

February 2017



CLINKS
RESPONSE

Clinks response to the Review of the Youth Justice System in England and Wales

About Clinks

Clinks is the national infrastructure organisation supporting voluntary sector organisations working in the criminal justice system (CJS). 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, 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 500 members, including the voluntary sector's largest providers as well as its smallest. 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. These include individuals and agencies with an interest in the CJS and the role of the voluntary sector in rehabilitation and resettlement.

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Alongside its longstanding work in the adult 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 CJS that takes account of their relative immaturity,¹ and of the Standing Committee for Youth Justice, a membership body that campaigns for a better youth justice system.²

Background to this response

In September 2015 Charlie Taylor was asked to lead a departmental review of the youth justice system for the MoJ – the Taylor Review. Taylor's interim report was published in February 2016, setting out his indicative findings,³ and the final report was published in December 2016,⁴ together with the government response.⁵

Clinks worked with a number of national and local voluntary sector partners concerned with children, young people and youth justice to formulate our original submission to the Taylor Review in April 2016.⁶ This drew on four



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events held across England and Wales to consult with voluntary sector organisations concerned with young people and youth justice, facilitated by Clinks in partnership with the National Council for Voluntary Youth Services (NCVYS),⁷ London Voluntary Service Council (LVSC),⁸ 1625 Independent People,⁹ Nepacs¹⁰ and Voluntary Organisations' Network North East (VONNE).¹¹ A roundtable was also convened by our partners the Black Training and Enterprise Group (BTEG)¹² and Partners of Prisoners (POPS),¹³ 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 Nacro¹⁴ and Peer Power¹⁵ to convene two special consultation events that involved 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 and young offender institutions. The workshops were led by other young people who had experience of the system.

Drawing directly on the feedback from all these events, Clinks' original submission highlighted a range of issues that the Taylor Review was asked to consider and respond to in its final proposals for reform of the youth justice system. These are reproduced in full overleaf.

About this response

This document responds to both the final report from the Taylor Review and the accompanying government response. It has been developed in partnership with Nacro and Peer Power to ensure that our response continues to reflect not only the views of the many voluntary organisations that work with children in trouble but also the voices of the young people who participated in our earlier consultations.¹⁶ Where we include direct quotes from the young people's events, these are in italics and contained within quotation marks.

Our response is structured around an overview and analysis of the content of the review report and government response, evaluating their proposals against the issues highlighted in our original submission in order to identify what is welcomed as well as a number of areas that we believe continue to require government attention. Wherever possible we identify in the text the relevant paragraph of Taylor's report (e.g. T1) or government response (e.g. G1).

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



Key issues identified in Clinks' April 2016 submission to 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 reconnect 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 reinvestment 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 restructured, 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 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 and BAME 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 reoffending. Similarly, although they comprise only a fraction of the young people held in secure conditions, girls have particular risks and vulnerabilities that require a distinct, gender-sensitive approach. The specific needs of girls should therefore be separately addressed in the review's proposals.

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 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-20s, 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.



Overview

Charlie Taylor's final report, Review of the Youth Justice System in England and Wales, makes many far-reaching and welcome recommendations for reform.¹⁷ The report acknowledges that, while the number of young people cautioned or convicted has fallen dramatically since 2007, the needs of those children and young people remaining in the youth justice system are likely to be far more complex and their offending more serious. Many have experienced childhood neglect and trauma within their families and a significant number have been in care. They commonly have diagnosed mental health or other health problems, and learning difficulties. They are also disproportionately more likely to be boys from BAME backgrounds [T4].

Taylor proposes that government should respond positively to this highly challenging set of issues through radical changes to the ways children and young people are dealt with in police stations, courts, custodial settings and on release. His recommendations also emphasise the need for locally devolved, multi-agency interventions at much earlier stages to address children's mental health, educational and other cognitive and developmental needs, to prevent them from offending and to divert them away from the youth justice system wherever possible [T7].

Much attention has rightly focused on Taylor's welcome recommendations for the replacement of the current custodial estate for children and young people by small secure schools, managed by autonomous head teachers and delivering education within a therapeutic environment that adopts a psychologically informed approach. While it is positive that the Government intends piloting two such secure schools, their intended size and the design of their regimes are as yet unclear. Furthermore, the government response suggests that, certainly in the short- to medium-term, the majority of young people will continue to be held in the existing custodial estate, managed by governors rather than head teachers. Efforts to shift the youth custody regime will mainly focus on strengthening health and educational provision, establishing some specialist units within secure establishments, boosting staff numbers, training specialist youth justice officers, and improving resettlement support.

Overall, the bulk of Taylor's recommendations appear to have gained little immediate traction with government, despite their acknowledgement of his 'compelling case for change' [G7]. This is disappointing and we hope in the longer term that government will adopt and more fully realise Taylor's vision of a truly child-centred approach to children and young people who offend. The Government does however make a number of important, immediate commitments to review the governance and accountability of youth justice services and strengthen the many cross-departmental strategies that impact on children who offend or are at risk of offending.

Voluntary organisations already play important roles as strategic and delivery partners in youth justice, from local prevention and diversion through to resettlement, a contribution that we would like to have seen given more attention in the Taylor Review and government response. In light of the evolving nature of the reform agenda and the significant amount of detail that still has to be developed, it will be important for the voluntary sector to continue to offer government its knowledge and expertise as the programme unfolds, and to be given adequate opportunities to do so, including through effective co-production arrangements.

Children and young people with lived experience of youth justice also have an essential contribution to make, although neither Taylor nor the Government make specific reference to this in their respective reports. As we explore further within our response, this is a significant gap in the Government's strategy that needs to be addressed, to ensure that children's voices are heard and responded to.



1 / The need for a theory of change

Clinks' original submission urged Taylor to set out a clear, 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. It was thought this should be rooted in full adoption of the United Nations Convention on the Rights of the Child (UNCRC), and take a child-centred, welfare-based approach focused on building resilience in children, as well as supporting their desistance if they are caught up in the youth justice system.^{18,19} This view was reinforced by the young people participating in our consultation events, who felt they were all-too-often treated as adults in the youth justice system and that their future prospects were blighted by early labelling as 'offenders'.

“Once you're 18, you're an adult but under that age they try to treat you like an adult anyway, which is unfair.”

We also called for the youth justice system to reflect a much more nuanced understanding of the kinds of intervention most likely to support improved outcomes for troubled, and often traumatised, children. Young people themselves 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.

“It's not person-centred – they dictate what should be done to you.”

Although Taylor does not articulate an explicit theory of change, or advocate full adoption of the UNCRC, he does clearly argue as a core principle that both government and the public need to shift their view of youth justice so that we 'see the child first and offender second' [T6]. He is clear that almost all causes of childhood offending lie beyond the reach of the youth justice system and wants education and training to be at the heart of a locally devolved, multi-agency system, working with health and social welfare agencies to intervene with at-risk families before offending occurs, as well as being central in responding to offending [T7].

Taylor argues that while it is right for the youth justice system to tackle serious and persistent offending, it should not be used to redress childhood mistakes. Minor crimes should be dealt with outside the system and children who offend should always be dealt with at the 'lowest possible tier' [T9]. In these ways he advocates for the transformation of the system from 'justice with some welfare, to a welfare system with justice' [T179].

At the most serious end of the spectrum of childhood offending, Taylor is clear that children's resettlement and rehabilitation needs are best met through a co-ordinated approach from the secure establishment, education, health, housing, social care and youth offending services [T150].²⁰

In seeking an overall model of desistance appropriate to children, Taylor rightly identifies that there is surprisingly little robust evidence from the UK about which interventions are the most effective. He acknowledges however the undoubted importance of the quality of the worker who is involved with the child and the relationship that they strike up, and cites evidence suggesting that having one person directly involved, holding the child in mind, keeping going when things go wrong and caring about what happens to him or her, is vital in helping a child to change [T10].^{21,22}

The Government does not set out any clear theory of change to underpin its response, but says it is committed to sharing data and strengthening the evidence base on what works [G45]. It will provide 'discipline, purpose, supervision, and someone who cares' to help children in the



justice system build a better life, free of offending [G6], and says it is 'implementing [Taylor's] key recommendations by putting education at the heart of youth custody and improving the provision of health care to tackle the factors that increase the risk of offending' [G7]. The two pilot secure schools will deliver services using an evidence-based approach that addresses the social, emotional, educational and developmental problems of the young people in their care [G126].

Clinks, Nacro and the young people consulted from Peer Power very much welcome Taylor's proposed child-centred and welfare-based response to childhood offending, and the Government's intention to strengthen the evidence base on what works and to ensure that the two pilot secure schools deliver services using evidence-based approaches. We are disappointed that the government response does not indicate greater support for full implementation of Taylor's wider recommendations in order to achieve a truly child-centred 'welfare system with justice', and strongly advise that every effort be made to incorporate this as a guiding principle in all future service planning and delivery.

2 / The vital role of voluntary sector organisations

Clinks' original submission highlighted the vital role played by voluntary organisations 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 reconnect with, and develop a stake in, their local communities. Reductions in the funding of local services have already left the sector in a fragile state, however. We therefore asserted that any proposals for systemic change must take account of their impact on the voluntary sector and especially on small organisations, and emphasised that providing effective, joined-up responses to children and young people will require reinvestment in partnership working with the voluntary sector and wider community, to involve them as key strategic and delivery partners.

In his review report, however, Taylor makes almost no mention of the role of voluntary organisations as partners in the local youth justice system, apart from praising the innovative, child-centred work of some individual charities in relation to mental health support [T26], triage services [T58] and alternative provision schools [T140]. This is extremely disappointing.

At the level of national strategy and policy, Taylor does acknowledge the range and quality of voluntary organisations with an interest in youth justice and children's rights and recommends that the MoJ should establish a new expert committee enabling government to access the advice and expertise of these groups, as well as the views of system leaders and frontline practitioners, in developing strategy and policy and in monitoring the operation of the system [T171].

The government response likewise makes little mention of the contribution of voluntary organisations as partners in local system reform, although it does acknowledge the wide range of voluntary and community partners that provide guidance and mentoring as part of young people's resettlement support on release from secure establishments. In this context the Government proposes to strengthen its partnerships with these organisations to increase the support available for young people leaving custody, and provide mentors to help them sustain employment and training [G92]. The Government makes no response, however, to Taylor's suggestion of an expert voluntary sector committee to provide independent advice on its approach to youth justice.



Clinks, Nacro and Peer Power clearly welcome the Government's commitment to work with the voluntary sector in improving resettlement services and developing the range of support available, including mentoring.²³ This work will usefully build on the learning from the YJB resettlement consortia, which commissioned a range of voluntary organisations to deliver work with their cohorts of young people across mentoring, life coaching, trauma-informed work, restorative approaches and group work focused on masculinity.²⁴

The Government's evolving plans for reform of the youth justice system should take account of their impact on the voluntary sector and especially on small organisations, which play a vital role in youth justice, and the potential these have to help government achieve its intended outcomes. It will also be essential for government to consult fully with the voluntary sector about any proposed changes to the system and what future services will look like. For example, there is clearly potential for voluntary sector partners both to advise on and deliver the Government's proposals around the use of mentors for young people both in custody and the community.

At the level of national strategy and policy, we welcome Taylor's suggestion of an expert voluntary sector committee to provide independent advice to government on its approach to youth justice. Clearly the MoJ already benefits from its Reducing Reoffending Third Sector Advisory Group (RR3), whose broad remit has included youth justice since 2011.²⁵ In order to give youth justice reform the priority it deserves, however, the Government is now asked to accept Taylor's recommendation and establish a dedicated advisory group for youth justice. This could be achieved either by convening an entirely new committee or by establishing a specialist youth justice sub-group of RR3 with its own expert membership.

3 / Appropriately-paced change that supports collaboration

In our original submission we said that youth justice reform should not be rushed, but must be a considered, well-managed process of change – a staged approach based on a set of agreed principles. We urged Taylor to take account of the sector's experience of the recent Transforming Rehabilitation reforms and ensure that, however services are restructured, systems for processing and sharing information are improved to support collaboration, ensure continuity of support and consistency for young people, and minimise risk.

"If they are going to change things, they should trial it first, and test it with young people – they should show the evidence to young people."

While Taylor makes little reference to any timetable for achieving the changes he advocates, the Government's proposal to pilot two secure schools clearly indicates a relatively cautious and incremental approach to reform. The Government also acknowledges the need for a significant volume of work to be undertaken with a wide range of partners to underpin its youth justice reform plans, for example to review existing governance arrangements with the YJB, develop new standards and measures, clarify future commissioning arrangements, explore with local authorities how local areas can be given greater flexibility to deliver services, and develop an approach to sentencing reform.

Having set out its own broad vision for youth justice reform, the Government now needs to develop and share a much more detailed plan and timetable for the reform programme. This should include a clear plan for consultation and collaboration with stakeholders, including not only voluntary organisations but also young people with experience of the youth justice system. We urge the Government to adopt a highly collaborative approach when developing and implementing the proposed secure schools; to consult with, respond to and share decisions with young people, who know best what will work to improve their lives.

4 / Listening to children and young people

The young people involved in our earlier 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. In our original submission to the Taylor Review we therefore urged the youth justice system to do much more to listen and act upon the views and experiences of children and young people. We argued that there should be better rights-based information and protocols empowering individual children to share in and challenge official decisions about them, and easier access to advocacy support for all. We said 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. Taylor was therefore asked to develop specific proposals to ensure that children's voices are heard, both individually and collectively.

"It would be good if young people had more knowledge about the justice system. Knowing about your rights and how your rights work – when and how the police can stop you, the differences between cautions and warnings, going to court etc., and what impact this will have on your future."

Taylor's proposals to some extent do seek to ensure that children's rights and individual voices are better understood and heard in police custody, albeit mainly through a strengthening of the appropriate adult and legal representation services [T67, T69], rather than through any direct empowerment of children and young people to assert their rights and challenge official decisions. His proposals for the development of children's panels to replace the sentencing functions of the current youth court system are also partly intended to enable children to participate much more fully in the decisions made about them, rather than being 'passive recipients' [T98, T103].

In its response the Government says it will explore changes to the training and guidance given to appropriate adults but that in many instances this role is carried out by a parent or guardian, limiting the amount of information and support that can practicably be provided [G54]. The Government shares Taylor's concerns about young people's legal representation in court but makes no commitment to the development of children's panels. Instead it seeks to improve children's ability to participate in some instances through the use of video links located away from the court building, and says it will consider whether there should be further assistance available to young people in court [G61-64].

Neither Taylor nor the government response makes any reference to young people's voices being listened to or ensuring participatory approaches collectively, through work with agencies in the community. It is disappointing to find no recognition in either document of the importance of young people's involvement, particularly in light of the

launch of the YJB's own participation strategy just weeks earlier in November 2016.²⁶ The YJB asserts that capturing the views of young people, and sharing decisions with them, is vital if we are to have a truly distinct and child-centred youth justice sector, and its strategy sets out a clear commitment to improving engagement with young people.

We are disappointed to find no specific proposals in either the Taylor Review or the government response to ensure that children's voices are heard both individually and collectively, particularly in light of the launch of the YJB's own participation strategy just weeks earlier in November 2016. We therefore ask the Government to confirm its commitment to the strategy and to delivering the action plan contained within it, and to consider establishing a young people's advisory group to work with the YJB on youth justice reform.²⁷ Participation and involvement should also take account of the disproportionately high levels of special education needs and disabilities, especially learning difficulties and speech, language and communication needs among this group of children. The voluntary sector has considerable expertise in this area and can provide examples and models of good practice to support this work.^{28 29}

5 / Meeting the needs of specific groups of children and young people

Clinks' original submission highlighted the over-representation of BAME and looked-after children throughout the youth justice system (trends mirrored in the adult system). We therefore asked the Taylor Review to propose 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 reoffending. Similarly, although they comprise only a fraction of the young people held in secure conditions, girls have particular risks and vulnerabilities that require a distinct, gender-sensitive approach. We therefore asked for the specific needs of girls to be separately addressed in the review's proposals.

"The dynamics in relation to the youth justice system has improved immensely with fewer young people entering the system but with the over-representation of BAME, looked-after children and care leavers still a huge problem, this still lies within my curiosity, how are these numbers going to come down?"

5.1 / BAME children and young people

Taylor clearly acknowledges the over-representation of BAME and Muslim boys in the youth justice system [T4]. He recommends that the police and local authorities should pay particular attention to the needs and characteristics of BAME children in designing and operating diversion schemes, and monitor the rates at which these groups are diverted from court and formal sanctions compared to other children [T60]. He also calls for local authorities to be measured on the number of BAME children in the system, relative to the local population and crime trends [T47]. In urging reform of the criminal records system to make most childhood offending non-disclosable after a period of time, Taylor especially highlights the disproportionate impact of an early criminal record on the life prospects of young black men [T83]. He welcomes David Lammy MP's independent review of the treatment of, and outcomes for, BAME individuals in the CJS and the opportunity this presents to look at these problems in more detail [T60].³⁰

The government response likewise acknowledges that children and young people from BAME backgrounds are disproportionately represented in the youth justice

system compared to the general population. Their approach to preventing and tackling offending will seek to understand the different experiences and drivers behind young people entering the system. They are also committed to broadening the ethnic diversity of youth custody staff, and supporting existing and new BAME staff in post [G111]. The government response states that future work will be informed by the findings from the Lammy Review, due for publication in spring 2017, which the MoJ is supporting [G49].

While we welcome recognition in both the Taylor Review and government response of the over-representation of BAME children in the youth justice system, we believe this situation is now critical and we therefore urge the Government to develop and embed a specific response to BAME disproportionality within its youth justice strategy as a matter of urgency, rather than waiting for the findings of the Lammy Review.

5.2 / Looked-after children and young people

Taylor expresses deep concern about the over-representation of looked-after children in the youth justice system and makes a number of proposals to avoid their criminalisation wherever possible, especially in care homes [T76]. He recommends that care home staff should be trained to deal with incidents without recourse to the police, and that protocols should be established with police forces to agree a proportionate approach to offending in care homes, creating a presumption of no formal criminal justice action being taken unless absolutely necessary [T76-81].

When looked-after children appear in court, Taylor asserts that it should be mandatory for them to be accompanied by their carer or social worker [T102]. In considering the length of custodial sentences for children and young people, he recommends a longer minimum period of detention in secure schools to give sufficient time for educational and therapeutic interventions to have some impact. This is partly motivated by a wish to stop looked-after children receiving short custodial sentences that simply replicate their experiences in temporary foster homes or children's homes without benefit to their future prospects [T97]. Taylor also recommends that local authorities should look to retain the same social worker while a child is in custody and on release to maintain continuity of this important relationship, seeing this as being particularly important for looked-after children [T151]. However he does not believe all remanded children should automatically have looked-after status, and recommends the removal of this legal requirement [T157].

The Government makes no response to Taylor's recommendations for looked-after children in the youth justice system, although it acknowledges that childhoods spent in care are common in the backgrounds of many offenders [G4].

We warmly welcome Taylor's recommendations for looked-after children and young people, which seek wherever possible to divert them from the youth justice system, or to enable them to achieve better outcomes within it. His recommendations echo the more substantial programme of reform advocated by the independent Laming Review, 'Keeping Children in Care out of Trouble', whose final report In Care, Out of Trouble was published in May 2016.³¹ We urge government to respond proactively to the findings of both the Taylor and Laming Reviews, and to prioritise the achievement of significantly improved outcomes for children parented by the state. We also urge a much more collaborative approach, enabling looked-after children to have a greater say in all the decisions that are made about them.

5.3 / Meeting the distinct needs of girls in the youth justice system

In seeking to address the particular needs and vulnerabilities of girls, Taylor recommends that any girl who is arrested under the age of 18 should be allocated a named female officer, responsible for her welfare [T71]. The government response says this is already a legal requirement, and that new guidance is being introduced by the Home Office as part of work to revise the Police and Criminal Evidence Act (PACE) codes of practice, due to come into force early in 2017 [G52].

Taylor also recommends that, in developing a network of secure schools, the Government must pay particular attention to provision for girls, of whom only 25 were held in the youth custodial estate in November 2016.³² His vision is that girls should be held in secure schools in a mixed gender environment, as in the current secure children's home and secure training centre models. In making this recommendation, he acknowledges that commissioning, governance and inspection arrangements will need to pay particular attention to how the needs of girls are met in a secure setting in which boys are in the overwhelming majority [T148]. The government response makes no reference to the treatment of girls, however, other than in police custody.

As set out in our original submission, we reiterate the need for a distinct and gender-sensitive approach that recognises the different needs and vulnerabilities of girls, as well as their pathways into and out of offending. We consider that the specific needs of girls should be identified and actively addressed within the Government's ongoing plans for youth justice reform, building on the significant volume of work undertaken since publication of the Corston Review that evidences the value of such a differentiated approach. As the number of girls in custody is so small, the future reforms will need to consider how to hold them as close to home as possible while ensuring their distinct needs are met. Given the low numbers, there is surely now a compelling argument for all girls to be held in secure children's homes.^{33 34 35}

6 / Prevention and diversion

Our original submission urged the Taylor Review to build on the successes of the prevention and diversion strategies of the past decade. We suggested that 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.

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

"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."

Taylor sets out a comprehensive vision of locally-devolved prevention and diversion measures that very much echo those set out above, recognising that integrated, multi-agency work with families with multiple and complex needs and early identification of those at risk of offending are key to stopping children being drawn into the youth justice system.

Once children are involved in the system, Taylor believes they should be diverted away from custody wherever possible, through sentencing plans that allow them to remain in

the community and maintain their education and links with family, or through diversion into mental health or other services that can better meet their needs and deal with the root causes of their offending. His key recommendations include the following:

- Education services must become more fully integrated as partners in multi-agency work with troubled families and children [T32]. The recent Department for Education (DfE) white paper, Educational Excellence Everywhere, which makes schools financially responsible for commissioning educational provision for excluded children, should result in head teachers giving greater priority to the education of their most challenging children [T33]. It should also act as a further catalyst for joint work between youth justice workers and schools to make sure that the needs of individual children for high quality bespoke or therapeutic education are met [T34].
- Commissioners and providers should change the way mental health support is provided, to make it much more accessible to children identified as being at risk, and to assure its quality [T24-28].
- There should be diversion schemes in every area, jointly operated by local authorities, health services and police. These should be based on eight key principles: proportionality; sensitivity to victims (including the use of restorative practice where appropriate); devolved decision-making; speed; light-touch assessment; access to other services and community resources; high-quality leadership co-ordinated between police and local authorities; and independent scrutiny [T57-60].
- Children should not normally be held in police custody for more than six hours [T62] and should automatically be allocated a solicitor to represent them [T69].
- Mandatory standards should be established for appropriate adult schemes [T67] and the College of Policing should introduce mandatory child-specific training for all custody sergeants [T70].
- All charging decisions should take account of health screening assessments undertaken following the offence, together with any information held by the local authority [T74].
- The MoJ and Home Office should develop a distinct approach to criminal records for young people that seeks to avoid the 'offender' label impacting on their future life prospects [T85].
- There should be a presumption that all children's offences are heard in the youth court, with suitably qualified judges overseeing serious cases [T105].
- A new system of children's panels should be established [T98], to investigate the causes of the child's offending behaviour and put in place a robust plan that addresses the factors associated with it [T111]. This should hold all the parties involved – parents, carers, health, social care, housing and education services, and the child themselves – accountable for their contribution to its success [T112].
- The Government should remove or substantially restrict the availability of unproductive short custodial sentences, and the minimum period for children to be detained should be six months. Children under 16 should only be sent to custody if they pose a significant risk to the public [T117].

The Government makes only a partial response to Taylor's vision for prevention and diversion, mainly addressing his recommendations from point of arrest onwards and saying little about improving children's access to generic child and adolescent mental health services (CAMHS) or about a greater role in prevention for education services. In relation to Taylor's specific recommendations for prevention and diversion, the Government says that it will:

- Audit both local and national prevention initiatives in order to share best practice across the system; efforts will focus particularly on building the resilience of families and providing strong adult role models and mentors when families are not supportive, or are a negative influence [G44-46].

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- Work with NHS England to develop specialist mental health services for children with the most complex needs, and with the Home Office and police to ensure the most vulnerable young people have timely access to these and other community services. Little detail is provided, however [G47].
- Continue to work with NHS England and the Home Office to develop the liaison and diversion service [G47-48], although no mention is made of Taylor's recommendation for jointly-operated diversion schemes in all areas. Furthermore, the government response does not address Taylor's recommendation that charging decisions should take into account a health screening assessment and information held by the local authority.
- Work with the Home Office to consider Taylor's recommendations in light of the findings of the current Justice Select Committee inquiry into the disclosure of youth criminal records³⁶ and an awaited court judgment [G77].
- Work with the Home Office to ensure best practice in police contact with young people, while upholding the police's ability to protect victims and the public [G52].
- Work with the Home Office and DfE to explore changes to training and guidance given to appropriate adults, recognising however the limits to the amount of support that can practicably be provided to parents before they see their children in custody [G54].

In relation to courts, the Government says it:

- Will make the court experience more appropriate for young offenders, for example by removing unnecessary appearances and holding first remand hearings in the youth court rather than adult magistrates' courts.
- Shares Taylor's concerns about the quality of advocacy in the youth court and will consider whether further support should be available to young people in court [G59-64].
- Appreciates Taylor's concerns about use of the Crown Court and will discuss these issues with the judiciary and other parties [G65].

With regard to Taylor's recommendation for the creation of children's panels, the government response makes it clear that, while it supports the principles underpinning Taylor's recommendations and will explore how the review principles can be integrated into the current framework, it has no plans to implement children's panels.

In its response to Taylor's recommendations on sentencing, the Government asserts that restricting the use of short sentences creates a risk of 'perverse incentives' [G74]. It therefore wants to work with the judiciary and youth justice professionals to better understand these risks and to develop its approach to sentencing reform, exploring in particular how the Taylor Review's principles can be further integrated into the current framework [G75].

While welcoming the Government's commitment to the further development of the liaison and diversion service and to improving access to mental health and other supports for children with the most complex needs, we consider that the government response represents a missed opportunity to prioritise prevention and diversion and to make them part of a much more integrated, child-centred local approach to children at risk or in trouble – 'welfare with justice', as Taylor puts it.

We re-emphasise the point made repeatedly by the young people who attended our consultation events, that better training is needed for police officers to understand young people's needs and divert them away from the CJS and into more appropriate services.

In considering the disclosure of criminal records, we share Taylor's belief that a distinct approach is needed for young people that seeks to avoid the 'offender' label impacting on their future life prospects. However, we do not think a distinction should be made between children under and over 15. Any distinction should be between those under and over 18, to be consistent with the Government's definition of a child.

Overall, we hope that the Government will continue to explore how it can work with both national and local agencies and authorities to develop and implement a joined-up strategy for youth justice that responds to Taylor's full recommendations in the areas of prevention and diversion.

7 / Youth offending teams (YOTs)

In our original submission we pointed out that 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 we identified a need for closer working and much better communication between youth and children's services and YOTs, we highlighted concerns expressed by voluntary organisations and young people about the possible losses arising from subsuming the work of YOTs within mainstream local authority children's services. We therefore said that, whatever the structure proposed by the review, it would 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.

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

Taylor's proposals focus on the need for local authorities to have greater freedoms to innovate and develop their own models of youth justice delivery, and to integrate their youth justice responses with other children's and family services. He proposes that the Government should remove not only the requirement for local authorities to establish a YOT but also the ring-fence around funding currently allocated to youth justice services [T37, T39].

The government response says that it will continue to ring-fence grants for the provision of youth justice services within local authority funding to ensure sufficient funding for these services. However, it agrees there is a case for local authorities to be given more flexibility in how they deliver youth justice and says it will look further at the proposals that the Taylor Review makes in this area [G40].

In relation to government decisions about the longer-term future of YOTs, we reiterate that any proposed structure should preserve the skills and expertise of the YOTs in working with children and young adults in trouble, and sustain and further develop the multi-disciplinary, community-based approaches that have made them effective.

8 / The secure estate

The emphasis in the Taylor Review's 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 in our original submission. We said, however, that it would be vital for these schools to have a strong therapeutic element, rather than a narrow focus on classroom-based education, and that they should enable good family and community links.

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

“With the current recommendations to make it more education-focused, with secure schools, I think this could really work, however to make it work, we need to fix the things that are lacking first, and go back to basics, for example being better at relationships and communication.”

We therefore asked the review to describe the proposed culture and regime of the secure schools in much greater detail in its final report.

Taylor’s final recommendations call on the MoJ and DfE to work together to dismantle the existing youth custodial estate and replace it with a network of secure schools. These should be run, governed and inspected as schools, managed by autonomous head teachers, with education, health and offender desistance programmes at the heart of their work to rehabilitate children [T141-144]. They should be smaller custodial establishments of 60-70 places, located in the area they serve, and include:

- Behaviour management in the hands of skilful, well-trained education, health and welfare support workers instead of security staff;
- An improved health offer with a psychologically-informed ethos governing all interactions with children; and
- Significant work with parents and close links with education and other services in the community to aid effective resettlement and access to education, training or work after release.

The government response confirms that two secure schools (one in the north, one in the south) will be developed in line with the principles set out by Taylor, although their intended size and the detail of their regimes are not yet clear [G122-127]. Although the Government says it will be integrating mental and physical health support and services into its secure school model, this does not necessarily equate to the kind of therapeutic environment envisaged by Taylor. Nor is it clear what plan or timetable exists for secure schools to be rolled out across other parts of England and Wales.

The focus of the response on reform to the current youth custody estate suggests that, certainly in the short- to medium-term, the majority of young people will continue to be held in existing facilities, managed by more autonomous governors rather than head teachers. Efforts to shift the youth custody regime will therefore mainly focus on:

- Establishing a Head of Operations for youth custody, to drive up standards and reduce levels of violence [G35];
- Boosting frontline staff in young offender institutions by 20% and improving safety [G108];
- Training specialist youth justice officers [G109] and giving each young person a dedicated officer, responsible for ‘challenging and supporting them to reform’ [G19];
- Ensuring that each child has a ‘custody support plan’, reviewed in weekly meetings with their dedicated officer, providing an opportunity for the young person to talk through problems and set goals relating to behaviour, education and health [G114];
- Strengthening educational, health (and especially mental health) provision and developing a new pre-apprenticeship training pathway [G91]; and
- Establishing some specialist units within secure establishments to provide enhanced psychological support and guidance to children and young people with the most complex problems [G118].

We very much support Taylor's more individual approach to children and young people in secure settings, focused on their strengths and on building their resilience, confidence and skills to become successful and productive members of society. The review's emphasis on smaller local secure schools is particularly welcome, enabling family links to be maintained and providing access to education, training and employment opportunities in the community. Smaller numbers also mean a higher ratio of staff to young people, making it easier to build trusting relationships and to put plans and therapeutic interventions in place to meet young people's identified needs.

While we welcome the Government's commitments to improve the existing youth custody regime, we also advise communication of further details of its plans for the two pilot secure schools and how this model will differ from that of the existing secure training centres. We recommend full adoption of the therapeutic environment envisaged by Taylor, with small units holding children close to home, capable of responding to the particular requirements of children affected by trauma, substance misuse, learning disability, speech, language and communication needs, brain injury and those with mental health needs. The Government will also need a clear strategy to decommission young offender institution and secure training centre places as the secure schools come on stream, to avoid any unintended increase in the numbers of children in custody and to achieve year-on-year reductions in these existing forms of youth custody.

We look forward to hearing how government will measure the success of the pilots and what threshold/test will be used to determine whether there is a larger scale rollout of secure schools in the future. As previously stated, we also urge the Government to adopt a highly collaborative approach when developing the proposed secure schools and implementing its reforms to the wider existing estate, by consulting with the voluntary sector and enabling young people to express views and have their voices heard.

9 / Resettlement support

Our original submission urged the Taylor Review to make resettlement a key focus of any custodial sentence. We said that 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. Continuity of education within a wraparound package of support beyond the secure school must also be assured.

"They should do a programme of tasters of different jobs to give opportunities and get employers to meet young people and give them a chance."

"More peer mentoring, that have had experience of the system... helping you to build a support network."

Taylor highlights the current difficulty of a disjointed system in which resettlement responsibilities are divided between local authority, health and the secure establishment [T153]. He states that effective resettlement requires a coordinated approach from the custodial establishment, education, health, housing, social care and youth offending services, which can be better addressed through the commissioning of secure schools [T150]. Such schools can work closely with parents and have greater ties to education and other services in the community, aiding more effective resettlement and continued access to education, training or work after release.

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This may include giving children in custody greater opportunities to attend education and training back in their communities [T142], through greater use of temporary release [T154].

To support resettlement planning, Taylor recommends that local authorities should always aim to retain the same social worker during a child's time in custody [T151], and should ensure that all children know where they are going to live at least two weeks before discharge. If they are in care or will be living away from the family home, they should have the opportunity to visit the accommodation, see their room and meet the staff who will look after them [T153].

The government response reaffirms the importance of tailoring education and training to children in custody to prepare them for continued education, and apprenticeship or employment when they are resettled back into their communities. The Government therefore says it will:

- Establish a youth custody apprenticeship pathway and build partnerships to develop training and secure apprenticeships for children leaving custody [G91];
- Ensure each detained child has a learning plan with clear goals including what their education, employment or training destination will be when they leave the establishment [G90]; and
- Strengthen its partnerships with voluntary and community organisations to increase the support available for young people leaving custody, and provide them with mentors [G92].

The government response does not however indicate support for Taylor's recommendations to maintain the same social worker throughout time in custody or to ensure children know where they will live at least two weeks before release.

We welcome the focus in both the Taylor Review and government response on resettlement and on ensuring continuity of educational and training opportunities through the gate, for example through the youth custody apprenticeship pathway. The Government's proposals for mentoring are also welcome, and suggest there is a vital role for voluntary organisations to play in resettlement support.

Given that consistency of support and accommodation are key factors associated with effective resettlement for children and young people, we are disappointed however that the Government has not supported Taylor's recommendations to maintain the same social worker throughout time in custody or to ensure children know where they will live at least two weeks before release, and we urge it to revisit these proposals.

A long-term resettlement strategy is now needed, detailing how the framework and performance standards will ensure a wraparound package of support for young people on release. The welcome proposal for a custody support plan must for example be linked to preparing the young person for their release. The plan should focus on identifying future goals and supporting the young person to achieve them through tailored support in custody, through the gate and into the community. The custody support planning process should therefore include input from the young person's YOT worker and enable access to the young person by relevant local agencies, in order to provide a seamless transition to the community services supporting their resettlement, and a seamless handover for the community part of their sentence.

Given the low numbers of girls in custody, the Government's resettlement strategy needs to ensure that expertise and good practice in the resettlement of girls and young women are shared between agencies and individuals around the country, and identify effective ways of commissioning gender-sensitive resettlement services for this group.

10 / Organisational behaviour and staff skills

In our original submission Clinks, Nacro and Peer Power urged the review to 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. We said 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, and identified a requirement at every level for well-trained, highly-skilled, and adequately-paid staff.³⁷ We suggested that national training standards should therefore be introduced, rooted in an understanding of 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.

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

Taylor clearly acknowledges the importance of children being cared for by well-trained staff at all stages and he makes a number of recommendations for improved training of staff in children's homes, police stations and YOTs [T17, T70, T28]. He acknowledges that 'having one person directly involved, holding the child in mind, keeping going when things go wrong and caring about what happens to him or her, is vital in helping a child to change' [T10], and this clearly underpins his recommendation that all children should retain the same social worker during any period in custody [T151]. He also considers that head teachers of secure schools should recruit and train their own staff, to create a productive and therapeutic culture which will raise attainment, improve children's behaviour and promote their rehabilitation [T142].

The government response clearly acknowledges the need for improved training of staff in the custodial estate. It will create a new role of youth justice officer and an apprenticeship scheme for staff who wish to work towards this role [G110]. Training for youth justice officers will include developing skills in child psychology, understanding when and how to use interventions, working with young people with special educational needs and disabilities, and effective practice in supporting children and young people to desist from crime. In the longer term the Government would like to see greater movement between custody and the community, with practitioners able to work across both disciplines [G109].

We are disappointed that the government response does not address Taylor's recommendations for improved training of staff in children's homes, which we believe remains vitally important to the diversion of looked-after children from the justice system. We also reiterate the need for training of custody sergeants in police stations to form part of the Government's work with the Home Office, to ensure best practice in police contact with young people.

We welcome the Government's focus on developing the skills of staff working within both the pilot secure schools and the wider custodial estate, and its proposals for the new role of youth justice officer. We now look forward to hearing how staff will be recruited and trained for the new role. If there is to be greater movement of staff in future between custody and the community, we urge the Government to introduce common national training standards not only for youth justice officers but for everyone working in youth justice, to ensure that effective practice is consistently applied and to provide 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

Our original submission reflected views from voluntary organisations that, 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 facing such difficult budgetary challenges. Whatever the system, young people were concerned to ensure a focus on local areas being able to meet the particular needs of their own children and young people.

“Instead of looking at one whole system nationally, you need to look at local area need and individual support needs, otherwise it’s a false economy!”

We therefore urged the Taylor Review to ensure continuing national oversight of locally-devolved youth justice services, and national setting and monitoring of quality standards, including assessment by service users. We also voiced concerns about an outsourced model of youth justice and of secure schools, and asked the review 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 PCCs.

Taylor is fully committed to a wholly-devolved youth justice system, believing that many of the problems in the system are ‘symptomatic of an uneasy divide between central and local responsibilities’ [T49]. As already discussed, at the level of community youth justice services Taylor wishes the Government to remove not only the requirement for local authorities to establish a YOT but also the ring-fence around funding currently allocated to youth justice services [T37, T39]. He also recommends that the Government should devolve the custody budget so local areas can assume responsibility for commissioning their own secure provision. In his view this would provide the greatest opportunity to tailor custodial services to the particular demands and challenges in an area, increase the integration of services, reduce the use of custodial remand, and improve resettlement [T51].

In making his recommendations for a more devolved youth justice system, Taylor acknowledges this implies a reduced role for the centre, although important central strategic and operational functions would remain, such as inspection of custodial establishments [T166]. He therefore recommends that the YJB should be replaced by the Office of the Youth Justice Commissioner, a specific directorate created within the MoJ, to bring together responsibility for policy and delivery of youth justice [T168].

As discussed in a previous section, the Government does not accept Taylor’s recommendations regarding the future of YOTs or their current ring-fenced funding. Nor does it respond to his recommendations for devolved custody budgets or replacement of the YJB. Instead, the Government says it will now work with the YJB to review the governance and accountability framework for the whole system, with a focus on ensuring clearly defined outcomes and performance measures [G33]. This will include developing new national standards for a strengthening of inspection arrangements [G105]. The Government will also review complex custody commissioning functions to create a simpler structure, including the creation of a single head of operations for the youth secure estate.

We recognise the opportunities reflected in Taylor’s recommendations for a wholly-devolved system and the potential this could offer for greater innovation, strengthening links between local YOTs, children’s health and education services. We also consider that the devolution of custody budgets could give local areas a financial incentive to keep children out of expensive custody through justice reinvestment, opening up the possibility of an ‘end-to-end’ whole-systems approach to troubled children and young people.

However, we also acknowledge the risks of a wholly-devolved system at a time when local authorities are faced with such difficult budgetary challenges and must balance the competing needs of all sections of the community. If custodial budgets are to be devolved, for example, it will be vital to have some continuing central oversight, to ensure that children requiring secure placements are receiving high-quality services that meet their needs, provided close to home.

An appropriately-paced programme of national and local change is therefore needed, which carefully evaluates the costs and benefits of local devolution to ensure consistency and continuity of support for young people and to minimise risk. In order to achieve this, the Government’s reform programme needs to be evidence-based and conducted on agreed principles. It should also be underpinned by improved government systems for sharing information and consulting with all national and local stakeholders, including voluntary organisations and young people themselves, to support greater collaboration and to achieve improved solutions.

11.2 / Wales

Following our consultation with voluntary organisations in Wales, we highlighted in our original submission the reforms introduced by the Wales Assembly Government since 2004, which have been very successful in reducing the numbers of children and young people in the Welsh justice system. Event participants suggested that youth justice should now be a fully-devolved matter in Wales, to create the right conditions for further improvement. The secure schools model being proposed by the Taylor Review was not thought viable in Wales due to the very low numbers of children in custody. There was furthermore concern that the creation of any new institutions could have unintended consequences and lead to increased detention. Instead it was thought the Taylor Review should work towards minimising the use of custody for children in Wales.

Taylor acknowledges the successes that have been achieved in Wales but does not address whether youth justice should now be a fully devolved matter. As in England, he recommends that YOT budgets and custodial budgets should now be devolved to Welsh local authorities [T39, T52]. He says that the MoJ should work closely with the Welsh Government to explore how secure schools could be created in Wales, making sure that there is broad consistency in the approach while tailoring it to reflect current devolved arrangements and to achieve integration with wider services for children in Wales [T146]. While recommending that a newly-appointed youth justice commissioner should take charge of youth justice strategy, policy and delivery across Wales as well as England [T169], Taylor says government should work closely with the Welsh Government to make sure that youth justice strategy takes proper account of devolved responsibilities in Wales [T165].

The government response acknowledges that, although the youth justice system covers England and Wales, the majority of services for children and young people in Wales are devolved. Welsh government departments and other partners in Wales with responsibility for areas such as education, housing, health and social services will therefore have a significant role to play in the delivery of the Government’s youth justice strategy [G30], and the Government says it is committed to continuing

its existing collaborative approach with the YJB in Wales and the Welsh Government [G31]. As the Welsh Government is responsible for the delivery of education in Wales, the Government will work with them to consider how the principles of secure schools may apply in Wales [G122].

Given the concern that Clinks heard from voluntary organisations in Wales about the potential for any new custody arrangements such as secure schools to undermine success in reducing the use of detention in the principality, we urge government not only to work closely with the Welsh Government on these matters but also to ensure plentiful opportunities for wider stakeholder consultation and involvement across Wales, including Welsh voluntary organisations and young people themselves.

12 / Transitions to adulthood

Maturation to adulthood is now understood as a neurological process that continues well into the mid-20s, and many young people leaving the youth justice system continue to present with profound needs for support appropriate to their emotional and behavioural immaturity. In our original submission we 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 criminal justice systems. This applies especially to custodial reform, where full consideration of transitions to the adult estate should form part of any proposed changes to the youth estate. Furthermore, given that young women are no longer held in young offender institutions, this transition is even more stark for the small number of young women who transfer into adult prisons, and requires particular care to be taken to avoid further traumatising this vulnerable group.

“It all changes when you turn 18.”

Taylor makes no recommendations for children’s transitions to adult services once they reach the age of 18. He proposes that rather than involving support from HMI Probation, local authority youth offending services in England should in future be inspected by Ofsted as part of the inspection of children’s services, while youth offending services in Wales should be held to account by Estyn and CSSIW. This recommendation would effectively dilute the existing close links between the inspection systems for youth and adult justice services, which currently enable expert monitoring by HMI Prisons and Probation of the management of children who are at risk of committing serious offences, and an assessment of how well cases are transferred to adult services.

The government response likewise does not address the issue of children’s transitions into the adult CJS. It makes no immediate proposals to change current responsibilities for the inspection of youth justice services, but says these will be strengthened, creating a new mechanism for HMI Prisons to trigger intervention in failing institutions [G36].

We are disappointed that neither Taylor nor the government response incorporates 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.

However we warmly welcome the acknowledgement, in the recent government response to the Justice Committee’s report on the treatment of young adults in the criminal justice system, that ‘transition from the youth to the young adult estate can be challenging due to the distinct nature of the two services, and anxiety and vulnerability may occur at this time’.³⁸ The Government says the 2012 transitions protocol is now evolving into a policy framework, setting out mandatory requirements to which governors must adhere.



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We now urge the Government to address this issue explicitly within its youth justice reform programme, by developing a clear youth justice standard on the management of transitions from the youth to adult estates and ensuring that the strengthened inspection regime for youth justice services monitors and reports on its effective application.

Notes

1. See: www.t2a.org.uk [last accessed 3/2/17]
2. See: www.scyj.org.uk [last accessed 3/2/17]
3. Ministry of Justice (2016) *Review of the Youth Justice System: An interim report of emerging findings*. Online: www.gov.uk/government/publications/review-of-the-youth-justice-system [last accessed 3/2/17]
4. Taylor, C. (2016) *Review of the Youth Justice System in England and Wales*. Online: www.gov.uk/government/publications/review-of-the-youth-justice-system [last accessed 3/2/17]
5. MoJ (2016) *The government response to Charlie Taylor's Review of the Youth Justice System*. Online: www.gov.uk/government/publications/review-of-the-youth-justice-system [last accessed 3/2/17]
6. Clinks (2016) *Clinks submission to the review of the youth justice system*. Online: www.clinks.org/sites/default/files/basic/files-downloads/clinks_taylorreview_final.pdf [last accessed 3/2/17]
7. Please note that NCVYS closed on 1 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: www.ambitionuk.org [last accessed 3/2/17]
8. See: www.lvsc.org.uk [last accessed 3/2/17]
9. See: www.1625ip.co.uk [last accessed 3/2/17]
10. See: www.nepacs.co.uk [last accessed 3/2/17]
11. See: www.vonne.org.uk [last accessed 3/2/17]
12. See: www.bteg.co.uk [last accessed 3/2/17]
13. See: www.partnersofprisoners.co.uk [last accessed 3/2/17]
14. See: www.nacro.org.uk [last accessed 3/2/17]
15. See: www.peerpower.org.uk [last accessed 3/2/17]
16. The views expressed in this response reflect input from the voluntary sector participants and young people who attended our consultation events on the Taylor Review. They do not necessarily represent the views of Clinks, Nacro, Peer Power, our members or the wider voluntary sector network.
17. Taylor, C. (2016) *Review of the Youth Justice System in England and Wales*. Online: www.gov.uk/government/publications/review-of-the-youth-justice-system [last accessed 3/2/17]
18. See: www.unicef.org.uk/UNICEFs-Work/UN-Convention [last accessed 3/2/17]
19. 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. See: www.gov.wales/docs/dcells/publications/091117gettingitrighten.pdf [last accessed 3/2/17]
20. Nacro's Beyond Youth Custody programme is developing a theory of change for resettlement and is keen to work with colleagues across youth justice to refine this. It may also be a helpful resource for youth justice more broadly. For information about, and contacts for, the programme, see: www.beyondyouthcustody.net
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22. HM Inspectorate of Probation (2016) *Desistance and Young People*. Online: www.justiceinspectrates.gov.uk/hmiprobation/inspections/desistance-and-young-people [last accessed 3/2/17]
23. Nacro's Beyond Youth Custody programme is due to publish *Lessons from Youth in Focus* in March 2017, reflecting learning from voluntary sector projects working on resettlement of young people. For information about the programme, see: www.beyondyouthcustody.net
24. For further information on the Youth Justice Board resettlement consortia, see: <https://yjresourcehub.uk/effective-practice/library-of-effective-approaches/item/176-resettlement-consortia-2009-2012-2015-2017-pilots.html> [last accessed 3/2/17]



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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.

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25. A specialist youth justice 'task and finish' group was convened by RR3 in 2012 to review the role of the voluntary sector in youth justice. The group's report, *Maximising our Potential: Youth Justice and the Role of the VCS*, is online at: www.clinks.org/sites/default/files/null/Youth%20Justice%20TFG%20Paper%20FINAL%20July%202012_0.pdf [last accessed 3/2/17]
26. YJB (2016) Participation strategy: Giving young people a voice in youth justice. Online: <https://yjresourcehub.uk/yjb-effective-practice/youth-justice-kits/item/364-yjblaunches-young-person-participation-strategy.html> [last accessed 3/2/17]
27. For example, in 2016 the Department for Education worked with the Council for Disabled Children and Kids to establish a national advisory group of 12 young people from across England and Wales, to advise on its Special Education Needs and Disabilities reforms. For more information, see: <https://councilfordisabledchildren.org.uk/our-work/send-reforms/practice/building-participation-children-and-young-people> [last accessed 3/2/17]
28. NCB have undertaken extensive work to develop the involvement of children and young people in a range of policy areas. For further information, see: www.ncb.org.uk/what-we-do/how-we-work/involving-children-and-young-people [last accessed 3/2/17]
29. Nacro's Beyond Youth Custody programme will be focusing on listening to young people over the next year in order to highlight good practice in this area. For information about, and contacts for, the programme, see: www.beyondyouthcustody.net [last accessed 3/2/17]
30. For further information about David Lammy MP's independent review of the treatment of, and outcomes for, BAME individuals in the CJS, see: www.gov.uk/government/organisations/lammy-review [last accessed 3/2/17]
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