluntary support, such as mentoring and life-coaching, can help to fill this gap. When delivered by well-trained and professionally backed-up individuals, mentoring can provide young people with a positive role model, support and help build confidence and motivation to change.⁶⁹ In addition, one-to-one support workers can play a vital role in coordinating the delivery of resettlement services and advocating on young peoples' behalf, operating as the 'glue' between the different agencies and institutions. High-quality mentoring is considered by some to be the most important factor in helping young people to stop reoffending.⁷⁰

Virtual School Head

SCYJ would like to see the remit of the Virtual School Head (VSH) role extended to include young people in and leaving custody (this could be extended to all children in the youth justice system in the long-term). We envisage that the VSH (who would be from the child's home local authority [LA]) would have responsibility for:

- Being in contact with the child's secure facility to ensure that it was:
 - Receiving all the child's education information*;
 - Delivering educational provision in line with the child's needs and;
 - Planning the education, training or employment (ETE) for the child's release.
 - Sending the updated educational information to the LA (i.e. YOT/ educational providers).

- Championing the child's needs in their LA to ensure that the LA:
 - Had shared the child's educational information;
 - Was cooperating with the custodial facility in planning for the child's release;
 - Would provide a place in education or training on release if needed; and
 - Was delivering the education plan on release, as agreed.

* Poor information sharing remains a problem, both between custody and the community, and between establishments: secure establishments report that information about children's educational attainment and wider needs is often out-of-date, incomplete or absent, leading to reassessment, repetition of learning and delays to education.⁷¹

All 'Secure Colleges' should be expected to work in strong partnership with the respective Virtual School Heads.

⁶⁸ Bloom, B. E. & Covington, S. S., (2001) *Effective Gender-Responsive Interventions in Juvenile Justice: Addressing the Lives of Delinquent Girls*. Paper presented at the 2001 Annual Meeting of the American Society of Criminology. Atlanta, Georgia, American Society of Criminology

⁶⁹ See for example, Cooper et al (2007), *Keeping Young People Engaged: Improving education, training and employment opportunities for serious and persistent young offenders*, London: Youth Justice Board, 2007, pp88-9; Hazel N et al (2002) *Detention and Training: Assessment of the Detention and Training Order and its impact on the secure estate across England and Wales*, London: Youth Justice Board, pp75-6

⁷⁰ Ofsted (2010) *Transition through detention and custody: Arrangements for learning and skills for young people in custodial or secure settings*, Manchester: Ofsted p24

⁷¹ Ofsted (2010) *Transition through detention and custody: Arrangements for learning and skills for young people in custodial or secure settings*, Manchester: Ofsted, p16

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(h)

How can we best meet the needs of young people in custody who are looked after children or care leavers?

The first step to better meeting the needs of children with care status is to better identify these children. This data is not routinely recorded⁷² and some children may not even know what their status is so there needs to be better communication between local authorities and secure facilities. 'Secure Colleges' must also have access to a wide range of specialist support to meet the needs of children with looked after and leaving care status. Such needs include mental health and behavioural problems, attachment disorders, and post traumatic stress. Resettlement needs should be identified and met well before the end of sentence.

There are a number of specific steps that can be taken:

- Legislation should be amended so that children accommodated under the 1989 Children Act s.20 immediately prior to receiving a custodial sentence continue to receive services throughout their sentence as if they were still so accommodated. The duties to former looked after children under s23ZA Children Act 1989 currently do not go far enough and legislation should be amended so that children accommodated under the 1989 Children Act s20 immediately prior to receiving a custodial sentence continue to receive all services. This should include their case remaining open to a children and families social worker, care reviews and planning held comparable to those for a looked after child (LAC) and an assessment of their needs on release, including a further period of s.20 accommodation.
- 'Secure Colleges' should have social worker posts to identify and record children with care status (ie whether child in need, former looked after, subject to a care order, care-leaver), and ensure that they receive the services to which they are entitled to from their home local authority. An evaluation of the posts, carried out in 2008, found there to be a clear need for them.⁷³

(i)

What skills, competencies and experience should staff have to successfully meet the needs of young people in custody? As a provider, how would you ensure that your workforce met these requirements?

Most importantly staff in 'Secure Colleges' should *want to* work with young people and have experience of doing so. We recommend that a recruitment procedure, similar to that in place at the Keppel Unit, where all officers undertake an application and selection process, is implemented in 'Secure Colleges'.

⁷² Centre for Social Justice (2012) *Rules of Engagement: changing the heart of youth justice*, London: Centre for Social Justice, p147

⁷³ Fielder C et al (2008) *An Evaluation of Social Work Posts in Young Offender Institutions*, London: Youth Justice Board, pp42-50

'Secure College' staff should be highly trained, with a high minimum standard of training being required of all staff. Consideration should be given to developing a distinct and attractive career path, which incentivises high-achieving graduates and professionals from related fields to join the staff team of colleges. It is important that any career path enables staff members to progress while remaining in a frontline role. Staff should not just have one off training but receive on-going development through supervision encouraging reflective practice.

Training should be underpinned and rooted in the principle that children in custody are:

- Children first and foremost – in law and maturation;
- Staff have a duty of care and responsibility to balance the best interests of the individual child and the safety and the well being of others in the establishment.

Training should include:

- Recognising and understanding that their own behaviour and responses will affect how children and young people behave;
- A basic understanding of child development and how a child's development and brain architecture is affected by their life experiences;
- Attachment theory
- Understanding the limitations of children's cognitive abilities – their ability to hear, interpret and act upon information given;
- Mental health and conduct problems, learning disability, and speech and language disability awareness;
- How to develop positive relationships and the importance of this;
- The use of language, tone of voice and body language, and its impact on children;
- Understanding the main causes of behavioural problems in children;
- How to de-escalate difficult situations using influence and persuasion;
- How to resolve conflict using restorative justice techniques/⁷⁴

Closing the gap between custody and community

(j)

How would your model of a Secure College support young people leaving custody to get placements in education, training or employment on release and support them to maintain this engagement?

Even the best education provision in custody will be futile if the disconnect between custody and the community, and indeed between other custodial institutions, is not also addressed. The provision of ETE for young people leaving custody is often absent, severely delayed or inadequate.⁷⁵ For example, SCYJ member the Secure Accommodation Network has reported that many young people only receive five hours of home tuition per week following release.

⁷⁴ This training criteria builds on that set out in the following report: Centre for Social Justice (2012), *Rules of engagement: changing the rules of engagement*, London: Centre for Social Justice, p150

⁷⁵ Hazel N et al (2002) *Detention and Training: Assessment of the Detention and Training Order and its impact on the secure estate across England and Wales*, London: Youth Justice Board, pp77-8

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This problem has also been reported by several research studies.⁷⁶ Consequently any progress made in custody is quickly lost when children are returned to the community.

Resettlement services are one of the most under-resourced aspects of the youth justice system.⁷⁷ This cannot be allowed to continue if 'Secure Colleges' are to be effective.

One-to-one support workers and the Virtual School Head

We believe that one-to-one support workers, such as mentors or resettlement brokers, and a Virtual School Lead with extended responsibility for children in and leaving custody have a key role to play in supporting young people leaving custody. Our comments on these two areas are set out above (g).

Legislation

SCYJ recommends that the Government should place a statutory duty on all local services – schools, colleges, CAMHS, housing, police, children's services etc – to support the rehabilitation of young people leaving custody (akin to the leaving care provisions introduced by the Children (Leaving Care) Act 2000; see sections 23A-24D of the Children Act 1989). This would comprise the following duties:

- To ensure a leaving custody plan is in place prior to release. The plan should detail (following assessment) how they will meet the young person's needs;
- To provide one-to-one support (e.g. a personal advisor or voluntary sector mentor) as appropriate from a quality-assured provider;
- To ensure that safe and suitable accommodation is in place;
- To ensure the young person is in ETE, and help with the living/associated costs if necessary; and
- To maintain contact for a minimum of six months following the conclusion of DTO supervision.

Release on Temporary Licence (ROTL)/ mobility

'Secure Colleges' should make significant use of ROTL/ mobility or the equivalent to allow young people in custody to attend ETE interviews and to start attending external ETE prior to release, where possible. Greater use of mobility can help young people to secure ETE placements prior to release and to make a gradual transition to the community. The current arrangement, whereby you don't usually get ROTL unless you are serving a longer sentence – and then under restricted circumstances – should be overhauled.

Post-release therapy

For some young people, we ought to be thinking of Multi Systemic Therapy or, alternatively, Multi-Dimensional Fostering treatment (for those with no supportive family) at the point of resettlement. Ideally, children should have access to these opportunities before custody as they have better records of reducing reconviction and have been proven to be cheaper.⁷⁸ But for

⁷⁶ Ibid, p74

⁷⁷ Graham J, 'Responding to youth crime', in D Smith (ed) *A New Response to Youth Crime*, Devon: Willan Publishing, 2010, p132

⁷⁸ Lee, S. A., Drake, E., Pennucci, A., Miller, M. & Anderson, L. (2012) Return on Investment: Evidence-

some highly vulnerable children in secure settings who have missed out on these opportunities before sentence, we should use these resources at the point release to save longer term costs, improve their future prospects and their chances of reoffending.⁷⁹ For those with both substance misuse and mental health problems, we should be using Family Integrated Transitions to support improve resettlement outcomes for these young people.

(k)

More broadly, how would your model of a Secure College support greater co-operation between or integration of custodial and community services?

- **Further delegation of the custody budget** - to incentivise community services to play a greater role in the rehabilitation of young people (to avoid their entry and return to custody)
- **Small, local ‘Secure Colleges’** – custodial and community services are likely to naturally be better integrated if they are located in the same area. This could be further strengthened by introducing:
 - A model of secondment between local YOTs and ‘Secure Colleges’ or even co-location of the YOT and college.
- **A Virtual School Head** for children in and leaving custody – as detailed above (g)
- **A statutory duty** (on local authorities and their partners) to aid the rehabilitation of children in and leaving custody – as set out in response to question j.

(l)

What scope is there for education provision in a Secure College to be continued when a young person is released from custody, and does the current legislative and policy framework provide sufficient flexibility?

The National Audit Office found that only six per cent of YOTs were able to continue the education that young people had started in custody.⁸⁰ There are a number of reasons for this, including: a disconnect between the provision offered in custody and in the community; schools and courses commonly having fixed start dates, which may not correspond with the child’s release; a reluctance of education and training providers to take on young people post-release; a paucity of good-quality vocational training courses and school/alternative provision places for children with high-levels of educational needs; premature removal of children from school rolls (i.e. before the four-month); and delay reinstating SEN statements following release.⁸¹

Based Options to Improve Statewide Outcomes: April 2012. Washington State Institute for Public Policy.

⁷⁹ Washington State Institute of Public Policy (2004) *Family Integrated Transitions Programme for Juveniles: Outcome evaluation and benefit cost analysis*. Washington: Washington State Institute of Public Policy.

⁸⁰ National Audit Office, *Youth Offending: the delivery of community and custodial sentences*, London: Stationery Office, 2004, p26

⁸¹ Centre for Social Justice (2012) *Rules of Engagement: changing the heart of youth justice*, London: Centre for Social Justice, p170

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These issues could be better addressed by putting in place the proposals that we have outlined above. These are:

- Placing a duty on local authorities (as part of a wider duty on all local authority partners to support the rehabilitation of young people leaving custody) to ensure that all young people leaving custody are in ETE;
- The provision of one-to-one support workers to children in custody to help them secure and maintain ETE and;
- The extension of the role of the Virtual School Head to ensure that 'Secure Colleges' and local authorities are meeting the child's educational needs and sharing the necessary information.

It should also be recognised that continuity of educational provision is not only an issue following release, but also during the period of detention. Ofsted has reported that young people transferred between establishments are often unable to complete programmes or progress to courses at a higher level because the subjects and qualifications offered differ.⁸²

(m)

How long is required to achieve tangible progress with groups of young people in custody, and between custody and community?

Earlier in this response we highlighted the concerns of custodial staff, reported in several research studies, that short sentences are unproductive because there is insufficient time to deliver intensive interventions and address the root causes of offending behaviour. The effectiveness of educational and rehabilitation programmes should not be a reason in and of itself to increase sentence length where that would be disproportionate to the offence committed. Thus, longer sentences must be accompanied by a higher custody threshold. Several major youth justice reports have recommended that the minimum period in youth custody should be raised to six months (as part of a 12-month DTO), alongside a higher custodial threshold.

However, the potential to improve young peoples' outcomes depends on resources as well as the length of time for which they are detained. A lot can be achieved if staff are motivated, highly trained, routinely supervised to support behaviour management and therapeutic skills, and there is a high staff to child ratio. Short sentences are problematic but very long sentences are also unnecessary for the rehabilitation of children. No child should be imprisoned for "life". All long sentences should be subject to review so that children who have made huge progress can be released early.

(n)

What incentives or accountabilities could be put in place to promote custodial and community services to work effectively in partnership before, during and after a young person is in custody, with the aim of securing improved longer-term outcomes?

⁸² Ofsted (2010) *Transition through detention and custody: Arrangements for learning and skills for young people in custodial or secure settings*, Manchester: Ofsted, pp17-18

We outline our standpoint below with regards to Payment by Results (PbR) and further devolving the custody budget to incentivise joint-working. In addition, as we have stated above, SCYJ believes that a statutory duty should be introduced requiring local authorities and their partners to support rehabilitation. Such a duty, if specific enough (for example by requiring the appointment of a personal advisor and the development of a plan) would be potentially enforceable by the courts.

With respect to longer-term outcomes, these should be quantified by the ‘distance travelled’ by the child (i.e. the extent to which their assessed level of risk has reduced) in key areas, such as educational attainment and engagement, family relationships, and health and wellbeing outcomes,⁸³ as well as recidivism (both frequency, seriousness and binary). Many of the children in custody have complex needs and entrenched patterns of offending; these are not going to cease overnight. Therefore looking at changes to their offending behaviour as well as ‘softer’ outcomes is a better measure of progress.

Given the close link between educational attainment and mental health and emotional wellbeing, it would also be useful for secure colleges to take the health and wellbeing ‘temperature’ of their unit using the Good Childhood Survey.

(o)

How can we design our approach to ensure that the widest range of providers with relevant experience can participate?

A number of factors need to be considered to ensure that the widest range of providers can be involved with ‘Secure Colleges’:

- Steps should be taken to ensure that external providers, such as charities and voluntary groups, are able to gain access to ‘Secure Colleges’. There is evidence that in some youth secure facilities, charities struggle to be permitted entry, especially if their staff are ex-offenders.⁸⁴
- Introducing a model of PbR risks ruling out small, innovative providers from being involved in Secure Colleges.

The physical environment and meeting demand

(p)

How many young people should be held in an individual Secure College?

⁸³ NHS outcomes framework and the public Health outcomes framework – as well as the forthcoming children’s outcomes framework

⁸⁴ Centre for Social Justice (2012) *Rules of Engagement: changing the heart of youth justice*, London: Centre for Social Justice, p161

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'Secure Colleges' should hold no more than 40 young people, accommodated in small living units of up to 8-10.

(q)

Where should Secure Colleges be located, and how might a network of such establishments that served England and Wales be configured? How would you manage the impact this might have on family and community links?

The planned 'Secure Colleges' should be configured to ensure that children are held in small units close to their homes. This would allow the effective participation of their families, carers and other professionals involved in their care, and for their successful return to their communities when released. Regimes also need to be gender-sensitive and specific in their approach (without being stereo-typing).

(r)

What physical environment might be required? How and to what extent could such a model be implemented within the existing youth secure estate?

The SCYJ would like to see the physical environment of 'Secure Colleges' to be configured as:

- Small units accommodating a maximum of 40 young people;
- Secure Colleges, rather than 'mini-prisons'. This entails minimising barbed wire, locks and excessively high parameter fences;
- Close enough to home communities to facilitate better coordination of resettlement plans and services; and
- A Psychologically Informed Environment.⁸⁵

We believe that there is potential to achieve this environment in the provision of Secure Children's Homes and Secure Training Centres. However it is our firm view that the model outlined above could not be achieved in Youth Offender Institutions as the setting that they offer is too far removed.

We also support the use of s.34 of the Offender Management to place children in non-secure or semi-secure 'step-down' units following custody, and for those with the very highest risks and needs, Multi-Dimensional Treatment Fostering. Such units help to ease young peoples' transition back to the community.

(s)

What are the key ways in which the costs of youth custodial provision can be driven down, recognising the constraints on public finances and the need to make significant savings?

As stated above, one of the major means of driving down the spending on youth custody is to reduce further the numbers of children who enter the secure estate. This could be achieved by

⁸⁵ PIE concept [<http://www.rjaconsultancy.org.uk/PIEconcept.html> (26.04.2013)]

better ensuring that as many children as possible are provided with the opportunity to access either Multi-Dimensional Treatment Fostering (MDTF - which has a better record of reducing costs and reoffending than custody⁸⁶) – or Multi Systemic Therapy (MST - for those whose families can be mobilised to support progress⁸⁷). These have the best record of reducing re-offending and secure costs based on a cost benefit analysis completed by the Washington State Institute of Public Policy and, in this country, by the Social Research Unit.⁸⁸ Other mechanisms for reducing the number of children in detention might include: introducing a statutory custody threshold to ensure that only the most serious and prolific young people are detained; and better ensuring (through improving custodial provision and post-release support) that those who are sentenced to custody do not return. SCYJ also supports further delegation of the youth custody budget to local authorities (i.e. for sentenced as well as remanded children). This would incentivise local authorities to focus greater resources and efforts on addressing children's needs in order to prevent them from committing crimes, entering the youth justice system and being sentenced to custody. In this light, consideration could be given to enabling any funding attached to the child (e.g. pupil premium and monies attached to a SEN statement) to follow them into custody.

SCYJ recognises the constraints on public finances and the need to make significant savings. However it is of the firm view that reforms to the secure estate must be driven, above all, by an impetus to improve radically the outcomes for young people. It is a false economy to focus primarily on driving down costs. It remains the case, too, that the most effective cost reduction options would be achieved through MST and MDTF before custody. These are currently only patchily available in local authorities and are not well accessed by YOTs for eligible young people.⁸⁹

(t)

If you have a proposed model, what is your estimate of how much it might cost to (i) set up and prepare for opening, and (ii) operate?

Not applicable

(u)

If the physical environment envisaged by your proposed model could not be delivered within the existing youth secure estate, what would be the estimated cost of securing new facilities and how might this be funded?

⁸⁶ Lee, S. Aos, S., Drake, E., Pennucci, A., Miller, M. & Anderson, L. (2012) Return on Investment: Evidence-Based Options to Improve Statewide Outcomes: April 2012. Washington State Institute for Public Policy.

⁸⁷ Ibid

⁸⁸ The Social Research Unit (2012) Costs and Benefits for competing investment options in children's services: investing in children: Youth Justice

⁸⁹ The Social Research Unit (2012) Costs and Benefits for competing investment options in children's services: investing in children: Youth Justice; Washington State Institute of Public Policy (2004) *Family Integrated Transitions Programme for Juveniles: Outcome evaluation and benefit cost analysis*. Washington: Washington State Institute of Public Policy

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Not applicable.

A focus on outcomes

(v)

How can tangible educational progress for different segments of the young people in custody best be measured, including by qualifications?

Educational progress should be measured by the ‘distance travelled’ by the child between the pre-sentence and post-release stage. This could include a measure of ‘recognised’ qualifications achieved and the level of attainment, as well as an assessment of progress in key areas, such as attitude to education, attendance, literacy and numeracy levels, speech, language and communication skills, self-confidence, and life skills. A measure that looks at qualifications alone is likely to be a poor reflection of children’s educational and wider progress. In particular, focussing on the number of qualifications achieved risks incentivising facilities to focus on quantity over quality.

It should also be recognised that while education is important, it is only one indicator of a child’s progress. Distance travelled should therefore look at a range of indicators (E.g. health, mental health, emotional well-being, maintenance/re-establishment of relationships with significant others outside of custody etc) and not just education. In this light, outcomes considered could include: engagement of the young person in education; the provision of sustained personal support following release from custody, purposeful and sustained engagement in ETE, and a reduction in the frequency and seriousness of re-offending over an agreed period of time.

(w)

How might a payment by results or incentive approach apply to a Secure College, and what outcomes should it focus on?

We have some reservations regarding the further roll out of PbR into the system given the questionable evidence of success of the Heron Unit. In this example, there was clear cherry-picking by providers, so that those with lower Asset scores were prioritised, thereby neglecting those who display the highest levels of need.⁹⁰ PbR also presents the following issues:

- Financial pressures to lower the cost of providing a youth justice service to an absolute minimum, which may lead to lower quality service;
- Pricing out grassroots voluntary sector providers (who often deliver the most innovative and effective service) because they are unable to either provide the upfront capital or carry the financial risk; and
- Difficulty with measuring outcomes – the extent to which any chosen indicator will provide an accurate indication of improved practice.

⁹⁰ Ipsos MORI (2012) *Evaluation of the London Youth Reducing Re-offending Programme (Daedalus). Final Report.* London: The London Criminal Justice Partnership , P131

Equality and diversity**(x)**

What are the likely impacts of our proposals on groups with protected characteristics? Please let us have any examples, case studies, research or other types of evidence to support your views.

Additional comments**(y)**

Do you have any further comments on our proposals in this document for transforming youth custody?

