

April 2016



CLINKS  
RESPONSE

# Clinks' submission to the review of the youth justice system

## About Clinks

Clinks is the national infrastructure organisation supporting voluntary sector organisations working with offenders and their families. Our aim is to ensure the sector and those with whom it works are informed and engaged in order to transform the lives of offenders and their communities. We do this by providing specialist information and support, with a particular focus on smaller voluntary sector organisations, to inform them about changes in policy and commissioning, and to help them build effective partnerships and provide innovative services that respond directly to the needs of their users.

We are a membership organisation with over 600 members including the voluntary sector's largest providers as well as its smallest, and our wider national network reaches 4,000 voluntary sector contacts. Overall, through our weekly e-bulletin Light Lunch and our social media activity, we have a network of over 15,000 contacts, which include individuals and agencies with an interest in the youth and adult criminal justice systems and the role of the voluntary sector in the resettlement and rehabilitation of offenders. For more information see [www.clinks.org](http://www.clinks.org).

Alongside its longstanding work in the adult Criminal Justice System, Clinks has been working more closely with voluntary sector organisations involved in youth justice since 2011, when the Ministry of Justice (MoJ) assumed greater responsibility for the work of the Youth Justice Board (YJB), and the MoJ Reducing Reoffending Third Sector Advisory Group (RR3) – which Clinks chairs – agreed to include youth justice within its remit.

Clinks is also a member of the Transitions to Adulthood (T2A) Alliance, which advocates a distinct approach to young adults aged 18-25 in the Criminal Justice System that takes account of their relative immaturity<sup>1</sup>, and of the Standing Committee for Youth Justice, a membership body that campaigns for a better youth justice system<sup>2</sup>.

## Background to this submission

In September 2015 Charlie Taylor was asked to lead a departmental review of the youth justice system for the MoJ – the Taylor Review. The review is examining evidence on what works to prevent youth crime and rehabilitate young offenders, and how this is applied in practice; how the youth justice system can most effectively interact with wider services for children and young people; and whether the current delivery models and governance arrangements remain fit for purpose and achieve value for money. An interim report was published in February 2016, setting out the initial findings of the review<sup>3</sup>. The final report is expected in July 2016.

Since early 2016 Clinks has been working with a number of national and local voluntary sector partners concerned with children, young people and youth justice



supporting voluntary organisations that work with offenders and their families

[www.clinks.org](http://www.clinks.org)



April 2016

to formulate this submission to the Taylor Review, not only in response to the interim report but also to address the broader themes encompassed by the review.

During February and March 2016 four events were held across England and Wales to consult with voluntary sector organisations concerned with young people and youth justice. These were facilitated by Clinks in partnership with the National Council for Voluntary Youth Services (NCVYS)<sup>4</sup>, London Voluntary Service Council (LVSC)<sup>5</sup>, 1625 Independent People<sup>6</sup>, Nepacs<sup>7</sup> and Voluntary Organisations' Network North East (VONNE)<sup>8</sup>. A roundtable was also convened by our partners the Black Training and Enterprise Group (BTEG)<sup>9</sup> and Partners of Prisoners (POPS)<sup>10</sup>, specifically to consult with Black, Asian and minority ethnic (BAME) voluntary sector organisations. In total, 89 individuals participated in the events, representing 65 organisations that reflected the diversity of the sector in terms of organisational size, location and remit.

In addition, Clinks worked in partnership with Nacro<sup>11</sup> and Peer Power<sup>12</sup> to convene two special consultation events in March 2016, involving 44 young people aged 15-25 who came from Leeds, Liverpool, Leicester, Salford, London, Bristol and Berkshire. Young people from York also fed into the consultation via an online questionnaire. All had some experience of the youth justice system, which included having contact with the police; being stopped and searched; receiving cautions and community orders; and being in custody in secure children's homes, secure training centres (STCs) and young offender institutions (YOIs). The workshops were led by other young people who had experience of the system.

Clinks would like to thank all our partner organisations, the event participants, and especially the young people, for contributing the views that have shaped this submission<sup>13</sup>.

### About the submission

This submission collates and summarises the key feedback – the main points of consensus among participants during structured, noted discussions – from all the consultation events with voluntary sector organisations and young people. It also includes direct quotes from young people, which are *"in italics and contained within quotation marks"*.

Drawing directly on the feedback from event participants, the submission highlights a range of issues that the Taylor Review is asked to consider and respond to in its final proposals for reform of the youth justice system. These are summarised in the next section, and are then expanded in further detail in the remainder of the paper.

Please note that, throughout this submission, we use the terms 'children' and 'young people' interchangeably, to refer to those aged 10-17 who are the focus of the Taylor Review.

## Key issues for consideration by the Taylor Review

### 1. The need for a theory of change

In its final report, the review should set out a clearly articulated, evidence-based theory of change – a set of core principles and a model of desistance appropriate to children and young people – to underpin any proposed reforms to the youth justice system, before decisions are made about structural change. This should be rooted in full adoption of the United Nations Convention on the Rights of the Child (UNCRC), and adopt a child-centred, welfare-based approach. It should be about building resilience in children, as well as supporting their desistance if they are caught up in the youth justice system.

### 2. The vital role of voluntary sector organisations

The voluntary sector plays a vital role in youth justice. Smaller voluntary sector organisations in particular have a great deal of local expertise and community connections, providing a route for young people to re-connect with, and develop a stake in, their local communities. Any proposals for systemic change must therefore take account of their impact on the voluntary sector and especially on small organisations. Reductions in the funding of local services have already left the sector in a fragile state. Providing effective, joined up responses to children and young people will require re-investment in partnership working with the voluntary sector and wider community, to involve them as key strategic and delivery partners.

### 3. Appropriately paced change that supports collaboration

Youth justice reform should not be rushed. It must be a considered, well managed process of change – a staged approach based on a set of agreed principles. The Taylor Review should also take account of the sector's experience of the recent Transforming Rehabilitation reforms and ensure that, however services are re-structured, systems for processing and sharing information are improved to support collaboration, ensure continuity of support and consistency for young people, and minimise risk.

### 4. Listening to children and young people

The youth justice system could do much more to listen to and act upon the views and experiences of children and young people. There should be better rights-based information and protocols empowering children to share in and challenge official decisions about them, and easier access to advocacy support for all. There would also be significant value in collective consultation with young people who have experience of youth justice agencies, aimed at improving services and driving quality. The Taylor Review is therefore asked to develop specific proposals to ensure that children's voices are heard, both individually and collectively.

### 5. Meeting the needs of specific groups of children and young people

Given the over-representation of looked after children and Black, Asian and minority ethnic children throughout the youth justice system (trends mirrored in the adult system), the Taylor Review should include specific strategies for targeted preventative and diversionary action to reduce their criminalisation and exposure to the youth justice system, and ensure they are better supported in custody and on resettlement to reduce their risks of re-offending. Similarly, although they comprise only a fraction of the young people held in secure conditions, girls have particular risks and vulnerabilities that require a distinctive, gender-sensitive approach. The specific needs of girls should therefore be separately addressed in the review's proposals.

April 2016

**6. Prevention and diversion**

The Taylor Review should build on the successes of the prevention and diversion strategies of the past decade. Improvements would include: earlier mental health and family interventions; more creative community-based opportunities for children to develop their strengths and skills; more support in schools and pupil referral units for children at risk; improvements to the training of police and sentencers; wider use of triage services; access to advocacy services for children in police custody; greater use of restorative practices; and potentially some continuing oversight of children's progress by children's panels or problem solving courts.

**7. Youth offending teams (YOTs)**

The current YOT model has succeeded in achieving year-on-year reductions in the number of children entering the youth justice system and custody. Although there is an identified need for closer working and much better communication between youth and children's services and YOTs, the possibility of formal integration with these local authority services also raises concerns. Whatever structure is finally proposed by the review, it will be essential to preserve the skills and expertise of the YOTs in working with children and young adults in trouble and to sustain and further develop the multi-disciplinary, community-based approaches that have made them effective.

**8. The secure estate**

The emphasis in the review's interim report on the replacement of the current youth custody estate by smaller secure school units, focused on education rather than security, is broadly welcomed. However, it will be vital for these schools to have a strong therapeutic element, rather than a narrow focus on classroom-based education. They will also need to enable good family and community links. The review is therefore asked to describe the proposed culture and regime of the secure schools in much greater detail in its final report. It should also say how the schools will meet the specific needs of looked after and BAME children, and of the small number of girls who need to be held in secure conditions.

**9. Resettlement support**

The Taylor Review's proposals should ensure that resettlement is a key focus of any custodial sentence. Community-based opportunities need to be identified and planned for at the earliest opportunity to provide a seamless transition from the secure school on release. A single, consistent worker should be attached to the young person throughout their sentence and licence period, to ensure continuity of care. Looked after children will require particular attention in this regard to maximise their opportunities for longer-term stability. Given the brevity of most sentences the review must also avoid setting children up to fail if they receive a brief, high quality educational and therapeutic input in the secure school, only to return to their previous situation on release. Continuity of education within a wraparound package of support beyond the secure school must therefore be assured.

**10. Organisational behaviour and staff skills**

The review should address the current fragmentation of organisational accountability for children and young people in the youth justice system, and ensure their needs for stable and continuous relationship support are met, both in the community and in custody. Children in trouble should be receiving psychologically informed support based on their need at any point of their journey through the justice system and beyond. There is a requirement at every level for well trained, highly skilled, and adequately paid staff. National training standards should therefore be introduced, rooted in an understanding of

April 2016

children's psychosocial development and the importance of relationships, alongside greater opportunities for continuous development and recognised career progression for staff working in all settings with troubled children and young people.

### **11. A devolved approach?**

**11.1 Devolution to local areas:** Although wholly devolved local responsibility for youth justice services has the potential to deliver more joined-up and effective support across community and custodial settings, it could also carry significant risk at a time when local authorities are so severely under-resourced. The Taylor Review should therefore ensure continuing national oversight of locally devolved youth justice services, and national setting and monitoring of quality standards, including assessment by service users. There are also concerns about an outsourced model of youth justice and of secure schools. The review is asked to consider carefully whether oversight and accountability for safety and success might be better assured by embedding new youth justice institutions in local democratic structures such as local authorities and Police and Crime Commissioners (PCCs).

**11.2 Wales:** Reforms introduced by the Wales Assembly Government since 2004 have been very successful in reducing the numbers of children and young people in the Welsh justice system, and it is suggested that youth justice should now be a fully devolved matter, in order to create the right conditions for further improvement. The model proposed by the Taylor Review of smaller units with an educational focus is not thought viable in Wales due to very low numbers of children in custody. There is furthermore concern that the creation of any new institutions could have unintended consequences and lead to increased detention. Instead it is thought the Taylor Review should work towards minimising the use of custody for children in Wales.

### **12. Transitions to adulthood**

Maturation to adulthood is now understood as a neurological process that continues well into the mid-twenties, and many young people leaving the youth justice system continue to present with profound needs for support appropriate to their emotional and behavioural immaturity. The Taylor Review should therefore incorporate proposals for transitional support of young people once they reach the age of 18 and move into the adult health, social care and criminal justice systems. This applies especially to custodial reform, where full consideration of transitions to adult services should form part of any proposed changes to the youth estate, and where the work of the review needs to connect closely with the Justice Select Committee's current inquiry into young adult offenders.

April 2016

## 1. The need for a theory of change

Young people talked a lot in their events about the need for a youth justice system capable of responding flexibly to their individual needs and strengths, rather than a 'one size fits all' approach focused mainly on education.

*"Nobody's getting to the root of the problem."*

*"It's not always education that's the answer."*

*"Everyone wants to better themselves in a different way.  
Throwing people through the same route doesn't work."*

Voluntary sector participants likewise pointed to the need for a clearly articulated, evidence-based theory of change – a set of core principles and a model of desistance appropriate to children and young people – to underpin any proposed reforms to the youth justice system, before decisions are made about structural change. This should be rooted in full adoption of the United Nations Convention on the Rights of the Child, and respond to young people as 'children first, and offenders second'<sup>14 15</sup>. It should be about building resilience in children<sup>16</sup>, as well as supporting their desistance if they are caught up in the youth justice system.

While welcoming the focus of the interim report on replacing most of the current secure estate with small secure schools and on improving educational outcomes, participants also wished the review to reflect a broader understanding of 'what works' to keep children out of the Criminal Justice System (CJS). Any theory of change for work with children at risk of entering, or already caught up in, the youth justice system should reflect a much more nuanced understanding of the kinds of interventions most likely to support improved outcomes for troubled, and often traumatised, children.

As further discussed in the submission, it should also take full account of the experiences of different groups of children, for example: looked after children; Black, Asian and minority ethnic children; girls; and young people in transition to the adult justice system. It should be capable of responding to the particular needs of children affected by trauma, substance misuse, learning disability, communication difficulties, brain injury and those with mental health needs. It should also reflect an understanding of the kinds of interventions likely to be most supportive of children's resilience/desistance at different points in their journey through the youth justice system: prevention, diversion, intervention, custody etc.

## 2. The vital role of voluntary sector organisations

Voluntary sector organisations have welcomed the acknowledgement in the interim report of the value of their support for children both in custody and in the community. In many instances they can have more impact on young people than statutory services; they often have more flexibility and space to be creative and tailor interventions to the needs of the individual. Practitioners from voluntary organisations may also be able to build more stable, trusting, positive relationships with young people as they are not viewed as part of the 'official' system and are not involved in enforcement. Smaller voluntary sector organisations in particular have a great deal of local expertise and community connections, providing an ideal route for young people to re-connect with, and develop a stake in, their local communities.

April 2016

***“Social workers and YOT [youth offending team] workers have so many cases so they don't have time to find you good courses and opportunities. There should be more advocates and people that can help you build networks and make connections. It feels like they tick boxes. You're a number. You're a statistic.”***

Since 2010, however, cuts to youth services and to YOT budgets have disrupted and damaged many previously successful partnerships, leaving the voluntary sector in a fragile state<sup>17</sup>. Previous collaborative approaches aimed at prevention, diversion and resettlement were highly effective and now need to be re-built if progress is to be sustained. Providing effective, joined-up responses to children and young people will therefore now require re-investment in partnership working with the voluntary sector and wider community, to involve them as key strategic and delivery partners.

Given the vital importance of the voluntary sector to preventing and addressing youth offending, any proposals for systemic change must also take account of their impact on the voluntary sector and small organisations in particular. The contracting out of services often leads to voluntary sector organisations being squeezed out by large private companies, or having their core mission diluted by contractual requirements to perform statutory duties within tightly defined parameters. The Taylor Review will therefore need to ensure that its proposals do not have unintended consequences for the sector, damaging its capacity to support improved outcomes for children and young people and restricting its availability to respond to statutory referrals.

### **3. Appropriately-paced change that supports collaboration**

Participants in all the events – including young people – said that recent changes in the CJS and cuts to youth services have significantly damaged trust and relationships between young people and services in the community.

***“Too many youth centres have closed down. It's hard for young people to use connections or build support networks.”***

***“There aren't enough resources to cope with all the young people that need the workers – some boroughs seem to have more people than others.”***

It is important to avoid worsening this situation. Any further reform must therefore happen with a view to successfully embedding the changes in the long term. As with any large-scale change, it will be important to avoid a spike in numbers entering the youth justice system and to protect existing provision while services are being restructured. There was a clear request from participants: please do not rush this. Youth justice reform must be a considered, well managed process of change – a staged approach based on a set of agreed principles.

Voluntary sector organisations voiced particular concerns around the impact on information sharing and effective collaboration of any further contracting out of youth justice services. Those with experience of the adult justice system described the recent Transforming Rehabilitation (TR) reforms as a disaster for collaboration, with Community Rehabilitation Companies (CRCs) refusing to share information about clients on the grounds of commercial sensitivity and large delays in the communication of information between prisons, CRCs, the National Probation Service (NPS) and voluntary sector organisations. It is feared that contracting out services could

April 2016

create the same situation in youth justice, with serious implications for the safety of the young people involved.

***"There is lots of information lost."***

Information sharing between statutory agencies and voluntary sector organisations is already seen as a significant problem. YOTs and children's homes often take weeks to share information with each other and voluntary sector organisations, delaying intervention and leaving young people with gaps in their support. Participants therefore urged the Taylor Review to ensure that, however services are re-structured, systems for processing and sharing information are improved to ensure continuity of support for young people and to minimise risk.

#### **4. Listening to children and young people**

The young people involved in the consultation events voiced a unanimous 'NO!' when asked if those with experience of the CJS are listened to and have their voices heard. This was at both the individual level and at the decision making/policy level.

***"We're not listened to; the majority don't want to listen."***

***"I've never had this opportunity before, to have a sit down and talk about these events and my views."***

***"Value our young people's opinions and listen to us as we're the ones who've lived it."***

At the individual level, young people associated this issue with not knowing how to assert their rights, and identified the need for better information and protocols empowering them to challenge official decisions about them.

***"It's really hard to get your voice heard. I got arrested when I was in a children's home; they didn't tell me what my rights were. I was on my own for hours."***

***"It should be easier to have your voice heard – it's a long process... it should have a structure, that's in the system."***

This lack of voice and feeling of extreme disempowerment were said to affect young people all the way through the youth justice system: in their dealings with the police; in court; with social workers and YOT workers; and in custody. Those who were aware of the complaints systems currently in place to address their concerns had little faith in them, and it was generally felt that there was a need for an easier route to advocacy support.

***"If I complain, I don't think anything will happen."***

***"Where do you complain then, when you can't get hold of anybody? I don't know. I was just left. There should be someone to go to, whenever."***

April 2016

They also thought there would be significant value in opportunities for collective consultation with young people with experience of youth justice, aimed at improving services.

***"Something like Children in Care Councils can be good, as young people see stuff that adults don't."***

***"No-one sits you down and asks what you can improve on, and make positive contributions... they should ask advice from young people 'cos they know how to help young people."***

There was a real appetite among the young people to have their voices heard, be involved in future consultation and make a difference. The Taylor Review was therefore asked to develop specific proposals to ensure that children's voices are heard and taken seriously both individually and collectively.

***"Please listen and make it happen."***

## **5. Meeting the needs of specific groups of children and young people**

Voluntary sector organisations voiced disappointment that the review's interim findings paid so little attention to prioritising the needs of specific groups of children and young people for targeted preventative and diversionary action, namely: looked after children, BAME children, and girls at risk. Looked after and BAME children and young people are so heavily over-represented in the youth justice system and in youth custody (trends mirrored in adult custody), that it was thought crucial to develop specific early strategies aimed at preventing further escalation of harm. Similarly, although they comprise only a fraction of the young people held in secure conditions, girls have particular risks and vulnerabilities that require a distinctive, gender-sensitive approach.

The Taylor Review was therefore asked to include specific strategies for targeted preventative and diversionary action in relation to these groups of children to reduce their criminalisation and exposure to the youth justice system, to ensure they are better supported in custody and on resettlement, and to reduce their risks of re-offending.

### **5.1 Looked after children and young people**

There are very high numbers of looked after children entering and remaining in the CJS into adulthood, and the criminalisation of young people in care is a significant problem<sup>18</sup>. Most looked after children have experienced a great deal of trauma and instability, which have a profound and lasting impact on their emotional development and maturation, self-esteem and ability to form positive relationships. Because of this, a trauma-informed approach, focusing on the therapeutic and psychological needs of the young person, is considered essential. Foster carers and staff in care homes, police stations, YOTs and youth custody should be trained in trauma-informed approaches and have a good understanding of child development/maturity and youth engagement.

Young people living in children's homes or poorly supported foster care are known to experience police intervention for incidents that would in other cases be resolved within the family<sup>19</sup>. This was highlighted in the young people's events.

April 2016

***“Growing up in care, you get into trouble much quicker, like police being called into a children’s home after an argument, but this probably wouldn’t happen if you lived at home. More understanding is needed about how it impacts the rest of your life – it’s all about risk.”***

Participants agreed that more research is needed into whether police and other agencies are treating looked after children differently, and that police officers and sentencers should receive training on the potential impacts of criminalisation on looked after children.

Restorative practices are considered particularly useful and important with looked after children, as these approaches replicate a family environment by focusing on mediation and inclusion, rather than punishment and exclusion<sup>20 21</sup>. It was thought restorative approaches should be embedded in children’s homes, with staff trained to use restorative practices to de-escalate situations and divert young people from the CJS, rather than resorting to police intervention.

The Association of Panel Members (AOPM), in its recent submission to the Justice Committee’s inquiry into the role of the magistracy, has also proposed the creation of a new Diversion Panel that would enable the Crown Prosecution Service to refer a child to a diversionary youth conference facilitated by the panel, giving them the opportunity to meet face to face with the victim of their offence and make amends for their actions<sup>22</sup>. It is thought this could be particularly useful as a means of diverting looked after children from the youth justice system.

Long-term, stable relationships with practitioners are important for all young people but particularly for looked after children who may have a strong distrust of authority and many experiences of adults harming or failing to protect them. Building trust with these young people takes time and patience, and practitioners need adequate space and smaller caseloads to develop these relationships. Some voluntary sector organisations also reported barriers to working with looked after children because of slow bureaucratic processes in children’s homes, and excessive rules for the young person, creating extra work for the organisation and isolating the young person from their peers.

Young people themselves talked about looked after children feeling they are nobody’s concern, especially once they are in custody. One young person said their 15 year-old friend was not visited by a social worker for three months when they were in a YOI. They therefore thought that secure schools closer to home would make it easier for social workers to maintain links with looked after children.

***“Aren’t looked after children supposed to be looked after?”***

***“Things become harder if you’re looked after. Also if you’ve come out of prison.”***

***“Social workers don’t send money or things, but they are the corporate parents?”***

Transition to adulthood is a particular concern for looked after children. Training in life skills and preparation for independent living is often very limited, meaning that the move into independent accommodation and adult services can be a trigger for offending. More therefore needs to be done to work with previously looked after children past the age of 18 and provide support for a

April 2016

gradual transition to adulthood, tailored to the needs and maturity level of each young person.

## 5.2 BAME children and young people

***"Constant racial comments from them [the police], they misuse their authority."***

***"They've laughed at me, said racist comments, calling me a slave, they just abuse people."***

We received feedback from all the consultation events, one of which was specifically aimed at BAME voluntary sector organisations, that the Taylor Review must recognise and address the severe and increasing over-representation of BAME children and young people throughout the CJS<sup>23,24</sup>. This should build on the learning from the Young Review, which has been working with the Government since 2014 to improve outcomes for young black and Muslim men in the CJS<sup>25</sup>. The Taylor Review should also be capable of usefully informing the newly commissioned Lammy Review of racial bias and BAME representation in the CJS, due to report by spring 2017, which will clearly have to take account of the early entry of many BAME children and young people into the CJS<sup>26</sup>.

There are still significant problems in the policing and criminalisation of BAME children and young people before they enter the CJS; David Lammy has stated however that this will not be a focus of his review of racial bias in the CJS. More training is needed for teachers and the police, not only to counteract institutional racism and unconscious bias but also to support less stigmatising, more culturally aware responses to BAME young people in their everyday lives. BAME voluntary sector organisations are particularly well placed to provide training to statutory agencies, including schools, to help them develop a better understanding of and more effective response to young people from BAME communities.

Suggestions to address this issue in schools include: greater use of mediation by community mentors; expanding the school curriculum to be inclusive of issues that impact on people in their communities; and community-delivered citizenship courses in schools, utilising those with lived experience and community knowledge. The relationship between school exclusion and criminal justice involvement may also need to be more closely examined. Black children are more likely to be permanently excluded from school, which is a known risk factor for offending (although BAME children generally tend to have higher educational attainment than white children).

BAME organisations believe BAME children are often excluded from diversionary opportunities such as referral orders and restorative approaches because they are mis-perceived as already being 'unmanageable' and beyond the reach of such initiatives, resulting in their rapid escalation through the youth justice system. They believe serious investment in a triage model, to divert children and young people wherever possible from police prosecution, could have a measurable impact on the number of BAME young people entering or remaining in the CJS in the longer term.

The majority of BAME voluntary sector organisations are small, local groups with slender resources and limited capacity, but significant knowledge and experience of the needs within their own communities. They have frequently pointed to the lack of sustainable funding for BAME organisations to collaborate together and the lack of status given to community interventions that understand and respond to the issues young BAME people face. They believe no value is currently given to youth and community work as a preventative or diversionary offer for BAME

April 2016

children and young people, and that this is a missed opportunity.

Commissioners and other statutory partners therefore need to develop professional relationships with BAME voluntary sector and community organisations and recognise and foster what they can achieve within local communities through asset-based approaches to BAME children and young people focused on key life skills, employability skills and self-confidence.

Many problems could also be addressed through increased flexibility in the work of YOTs, allowing practitioners to tailor their work or referrals to the specific needs and culture of each individual. However, BAME organisations are concerned that, when assessing a young person's needs, nothing is currently built into the assessment around cultural needs and practices, life experiences, or understanding communities – aspects which underpin an individual's sense of self or identity.

A good cultural understanding of the specific background of the young people practitioners work with is vital, particularly in relation to family and community ties. Many BAME young people are allocated to workers who have little to no understanding of their culture, creating an immediate barrier to developing a positive relationship. Practitioners do not necessarily need to come from the same cultural background as young people (although this would often help), but do need to have a well-developed understanding. Voluntary sector organisations could provide considerable help in this regard, if funded to do so.

These same issues clearly resonate in the custodial setting, where BAME organisations believe staff training is essential to avoid stereotyping, marginalising and further alienating young people. They warn against assumptions and labels that typify BAME young people as being at higher risk of re-offending, more violent and more likely to be gang-affiliated than their white peers. In custody as in the community, culturally sensitive approaches are needed which actively support important family and community contacts throughout the sentence, and enable peer support and informal mentoring to counteract feelings of isolation and alienation. Organisations that tailor work to the diverse needs and experiences of young people leaving custody are more likely to have a positive impact and realise better outcomes<sup>27</sup>.

The recent significant increase in Muslim boys and young men entering custody<sup>28</sup> is of particular concern and should be viewed in the context of increased suspicion of and discrimination against Muslims in the media, police and other UK institutions. Current agendas such as Prevent<sup>29</sup> and the focus on anti-radicalisation in prison are thought likely to exacerbate this. Reform in the youth justice system needs to directly address stereotyping by police, sentencers, YOTs and staff in custodial institutions, in order to prevent the continuing increase of Muslim young people entering the CJS<sup>30</sup>.

Employment is viewed as a key issue for those leaving custody, given the over-representation of BAME young people in unemployment figures, especially if they have a criminal record. A reformed youth justice system should therefore be supporting community businesses to invest in troubled young people and to view them as assets and not liabilities.

Overall, BAME organisations would like the Taylor Review to develop a much more practical response to the barriers facing BAME young people in the youth justice system. Re-shaping the youth custody estate as secure schools will only go some way to addressing such issues.

### **5.3 Meeting the distinctive needs of girls in the youth justice system**

Participants were disappointed that the Taylor Review's interim report did not mention the distinctive needs of girls in the youth justice system. Although their numbers are relatively small

April 2016

– especially in custody where only 50 girls were held in STCs in 2014-15<sup>31</sup> – it is nonetheless thought they should be receiving specific attention in the review<sup>32</sup>.

Since the publication of the Corston Review, which considered the needs of women offenders in the Criminal Justice System, a significant amount of work has been undertaken evidencing the need for gender-sensitive approaches to meet the distinctive needs of girls and women at risk<sup>33 34</sup>.

The high levels of physical and sexual abuse and exploitation experienced by girls are known to have serious consequences both for their own physical and mental health in adulthood and for the wellbeing and life chances of their children. These particular experiences are widely believed to demonstrate the increased importance of adopting a trauma-informed approach when working with girls, which includes the availability of appropriate psychological support.

***“I got treat badly by 10 male police officers, tried to search me... I said it needs to be a female to search me but they didn't listen.”***

Additional suggestions have included: making girls who have been excluded from school a priority for preventative work; targeted pilot work to stem the flow of vulnerable girls (especially those in the looked after system) into the youth justice system; providing peer mentoring from older girls and young women who have survived the system; offering more intensive support for girls during transitions from care; and providing additional support for young women in transition from the youth justice to the adult justice system.

***“Once they brought in a woman who had a hard life, and she talked to us from similar experiences.”***

Participants referred to previous reports highlighting the value of young women offenders being able to access 'one stop shop' services linked to community women's centres, delivered in ways that make them feel understood and safe and therefore better able to comply with any sentence requirements<sup>35</sup>. The learning from wider research is that girls benefit from services which are provided in a safe, nurturing, girl-only environment where there is an emphasis on positive relationships and relational safety; which addresses risks alongside strengths in the context of girls' lived experience; which promotes a positive version of girl or womanhood; and which incorporates work with families<sup>36</sup>.

***“She [social worker] calls me a bad mum to my face and in front of my daughter. All they want to do is take your kids off you. They don't want to help you.”***

Education and training should also be sufficiently flexible to meet the specific needs of girls – for example, many young women in the CJS are mothers and want to learn the skills to work flexibly or be self-employed in order to allow them to care for their children.

***“They need to teach you about life. About how to run your house. Look after yourself. Look after your children.”***

The Taylor Review now has a significant opportunity to ensure that any reform of the youth justice system takes full account of the distinctive needs of girls and delivers services that are responsive to their particular risks and strengths.

April 2016

## 6. Prevention and diversion – an overview

Participants welcomed the recognition in the review's interim report of the success of prevention and diversion in the past decade; they believe that any reform should build on this learning. Prevention and diversion need to be community-based and multi-disciplinary, involving the police, statutory services, voluntary sector and the wider community.

### 6.1 Early interventions

It is clear that young people can only respond to the opportunities in their immediate environments; they need to be presented from an early age with inspiring, positive alternatives to offending activity.

***"You're only coming from where you're coming from. Another way of life ain't in your awareness."***

***"Give us opportunities – everything centres around boredom."***

Young people themselves talked a lot about the importance of being given something productive to do, and a means to earn some money.

***"When you get older you don't want to play in the park. We like money, we want to do things that pay us."***

Some were concerned about the loss of youth services, especially in London, reducing their access to early support.

***"There are less places for young people to express themselves through music, gym, football, studio time."***

***"Youth centres are safe spaces young people can go to. These facilities would be able to spot a problem or be of help if the young person gets into trouble. Youth workers are usually people young people can trust, speak to and listen to."***

A resounding feeling from the young people was the importance of having positive role models in the community; people they could readily relate to and/or who shared their experience.

***"There are no positive role models. All you see is people selling drugs and making money."***

***"There should be more people like X [one of the peer facilitators] to chat to young people. Like role models who you can relate to and see another way. Speak to people who have been through the system."***

The arts and sport are particularly well evidenced approaches which resonate with children and young people and can help them to forge positive, non-criminal identities as they mature, as well as acting as 'hooks' to engage them in further education and training<sup>37</sup>.

***"Music helps me stay out of trouble. It's me."***

April 2016

Young people wanted more support from psychological services, but not the labelling and stigma attached to the term 'mental health'. They asked for more age appropriate language to be used for this service, to overcome barriers to engagement. With this caveat, all participants called for psychological support to be made available to children and young people at much earlier ages and stages. Thresholds for accessing Child and Adolescent Mental Health Services (CAMHS) are currently thought to be too high, given that one in 10 children aged 5 to 16 has a clinically diagnosed mental health disorder and around one in seven has less severe problems<sup>58</sup>.

***"Should be more outreach services. You can only access help when something really extreme happens like getting in trouble with the police or at hospital."***

Drug use by children and young people is also a key point of entry to the youth justice system and should be treated as a public health issue rather than a youth justice issue, to ensure that young people receive appropriate support and are not criminalised.

Early intervention should involve families, providing holistic support to address overall family issues such as poverty, domestic violence and parenting. Young people especially highlighted the impact of a troubled family background on their own behaviour.

***"My family were the reason why I got in trouble. Having family members who are involved in drugs and put pressure on you to get money."***

***"I preferred being arrested and spending the night in a cell than being at home with my mum."***

As having a parent or older sibling in prison is a key factor in youth offending, more should also be done to support children with a close family member in prison to reduce the likelihood that they will enter the youth justice system.

## **6.2 Schools**

It was clear from the young people's feedback that many of their problems first became evident at school. Most, if not all, of the young people had experience of being on report, detention and being excluded from several schools, from very young ages including primary school. They generally felt they had been rejected and not helped by mainstream education.

***"It was survival of the fittest. You have to help yourself and stand up for yourself. You act up for safety and then get kicked out. Blaming me, my family – judging me because of what my dad was like. Schools can be helpful places and give you support, but not for me."***

Voluntary sector participants thought schools should be providing better support for young people at risk of involvement with the youth justice system and teachers should be trained to be more aware of these children's issues. Schools often resort to punitive methods for young people displaying challenging behaviour, rather than investigating the underlying problems behind behaviour. This regularly leads to exclusion which is closely correlated with offending.

More should be done to work with pupil referral units and provide support services for excluded young people before they become involved in the CJS. The voluntary sector is well placed to support

April 2016

schools in managing young people at risk of involvement in the youth justice system, and their involvement would encourage schools to provide more opportunities for prevention and diversion.

### **6.3 Policing**

Young people voiced many general concerns about their treatment by the police, and talked about feeling completely powerless in the face of what they saw as police provocation.

***"Some individual officers have it in for you... you get stopped, and searched all the time, they harass you and take you to the station. They shout your name out of cars, cause trouble for your friends... it's like they are trying to make you flip by pushing you too far."***

***"You say you're under 17, they don't care, they don't listen... strip searching you and dragging you into cells. What's the point in complaining, they think they can do anything."***

***"Arrest you for one thing, add more stuff on, suspicions, picking on tiny things and make it a big thing... guilty by association for who you hang out with."***

***"I tried to complain, was arrested and assaulted with bruises. They had pictures of the assault but nothing ever came of my complaint."***

They were also very concerned about the labelling effects of being arrested or becoming known to the police. One young person said the stigma of their arrest had caused a traumatic breakdown in family relationships.

***"All my support went... I had nothing and needed to rebuild it all."***

Diversion for those who have been arrested is often at the discretion of the police. Young people highlighted however that warnings and cautions are only effective if the individual is ready to change.

***"Sometimes it can be good because it scares people. The type of person I am, a caution was good. It really scared me. I decided I wanted to stay out of trouble and avoid further trouble, learned from my mistakes and now I do volunteering."***

***"It depends on the individual young person. Sometimes warnings and cautions give young people a chance but other people see it as getting away with it."***

Participants argued that better training is needed for police officers to understand young people's needs and divert young people away from the CJS and into more appropriate services. The police must be able to signpost young people to alternative interventions – and the voluntary sector is a key partner in providing these.

***"Police don't know how to work with young people, for example where there are mental health issues... they start off as aggressive."***

April 2016

Police custody is not an appropriate place for young people to be held, and the time young people are spending in custody when arrested is unacceptable; alternative places of safety, such as mental health settings or care homes, should be found. Better advocacy should be also provided for young people in police custody. Many young people do not understand the long-term implications of decisions they make while in police custody, such as accepting cautions. Professionals and volunteers working in police custody need better training in order to support young people to make the best choices for them.

Some participants with experience of triage and bureau services located in police stations, such as those in Wales, highlighted their value in engaging with and diverting young people, and felt these should be much more widely implemented.

#### **6.4 Restorative justice**

As already discussed in relation to looked after children, and as advocated by AOPM and the Restorative Justice Council, participants felt that restorative practices could be used much more extensively to support prevention and diversion; this approach can de-escalate situations and interrupt the process of criminalisation. Restorative approaches should also be extended beyond court-ordered remedies, to community work and to youth work in schools.

#### **6.5 Sentencing**

Sentencing is an important part of diversion, and community alternatives to formal sentencing are thought much more effective than punitive community sentences and custody. Young people talked a lot about the impact of more punitive sentences on their lives.

***“Having a tag or curfew makes your life so different to those around you. It isolates you in so many different dimensions; you’re isolated from everyone else and isolated from living your life.”***

It was therefore thought sentencers should be better trained to understand the emotional maturation of young people and the impact of their sentencing, especially custody.

***“When we are at court, they should stop looking just at that specific situation and start looking at the whole – take a long-term approach.”***

Participants also suggested that sentencers should be more involved with young people in the longer term, to provide sustained oversight of and support for individual progress. Young people certainly felt that courts should do more to enable their direct participation in the process.

***“You can take ownership of your punishment, by being involved in the sentence yourself.”***

***“I don’t think we get asked enough because when I was in court it was to listen and not talk.”***

Children’s panels or problem-solving courts could provide an avenue for this more participatory approach, with sentencers following up young people at intervals after their initial sentencing.

April 2016

## 7. Youth offending teams

Participants identified considerable strengths in the current YOT model. Although improvements could be made, YOTs have proved very successful in achieving year-on-year reductions in the number of children entering the youth justice system and custody, and many thought the model should be preserved as the best way to deliver diversion and support for young people in the CJS.

While participants identified a need for closer working and much better communication between youth and children's services and YOTs, the possibility of formal integration with these local authority services raised concerns for some. For example, whereas YOTs were generally seen as being open to working with other agencies and the voluntary sector, local authority children's services were viewed as potentially more closed and wary of working with other organisations. Many young people spoke positively about the YOTs and the individual YOT workers who had supported them.

***"YOTs often provide more support than social services do."***

***"YOT keeps your time busy so you don't commit more crime."***

Anxiety was therefore expressed by voluntary sector organisations that the absorption of YOTs into local authorities' mainstream children's services could result in young people being unable to access the range of community support they can currently engage with, and an increased focus on safeguarding and risk management rather than on re-connection of children with their local communities. Additionally, whereas many YOTs will work with young people beyond the age of 18, providing support for young people navigating the transition into adult health and criminal justice services, children's services clearly end at that point. Integration could therefore lead to the loss of important transitional work currently being done by YOTs with those over the age of 18.

Other participants felt however that there could be significant benefits in 'de-labelling' children by keeping them in 'mainstream' children's services and away from 'offender-specific' services for as long as possible. Young people themselves certainly made many comments in their events about feeling labelled and 'written off' once they were dealt with as young offenders rather than as children.

***"People judge you different. They don't put no belief in you."***

***"They label you back to what you did. Once you're rejected it feels like boom in your face. Everyone deserves a second chance."***

The over-riding concern of all participants, however, was to preserve the skills and expertise of the YOTs in working with children in trouble. The review should therefore seek to sustain and further develop the attributes that have made them effective, in that they:

- are multi-disciplinary;
- work well in partnership with other agencies and voluntary sector organisations;
- provide vital advocacy for young people at many points in the youth justice system;
- offer a stable point of contact, and an important hub for sign-posting;
- provide a community and welfare response to children who have offended, appropriate to their social and developmental needs (rather than a legal or punitive one); and
- can provide ongoing support for young people beyond the age of 18.

April 2016

## 8. The secure estate

The emphasis in the interim report on the replacement of the current youth custody estate by smaller secure school units, focused on education rather than security, was broadly welcomed by all participants. Young people themselves were generally positive about the proposed shift of emphasis.

***“Education is a better approach.”***

However, it was thought vital that these schools should have a strong therapeutic element, rather than a narrow focus on classroom-based education. There was agreement that staff in secure units should be highly trained and skilled practitioners in fields such as education, mental health, trauma recovery and youth work, rather than following a prison officer model.

***“Otherwise it’s like covering up the wound but not looking at what’s causing the bleeding.”***

***“Definitely need a more therapeutic approach.”***

Concern was expressed about the potential attractiveness of the new secure schools to sentencers. Unless the new custodial option is very explicitly reserved only for the most serious and high risk young people, there is a danger that it will be used inappropriately or for longer periods in a misguided effort to help troubled children at low risk of serious re-offending who have disengaged from education. Young people were worried that sentencers would see the new schools as a means of ‘educating the uneducated’. Clear sentencing guidelines will therefore be needed, and local areas should be financially incentivised to focus investment on diversion and community-based solutions and to reserve custody for the very few.

Young people in custody present with high level emotional and learning needs, very challenging behaviour, and traumatic backgrounds. Many have sustained traumatic brain injury<sup>39</sup>, have a learning disability, or speech, language and communication difficulties. They therefore require significant support with a range of needs to get them to a point where they are able to engage in education. Many also enter prison with established drug habits, an issue highlighted by young people as a major issue within the current secure estate, both in terms of those using drugs and those withdrawing from them.

***“When you stop taking drugs it can affect your sleep and your behaviour.”***

***“Everyone’s smoking legal highs.”***

The review was therefore asked to describe the proposed culture and regime of the secure schools in much greater detail in its final report, and how they will respond to the wide-ranging needs of the young people in their care. As discussed in earlier sections, the review was also asked to describe how the schools will meet the specific needs of looked after and BAME children, and of the relatively small number of girls who need to be held in secure conditions.

The majority of young people in the youth justice system have had bad experiences in the education system, have under-achieved, and very often been excluded. The straightforward replication of a school environment in youth custody could therefore serve to further exclude these young people and disengage them from education. While incentives for engaging in

April 2016

education could be useful, participants believed education must not be linked to punishment. Young people who do not engage well in education in custody are currently punished severely, damaging their ability to approach education positively.

Education should be tailored to individual needs, strengths and interests. Although the low English and Maths skills of children in custody should be addressed, this focus must not be to the detriment of personal development through the arts and sport. Arts and sport have a strong track record of engaging young people who have previously struggled in traditional education, resulting in significantly improved educational outcomes and reduced re-offending<sup>40 41</sup>.

***"Personal development is important."***

***"Drama stuff and things that make young people feel comfortable."***

***"More sports courses are needed."***

These strengths-based approaches should be developed rather than lost in the focus on traditional subjects. Young people were especially clear that 'one size doesn't fit all' in education and training, and that giving choice and meeting underlying needs are equally important.

***"He's doing furniture repair but crying himself to sleep every night."***

***"Need to target individual needs, then you're going to focus people's minds there and make them more engaged."***

***"In prison you should have a voice to say if you want to be educated."***

Education in custody should include basic life skills such as cooking and budgeting, as many young people in custody will not learn these skills in the family. It must also be linked to employability and realistic employment options upon release. More vocational education and training should be available, and employers should be encouraged to engage with custodial institutions. Participants especially highlighted the importance of Release on Temporary Licence (ROTL) in providing valuable training and work experience opportunities for young people<sup>42</sup>.

***"Workshops and practical skills are better."***

***"Practical skills like plumbing and bricklaying that lead into work."***

Participants thought the new units should ideally hold only a small number of young people and have a high staff to resident ratio. They need to be thought of as local community facilities and have good travel links. Children and young people are currently being held far from their families and communities, damaging important ties and making resettlement more difficult.

Young people themselves voiced differing views on the issue of proximity to home. Some were concerned about peers continuing to influence one another.

April 2016

***"You could work in group for rehabilitation with people from your local area who influence each other and even offend together."***

Some also thought proximity would make it harder to bear the separation from family.

***"It might be like it's teasing you."***

Most thought that being closer to home would be beneficial, however, leading to reduced friction between young people from different parts of the country and helping to sustain vital relationships and support.

***"Could mean less warring with people from other areas."***

***"Be good to be close to family and those supporting you."***

Therapeutic support to sustain positive family ties and to support the continuation of relationships with other meaningful adults in the community (foster carers, volunteer mentors, faith and cultural communities) is seen as vital. Withdrawal of family visits must not be used as a disciplinary measure, as currently happens in some YOIs.

The secure schools will need to develop close links with local community services, education and employers. Youth custody is currently very closed but should become more permeable, offering opportunities for in-reach from communities and for young people to train and work in the community during their sentences. Voluntary sector organisations are seen as having key roles to play here in offering complementary interventions in areas such as the arts, sport and training/employment, in providing supportive relationships through volunteer mentoring, and in acting as bridges to wider community resources.

***"You need mentoring schemes – people that have been in prison to support young people."***

While acknowledging the importance of local autonomy and responsiveness to the specific profile of need within the secure school, participants nonetheless thought there must be strong central oversight of institutions, with a framework of national standards in place. From a voluntary sector perspective, the Transforming Rehabilitation reforms have resulted in highly differential practice across regions, with no mechanism for holding CRCs to account for the quality of their service delivery or their impact on other local agencies or partnerships. There was a plea for youth justice not to repeat this experience in new secure schools.

Where contracts are awarded to single providers for services of this kind, there is a tendency for them to bring support services in house or develop very short supply chains in order to deliver them more cheaply. Participants raised the concern that the introduction of this model for youth custody could squeeze out the voluntary sector and prevent a diverse range of localised service being offered to young people.

Participants did not express strong views either way on the future inspection of secure schools, but felt again that a narrow focus on education should be avoided. Joint inspections by Ofsted, HM Inspectorate of Prisons (HMIP) and the Care Quality Commission (CQC) were suggested.

April 2016

## 9. Resettlement 'through the gate'

There is currently poor continuity in holistic support, education and employment for young people released from custody. Young people themselves voiced considerable dissatisfaction with the support provided.

***"How can they drop you like that?"***

***"They promised me a college course and a flat and I got thrown out to nothing."***

***"I went back to jail because I had nothing else."***

Participants thought young people should receive intensive 'through the gate' support (preferably including mentoring), at the earliest possible opportunity. This will allow practitioners to begin to build relationships with young people before they are released and allow them to work with the young person to focus on their future goals and put plans in place for their release. If tasks such as finding housing, applying for benefits and securing training and employment are left until the day of release these can become overwhelming for the young person, cause considerable anxiety and stress, and have a detrimental effect on the progress they have made<sup>43</sup>.

The issue of proving their identity was raised by young people as a 'massive issue' on release from custody that needs addressing.

***"No National Insurance number means you can't get a passport, need a passport to get a bank account, need a bank account to get paid benefits."***

The Taylor Review was asked to take into account continuity in education upon release from secure school. Given the brevity of most sentences participants voiced concern about setting children up to fail if they receive a brief, high quality educational input in the secure school, only to return to their previous situation on release.

***"How can you properly educate someone on a short sentence, like a few months?"***

***"What about picking up courses you have already started?"***

As with transitions to adulthood, any 'drop off' in progress or services upon release can have a negative impact and trigger re-offending. Continuous educational, practical and emotional support between custody and the community could reduce the current high levels of re-offending for young people on short sentences.

A young person going into custody should have the same worker supporting them throughout their sentence and after their release, to ensure continuity and a positive relationship. Looked after children should also be the focus of particular support throughout and beyond sentence, to maximise their opportunities for longer-term stability<sup>44</sup>.

April 2016

## 10. Organisational behaviour and staff skills

In addition to commenting on the review's proposals for a re-structuring of the youth justice system, participants expressed views about the way services should be delivered and how staff could be better equipped to deliver them.

Encouraging and fostering positive long-term relationships between young people and the adults working with them (for example YOT workers, voluntary sector practitioners, social workers, care home workers) must be at the core of any developments in the youth justice system. Positive, stable and long-term relationships with professionals are key to providing young people with the support they need to lead happy and constructive lives; this is particularly important for looked after children, and for those with histories of trauma and abuse.

When asked to describe their 'ideal worker', young people talked mainly about the personal qualities needed for the role and thought that workers should be genuine, patient, forward thinking, confident, playful, a good listener, loyal and trustworthy, non-judgemental, kind, treat young people like adults and, above all, demonstrate real care.

***"The key word in care worker is 'care'."***

***"Someone who'll go the extra mile and will put their neck on the line for you."***

***"You need just that one person, who will really care."***

The youth justice system does not currently provide this stability of relationship with a single caring adult in either the community or in custody. Young people are transferred between agencies, with regular changes in the staff who work with them, leading to distrust and a lack of faith in the system.

Furthermore, the high level of churn in youth justice-related professions (for example officers in youth custody, YOT workers and social workers) due to low pay, poor training, high caseloads and excessive bureaucracy means that staff are often inexperienced and do not develop long-term relationships with the young people they work with.

Young people talked about this a lot in their events. Many young people said they were tired of having to tell their story repeatedly and felt this encouraged them to focus on past trauma rather than a more hopeful future.

***"Building trust takes ages... it can take a long time to get to know someone and open up, especially about personal things. That trust takes seconds to crumble. When new workers come in and go all the time it's hard."***

***"I had someone... and they left! They keep leaving... why am I going to make the effort with a new person when they keep going?"***

They also questioned whether some professional staff really cared for them or had any empathy with their plight.

April 2016

***"They're going back to their nice comfy homes and putting their feet up on the sofa."***

***"Caseworkers just wanna get their job done."***

***"When someone with a suit comes in and looks like an authority figure you can't relate."***

Recent budget cuts to YOTs, combined with the requirements of government policy and Youth Justice Board guidance, are also believed to have resulted in workers now spending too much time on risk assessments and other paperwork, leaving them with limited time to spend directly with young people and restricting their flexibility to work with young people in community environments.

The current lack of accountability for individual young people both in the community and in custody was lamented. Young people before, throughout and after their involvement with the youth justice system, are passed from department to department, agency to agency and practitioner to practitioner, with no one person or team responsible for their overall wellbeing.

Participants therefore asserted that each young person in the CJS should have one or more practitioners working with them long-term to provide multi-disciplinary, holistic support for whatever period of time is necessary to achieve independence and desistance. If the young person is taken into custody, this worker should continue to support them through this period and after their release into the community. YOT workers and other practitioners should also be able to continue working with a young person past the age of 18, to provide support for their transition from children's to adult services. This would require workers to have smaller caseloads, to enable them to spend more time getting to know young people and their families and to build lasting relationships with them.

It was thought children in trouble should be receiving psychologically informed support at all points of their journey, and not just in custody. This is about far more than just therapy. It is about psychologists and mental health workers working alongside youth workers, voluntary sector staff, teachers and youth justice workers to support them to use their relationships as the primary tool for change. It is not about frontline staff being therapists, but about them using psychologically informed interventions to help young people whose lives have been shaped by trauma and disrupted attachments to be better able to regulate their emotions, self-manage behaviours, learn to trust others, and develop belief in themselves and the future.

Participants therefore emphasised the need at every level of the youth justice system for well trained, highly skilled, and adequately paid staff. This is particularly important when working with looked after children, who have high levels of emotional trauma and behavioural difficulties, and with the small number of high risk young people left in custodial institutions. It was thought unacceptable that staff in YOIs and STCs are not specifically trained to work with young people, and can move straight from working in the adult system to working in the youth estate. Similarly, the low skill level of staff in children's homes is a significant problem, leading to reliance on the police to deal with challenging behaviour.

The review was therefore urged to propose national training standards rooted in understandings of children's psychosocial development and the importance of relationship building, and enable greater opportunities for continuous skills enhancement and recognised career progression for staff working with troubled young people both in custody and the community<sup>45</sup>.

April 2016

## 11. A devolved approach?

### 11.1 Devolution to local areas

Participants acknowledged that greater devolution of responsibility to local areas for the delivery of youth justice services could lead to improvements in local accountability and partnership working, and the provision of more seamless and effective support across community and custodial settings. Complete devolution to local authorities was thought to carry significant risk, however, at a time when local authorities are so severely under-resourced. The Youth Justice Board has played an important role in setting quality standards, providing research-informed assessment frameworks and monitoring the work of the YOTs. The review was therefore asked to ensure continuing national oversight of local youth justice services, and national setting and monitoring of quality standards, alongside the devolution agenda. National guidance for local areas was also thought important in relation to devolved budgets and commissioning, highlighting the importance of user involvement in the design, commissioning, delivery and monitoring of services.

It was thought that Police and Crime Commissioners are well placed to drive improved partnerships between the police and the voluntary sector aimed at diversion and early intervention, having already inherited the youth crime and substance misuse prevention budgets formerly held by YOTs. There is potential for PCCs to take a much larger role in the development of joined-up local strategies, bringing resources together to support and jointly commission targeted initiatives and to cement closer partnership working between the police, children's and youth justice services, other agencies and the wider voluntary and community sector.

Participants voiced considerable concern about any significant out-sourcing of core youth justice services. They feared this would make them even more disconnected from the local authority's wider statutory functions and services for children and families, resulting in a loss of democratic accountability and fragmentation of the holistic, child-centred approach that has proved so successful.

Participants were unclear about the Taylor Review's intentions for the ownership and accountability of new secure schools. Their experience of academy/free schools has largely been of a highly centralised model, with the Department for Education holding a contract for each school with the individual trust established to run it. There are concerns about how, in a centralised model of this kind, individual secure schools would develop effective communications and partnerships with the local authority children's services, YOTs, voluntary sector organisations and communities within their catchment areas.

Concerns were also raised about oversight of the safety of pupils in a centralised, outsourced school model – not least because of the abuses uncovered at Medway STC. Participants therefore questioned whether oversight and accountability for safety and success might be better assured by embedding youth justice institutions in local democratic structures such as local authorities and PCCs.

### 11.2 Wales

In order to take account of the significant differences in the development of the English and Welsh youth justice systems, Clinks facilitated a separate roundtable discussion with voluntary sector organisations in Wales to inform this submission. The roundtable participants felt that the history of youth justice in Wales, and the country's smaller and more dispersed population, require a distinct approach to be taken by the Taylor Review that fully acknowledges this difference.

April 2016

Since 2004 the Welsh Assembly Government has fully adopted the United Nations Convention on the Rights of the Child and associated protocols as the basis for all its work for children and young people<sup>46</sup>. Welsh youth justice policy is therefore founded on consideration of the rights of the child and an emphasis that custody should only be used as a last resort. Although youth justice formally remains a non-devolved policy area, the core services delivered by YOTs derive from wholly devolved areas of policy. This has allowed Wales to develop an approach to youth justice which is distinctive from the English agenda.

Regarding young people as 'children first and offenders second', the Welsh approach stresses that all children, including those who offend, have basic entitlements as of right and emphasises the responsibility of those working with children to ensure that they receive the services to which they are entitled. This approach has already been very successful in reducing the numbers of children and young people in the Welsh youth justice system, and participants agreed youth justice should now be fully devolved, in order to create the right conditions for further improvement.

Although partial devolution has already achieved positive outcomes, participants thought investment in targeted areas had led to something of a postcode lottery. Consistency in provision should exist across the country. A good model for youth offending services in Wales could be the Drug and Alcohol Charities Wales consortium<sup>47</sup>. This consists of a number of voluntary sector substance misuse agencies from across Wales, working with the Welsh Government as a partner.

YOTs were not always thought to be effective in providing the right support as they can be preoccupied with short-term results, rather than committed to long-term engagement. YOTs should take a broader approach to youth offending – Resettlement Support Panels are a good model for this – and police should be embedded in the teams. Youth offending budgets could also be devolved to PCCs, but a Wales-wide approach would be necessary, ensuring longer-term commissioning arrangements to overcome the current problem of short-term, fractured commissioning.

Wales has been consciously working towards a reduced custodial estate for children and young people since 2004 and this has been reflected in Welsh government policy and the approach of everyone involved in the youth justice sector. The model proposed by the Taylor Review of smaller units with an educational focus was not thought viable in Wales due to very low numbers in custody. It was furthermore not thought appropriate for the inspection of youth custody to be taken over entirely by Estyn (HM Inspectorate for Education and Training in Wales), replacing the current arrangements for joint inspections of secure children's homes and YOIs to be conducted by Estyn, Care and Social Services Inspectorate Wales (CSSIW) and HMIP.

Overall, participants were concerned that the creation of any new institutions could have unintended consequences and lead to greater numbers in custody. Instead it was thought the review should work towards minimising the use of custody for children in Wales. The issue of young people who are not from Wales or resettling in Wales being placed in Welsh custody should also be addressed, as Welsh services are currently unable to work with these children.

April 2016

## 12. Transitions to adulthood

Maturation to adulthood is now understood as a neurological process that continues well into the mid-twenties, and many young people leaving the youth justice system continue to present with profound needs for support appropriate to their emotional and behavioural immaturity. Participants therefore urged the Taylor Review to incorporate proposals for transitional support of young people once they reach the age of 18 and move into the adult health, social care and justice systems. This applies especially to custodial reform, where full consideration of transitions to adult services should form part of any proposed changes to the youth estate, and where the work of the review needs to connect closely with the Justice Select Committee's current inquiry into young adult offenders<sup>48</sup>.

Young people themselves identified transitions to adulthood as a huge issue. They spoke about feeling like the system had dropped them on their 18th birthday, when much of the support they received was withdrawn.

### *"It all changes when you turn 18."*

At this age, young people move into adult mental health services (which offer less support and have higher thresholds for entry than CAMHS), young people in care are moved from children's homes to adult housing services with very little support towards independent living, and young people in custody are often moved to the adult prison estate, where they receive significantly reduced support and opportunities for education and training. For those in the community, such transitions can be a trigger for re-offending, while in custody they can be a trigger for self-harm and suicide.

When transferring young people into the adult estate, there are currently significant barriers to information sharing, impacting upon young people's safety and the implementation and continuation of their sentence plans. Some voluntary sector organisations are unable to find their service users once they are transferred to the adult estate, as YOIs and STCs do not seem to be tracking them. There should therefore be a requirement for youth custody institutions to track which prisons young people are moved to.

Adult prisons often do not have the knowledge and training to deliver youth-specific sentences such as Detention and Training Orders (DTOs) or to respond to the needs of extremely vulnerable young people. This will be exacerbated if YOIs cease to exist, as is currently proposed by the Government. While the review's proposal of smaller, secure schools in place of YOIs and STCs was broadly welcomed, participants were concerned that, if matched by the scrapping of detention in a YOI for the 18+ age group, this could create an even bigger gulf between young people's experiences of the youth and adult systems. There was therefore felt to be a strong argument for the retention of YOIs, or for the creation of new, specific institutions for the 18-25 age group, better geared to meeting their rehabilitation needs.

Overall, participants felt that services should have the flexibility to continue working with a young person up to the age of 25, and that there should be a clear protocol and procedures in place around transitions from youth to adult custody, and an obligation for institutions and services to share information.



April 2016

### Next steps

Clinks and its partners have welcomed the opportunity to consult with voluntary sector organisations and with young people themselves to inform this detailed submission to the Taylor Review ahead of its final report, which is due for publication in July 2016. We hope these insights will prove helpful to the review and that its proposals for reform of the youth justice system will take full account of the issues highlighted for consideration.

Clearly we must now await the final report and stand ready to disseminate its key findings to voluntary sector organisations concerned with children, young people and youth justice, and to seek views on its recommendations. In the meantime we would welcome any further contributions of views from the voluntary sector and other stakeholders. We would also be very happy to contribute further to the Taylor Review in any way we can, including facilitating contact with our respective members or with young people who have experience of services.

For further contact about this submission, please email [lesley.frazer@clinks.org](mailto:lesley.frazer@clinks.org)

### References

1. See: <http://www.t2a.org.uk/> [last accessed 30/3/16]
2. See: <http://scyj.org.uk/> [last accessed 30/3/16]
3. Ministry of Justice (2016) Review of the Youth Justice System: An interim report of emerging findings. Online: <https://www.gov.uk/government/publications/review-of-the-youth-justice-system> [last accessed 30/3/16]
4. Please note that NCVYS closed on 1st April 2016, after this work was completed. Its membership services, policy work, awards network, and sector engagement in the young people's health agenda, have now been merged into Ambition: <http://www.ambitionuk.org> [last accessed 1/4/16]
5. See: <http://www.lvsc.org.uk/> [last accessed 30/3/16]
6. See: <http://www.1625ip.co.uk/> [last accessed 30/3/16]
7. See: <http://www.nepacs.co.uk/> [last accessed 30/3/16]
8. See: <https://www.vonne.org.uk/> [last accessed 30/3/16]
9. See: <http://www.bteg.co.uk/> [last accessed 30/3/16]
10. See: <http://www.partnersofprisoners.co.uk/> [last accessed 30/3/16]
11. See: <https://www.nacro.org.uk/> [last accessed 30/3/16]
12. See: <http://www.peerpower.org.uk/> [last accessed 30/3/16]
13. The views expressed in this submission reflect input from the voluntary sector participants and young people who attended Clinks' consultation events on the Taylor Review. They do not necessarily represent the views of Clinks, our members or wider voluntary sector network.
14. See: <http://www.unicef.org.uk/UNICEFs-Work/UN-Convention/>
15. During 2004 the Welsh Assembly Government adopted the United Nations Convention on the Rights of the Child (UNCRC) as the basis of policy making in this area. Since this time, the Welsh Assembly Government has fully adopted the UNCRC and associated protocols as the basis for all its work for children and young people. Online: <http://dera.ioe.ac.uk/10867/1/091117gettingitrighten.pdf> [last accessed 4/4/16]
16. See for example: Fergusson, D. and Horwood, L. (2003) 'Resilience to childhood adversity: Results of a 21 year study' in S. Luthar (ed) Resilience and Vulnerability: Adaptation in the Context of Childhood Adversities, pp130-155. Online: <http://www.otago.ac.nz/christchurch/otago014890.pdf> [last accessed 14/4/16]
17. See: <http://www.clinks.org/eco-downturn> [last accessed 11/4/16]
18. Figures published by the Prison Reform Trust in their most recent Bromley Briefings Prison Factfile (Autumn 2015), p42, show that in 2012-13 less than 1% of all children in England were in care, but looked after children comprised 61% of girls and 33% of boys in custody. Online: <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Bromley%20Briefings/Factfile%20Autumn%202015.pdf> [last accessed 28/3/16]
19. Howard League for Penal Reform (2016) Criminal Care: Children's homes and criminalising children. Online: [https://d19yipo4aovc7m.cloudfront.net/fileadmin/howard\\_league/user/pdf/Publications/Criminal\\_Care.pdf](https://d19yipo4aovc7m.cloudfront.net/fileadmin/howard_league/user/pdf/Publications/Criminal_Care.pdf) [last accessed 14/4/16]



# CLINKS

**Clinks supports, represents and campaigns for the voluntary sector working with offenders. Clinks aims to ensure the sector and all those with whom they work, are informed and engaged in order to transform the lives of offenders.**

Published by Clinks  
© 2016  
All rights reserved  
Authors: Lesley Frazer  
and Oonagh Ryder,  
Clinks Policy Team

Clinks is a registered charity no. 1074546 and a company limited by guarantee, registered in England and Wales no. 3562176.

Tavis House  
1-6 Tavistock Square  
London WC1H 9NA  
020 7383 0966  
info@clinks.org  
@Clinks\_Tweets  
[www.clinks.org/policy](http://www.clinks.org/policy)

## Clinks' submission to the review of the youth justice system

April 2016

20. The Association of Panel Members (AOPM) believes that diversion is particularly effective for the management of looked after children as it avoids their engagement in the Criminal Justice System, while securing enhanced access to support services. Restorative justice panels of members of local communities can therefore play an important role in caring for vulnerable looked after children, in addition to articulating to young people the locality effects of 'victimless' crimes. Online: <http://aopm.co.uk/> [last accessed 30/3/16]
21. The Restorative Justice Council provides extensive information and resources on restorative practice. Online: <https://www.restorativejustice.org.uk/> [last accessed 30/4/16]
22. Online: <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/justice-committee/role-of-the-magistracy/written/27948.html> [last accessed 30/3/16]
23. Figures published by the Prison Reform Trust in their most recent Bromley Briefings Prison Factfile (Autumn 2015), p40, show that, as at August 2015, 41% of children in custody were from a BAME background. Online: <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Bromley%20Briefings/Factfile%20Autumn%202015.pdf> [last accessed 28/3/16]
24. See: <http://www.beyondyouthcustody.net/wp-content/uploads/Resettlement-of-Young-People-Leaving-Custody-Lessons-from-the-literature.pdf> [last accessed 25/4/16]
25. The Young Review (2015) Improving outcomes for young black and/or Muslim young men in the Criminal Justice System: Final report. Online: <http://www.youngreview.org.uk/reports> [last accessed 17/3/16]
26. Prime Minister's Office (2016) Review of racial bias and BAME representation in criminal justice system announced. Online: <https://www.gov.uk/government/news/review-of-racial-bias-and-bame-representation-in-criminal-justice-system-announced> [last accessed 21/3/16]
27. See: <http://www.beyondyouthcustody.net/resources/publications/ethnicity-faith-and-culture-in-resettlement-a-practitioners-guide/> [last accessed 25/6/16]
28. In a 2014-15 survey, 21% of children in YOIs described themselves as Muslim, compared with 13% in 2009-10. See: Redmond, A. (2015) Children in Custody 2014-15, p53. Online: <http://www.justiceinspectors.gov.uk/hmiprison/inspections/children-in-custody-2014-15> [last accessed 30/3/16]
29. See: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/445977/3799\\_Revised\\_Prevent\\_Duty\\_Guidance\\_England\\_Wales\\_V2-Interactive.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/445977/3799_Revised_Prevent_Duty_Guidance_England_Wales_V2-Interactive.pdf) [last accessed 30/4/16]
30. A recent (2016) report from T2A and Maslaha, Young muslims on trial, notes that Islam is viewed with suspicion at every level of the Criminal Justice System and that these suspicions often counteract the potential for the practice of Islam to aid desistance. Online: [http://www.t2a.org.uk/wp-content/uploads/2016/03/Young\\_Muslims\\_on\\_Trial.pdf](http://www.t2a.org.uk/wp-content/uploads/2016/03/Young_Muslims_on_Trial.pdf) [last accessed 30/4/16]
31. HM Inspectorate of Prisons and Youth Justice Board (2015) Children in Custody 2014-15, p6. Online: [https://www.justiceinspectors.gov.uk/hmiprison/wp-content/uploads/sites/4/2015/12/HMIP\\_CP\\_-\\_Children-in-custody-2014-15-FINAL-web-AW.pdf](https://www.justiceinspectors.gov.uk/hmiprison/wp-content/uploads/sites/4/2015/12/HMIP_CP_-_Children-in-custody-2014-15-FINAL-web-AW.pdf) [last accessed 30/3/16]
32. See: <http://www.beyondyouthcustody.net/resources/publications/resettlement-girls-young-women-research-report/> [last accessed 25/4/16]
33. All Parliamentary Group on Girls in the Penal System (2012) Keeping Girls out of the penal system. Online: [https://d19ylpo4aovc7m.cloudfront.net/fileadmin/howard\\_league/user/pdf/Publications/Keeping\\_girls\\_out\\_of\\_the\\_penal\\_system.pdf](https://d19ylpo4aovc7m.cloudfront.net/fileadmin/howard_league/user/pdf/Publications/Keeping_girls_out_of_the_penal_system.pdf) [last accessed 30/3/16]
34. Clinks (2012) Breaking the cycle of women's offending: A System Re-design. Online: [http://www.clinks.org/sites/default/files/null/RR3%20Paper%20on%20Women\\_1.pdf](http://www.clinks.org/sites/default/files/null/RR3%20Paper%20on%20Women_1.pdf) [last accessed 30/3/16]
35. Ministry of Justice (2015) Justice Data Lab Re-offending Analysis: Women's Centres throughout England. Online: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/427388/womens-centres-report.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/427388/womens-centres-report.pdf) [last accessed 29/3/16]
36. McNeish, D. and Scott, S. (2014) Women and girls at risk: Evidence across the life course, p22. Online: <http://lankellychase.org.uk/wp-content/uploads/2015/12/Women-Girls-at-Risk-Evidence-Review-040814.pdf> [last accessed 30/3/16]
37. Tarling, R. and Adams, M. (2013) Summer Arts Colleges Evaluation Report 2007-12, London: Unitas
38. Department for Education (2016) Mental health and behaviour in schools: Departmental advice for staff in schools. Online: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/508847/Mental\\_Health\\_and\\_Behaviour\\_-\\_advice\\_for\\_Schools\\_160316.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/508847/Mental_Health_and_Behaviour_-_advice_for_Schools_160316.pdf) [last accessed 14/4/16]
39. Williams, H. (2012) Repairing shattered lives: Brain injury and its implications for criminal justice. Online: [http://www.barrowcadbury.org.uk/wp-content/uploads/2012/11/Repairing-Shattered-Lives\\_Report.pdf](http://www.barrowcadbury.org.uk/wp-content/uploads/2012/11/Repairing-Shattered-Lives_Report.pdf) [last accessed 1/4/16]
40. The National Alliance for Arts in Criminal Justice now has a solid library of evidence demonstrating that participating in arts activity contributes towards essential intermediate outcomes leading to desistance from crime. Online: <https://www.artsincriminaljustice.org.uk/evidence-library> [last accessed 30/3/16]
41. Tarling, R. and Adams, M. (2013). See note 37
42. Clinks and PRT (2016) Inside Out: The role of the voluntary and private sector in providing opportunities for rehabilitation for people on temporary release. Online: [http://www.clinks.org/sites/default/files/rotl\\_briefing.pdf](http://www.clinks.org/sites/default/files/rotl_briefing.pdf) [last accessed 22/3/16]
43. See: <http://www.beyondyouthcustody.net/resources/publications/custody-community-young-people-cope-release-research-report/> [last accessed 25/4/16]
44. Beyond Youth Custody has written extensively on what effective, 'through the gate' resettlement should look like. Online: <http://www.beyondyouthcustody.net/wp-content/uploads/Effective-resettlement-of-young-people-lessons-from-Beyond-Youth-Custody.pdf> [last accessed 25/4/16]
45. In 2015 T2A and Clinks published a guide for probation services on Effective approaches with young adults, which may also offer insights relevant to practice in youth justice. Online: [http://www.clinks.org/sites/default/files/basic/files-downloads/probation\\_guide\\_digital\\_ver4.pdf](http://www.clinks.org/sites/default/files/basic/files-downloads/probation_guide_digital_ver4.pdf) [last accessed 15/4/16]
46. See note 15
47. See: <http://dacw.co.uk/> [last accessed 8/4/16]
48. See: <https://www.parliament.uk/business/committees/committees-a-z/commons-select/justice-committee/inquiries/parliament-2015/young-adult-offenders/> [last accessed 15/4/16]