



Rheolwyr Timau Troseddu Ieuencid Cymru
YOT Managers Cymru

YOT Managers Cymru (YMC) response to Commission on Justice in Wales - call for evidence.

1. What is working well in the justice system in Wales? What is not working well? Are there examples of innovation and good practice, both in and beyond Wales, which should be adopted and shared?

- 1.1 YMC believe there are a number of approaches to the delivery of youth justice services that work particularly well in Wales. These include: Bureau and triage (partnership diversion); Prevention work undertaken prior to diversion; resettlement panels; Enhanced Case Management (ECM); the fact that there is a defined strategy (Children First); good working partnerships; a knowledgeable experienced workforce; the relationship with YJB Cymru; the relationship with Welsh government and the potential of Hwb Doeth as a vehicle for sharing and developing practice. Hwb Doeth is now co-chaired by YJB Wales and YMC. These are things we see as embedded in Wales. There are areas of delivery we share with British colleagues; management boards with a foundation that gives the opportunity for challenge; restorative approaches and the engagement of community members as volunteers are examples.
- 1.2 YMC would consider the need for appropriate accommodation for our young people as an area of improvement, there is a lack of placement availability, cost implications and the danger that if accommodation is not the right fit and fails the young person may end up at risk of custody. The availability of accommodation has been explored more widely as part of the development of the National Fostering Framework as this is a far more reaching issue than just young people known to youth justice services.
- 1.3 There is no secure facility for young people in North Wales or in Dyfed Powys. Places in HMPYOI Parc cannot be guaranteed for Welsh young people even though they are a priority. The majority of young people in HMPYOI Parc are not Welsh, statistics are gathered by HMPYOI Parc supporting this month on month.
- 1.4 Access to services such as speech and language and CAMHS (Child and Adolescent Mental Health Services) is not consistent across Wales. This is not

just for children and young people in the criminal justice system but also other vulnerable groups. A recent survey of YOT's was completed for Welsh Government to compare with the views of service providers. This along with the WG report "Mind over Matter" shows the continuing need for improvement of mental health provision for children and young people.

- 1.5 YJB Key Performance Indicators focus on a reduced statutory cohort and needs to acknowledge the work that goes on with the growing cohort of children and young people who are diverted away from the system which results in the reduction of first time entrants. This has been confirmed by the recent HMIP thematic inspection of out of court disposals published March 2018.
- 1.6 It is the view of YMC that the justice system as a whole is feeling disjointed. This is likely to be the result of demands on partner agencies and the focus possibly becoming inward looking and protectionist with funding reducing for everyone year on year.
- 1.7 There are Welsh Language unmet needs in both the community and the secure estate.

2.What are the economic, social, geographical, technological, constitutional and other barriers to improvement and how could these be overcome?

- 2.1 There is an over-reliance on grant funding and this grant funding can be confirmed late in the financial year. YMC have experience of the impact this has on planning, staff motivation and difficulties retaining staff. An example of this is In the Vale of Glamorgan where this year two prevention workers and a parenting coordinator left the service as a result of grant uncertainty. This was a combination of the late confirmation of the YJB grant and the WG flexible funding pilots which includes the "Promoting Positive Engagement in children and young people at risk of offending" grant which Welsh YOT's rely on for prevention and diversion work.
- 2.2 Research shows the numbers of young people that we work with who experience multiple Adverse Childhood Experiences, across Wales work is developing to address the complex needs that can result. In South Wales the Police and Crime Commissioner has prioritised this work in partnership with YJB Wales piloting a trauma informed approach which targets both early recognition of ACE and an enhanced approach to those children and young people with prolific offending patterns.
- 2.3 Welsh YOTs report on and work within devolved and non-devolved situations, the YJB key performance indicators reflect this with Welsh YOT's providing performance data on four additional indicators than our English colleagues. These services are about accessing services and this area remains a challenge. There remains a lack of access to health records for YOT assessments and with a reduction of health input to YOT's in Wales this has exacerbated the situation. Lack of eg apprenticeships that our young people can apply for. So many of our young people have fewer than 5 GCSEs when they leave school. Many YOT's

across Wales need to better capture the education challenges and achievements of our children and young people. (Estyn thematic inspection)

- 2.4 YMC are of the opinion that not measuring prevention/early intervention/diversion services provided by YOTs is a mistake and it does not sit well with Social Services and Wellbeing (Wales) Act. Capturing the work of out of court disposals was a recommendation made by HMIP to the Ministry of Justice in the recent thematic inspection.
- 2.5 The YOT data base was designed for the reporting required by the YJB and does not currently assist local reporting for prevention interventions. There are further technological issues eg no wifi in certain areas. This has a huge impact on the digital world in practice
- 2.6 YMC acknowledge that change can be good but there is so much change taking place at the moment eg court closure and possible virtual courts, possible local authority boundary change
- 2.7 YMC believe that YOT's influence or the voice of Welsh YOT's has diluted over the years. There is no consistency as to where YOT's sit within local authorities ie which directorate or the portfolio being managed by the YOT manager which can lead to a lack of strategic direction. This was evidenced by a survey completed by all YOT managers in Wales when YMC reviewed its constitution earlier this year

3.What problems face the people who work within the justice system in Wales (including policing, prosecution, courts, prisons and probation) and the people who are affected by it?

- 3.1 The reduction in courts results in families having to travel to central courts increasing time and cost. This is a reduction in access to local justice for all involved. Online pleas can be frightening and confusing for young people. Recent research on digital courts (2017) refers to the possible entering of the wrong plea and the lack of legal advice. These changes may also have possible impact on the legal profession as well as the young people as demand for legal services reduces.
- 3.2 Custody remains a problem despite or as a result of reduced numbers entering the secure estate. There are few local facilities, there can be problems matching placements with the programme delivery or therapeutic needs of the young person. Transition from youth to adult remains unsatisfactory. There is work ongoing with HMPPS colleagues reviewing youth to adult transition and the work in custody for young adults which evidences the gaps in service.
- 3.3 For those working within YOTs there remains no specific registration requirement, no recognition of the skills. This is currently an area the YJB is looking at but has been for several years with little change. There is the need as mentioned previously to get YOT prevention work recognised and valued.

3.4 Secondment arrangements for partnership staff are changing where staff contribution is being pulled back to home agencies and financial contribution reducing. An example of this is the reduction in Probation Officer time within YOT's as a result of the HMPPS review.

4. Does the justice system in Wales currently provide access to all who require its services, including advice? How would you improve access to justice in Wales?

4.1 There is a differing picture across Wales in terms of referral pathways depending on the directorate that the YOT sits within, the relationship with partners etc. The approach to the acceptance of self-referrals differs across Wales. Some YOTs are part of another agencies delivery plan providing a specialist input. However processes and procedures are in place to allow access to Youth Justice. Lots of what we do is diversion from the formal justice system, the work is still done.

4.2 Some YOT's have adopted a screening tool for those children and young people referred for early intervention/prevention and others use asset plus for all children and young people known to the service. Some areas are more embedded in Childrens services and early help services than others. The PPE business cases show the different approaches that have evolved, all of them aiming to meet local need through local processes and partnership relationships. Some work within Looked After Children protocols by dedicating a physical staff member to work within the protocol, others work with TAF colleagues to ensure those at high risk of entering the youth justice system are referred to the YOT by early help colleagues guarding against duplication.

5. What impact has devolution had on the justice system in Wales? What impact do you believe devolution will have in the future?

5.1 WG do not appear to be joined up in terms of youth justice. Different organisations are working to differing targets. The point of SSWB Act was to bring delivery together but YMC believe this has not been achieved to date.

5.2 Welsh YOTs report more information than English YOTs as they report specifically on access to devolved service. Should enable YOTs to lever more resource? Access to services does not seem to have improved as a result of this reporting framework and the reporting itself is flawed eg only statutory involvement is reported.

5.3 There have been Wales led initiatives through devolution – eg Youth Engagement Progression Framework. Devolution has provided focus and ownership but as yet still to see outcomes eg the YJB education KPI has yet to be met within Wales. The Estyn inspection framework may raise the profile as children and young people within the youth justice system are a vulnerable group.

5.4 There is some evidence of devolution working differently for children and young people in the youth justice system in Wales eg the additional resources for mental health. However it appears that there has been an unexpected negative impact as recruitment has been challenging for CAMHS as they have a limited pool to recruit from for any new posts.

5.5 Youth justice is not a devolved area.

6. Could local authority services in relation to justice and the local provision of legal advice be better organised and co-ordinated with policing, prosecution, courts, prisons and probation?

6.1 Yes. Voluntary attendance by young people and not always at the police station can cause confusion and delay. Gwent recently took a snapshot of one month where delays in referral to the YOT were clearly evidenced. YMC are concerned that other agencies could be making decisions/ policies and procedures without any consultation with YOTs.

6.2 Young people have been attending court months after the commission of the offence as a result of postal summons. The children, young people, parents and victims do not benefit at all from such lengthy delays. There is growing evidence of delays across Wales.

7. Are there changes that should be made to the capabilities and effectiveness of the ways in which the police, probation and prisons approach their tasks? What should be done to increase community safety, wellbeing and social cohesion and reduce crime? What can be learnt from other countries where rates of crime and imprisonment are lower?

7.1 Yes –YMC are of the opinion that the age of criminal responsibility could be higher with a welfare and family based approach taken through the courts. There are several models that can be used to evidence the potential reduction in offending by the use of such an approach in other countries.

7.2 Consideration could be given to the de-criminalisation of certain drugs this could go some way to dealing with eg “county lines”.

7.3 There could be development of a tolerance policy and play policy for teenagers. The need to maintain and reinvest in youth services for effective outreach, not necessarily youth clubs but well-lit areas where young people can gather and feel safe.

8. What impact is the divergence between Welsh and English law having upon sentencing? What impact do you foresee in the future? Should Wales implement a different approach to sentencing than England? If yes, what lessons can be learnt from other jurisdictions?

- 8.1 The Social Services and Well-being (Wales) Act 2014 and Well-being of Future Generations (Wales) Act 2015 may be considered the most significant divergence between English and Welsh law relevant to YOS. In Wales these focus on prevention, early intervention, and listening and hearing the voice of the child could influence the way YOS and partners respond to young people who have offended/at risk of offending, as well as increasing the opportunities for diversion from court and/or inform a different presentation of information in court which could impact on sentencing. We adopt a children's rights based approach and see the 'Child First' which may differ from our colleagues in England. Similarly the person centred approach and 'doing with' children, young people and families to build resilience, provides the legislative backdrop to frame this way of working which is absent in England. The timing and reduction in first time entrants across Wales is evidence of the successful approach taken in Wales. An approach now being adopted in many English YOT's. YJB Wales has recently gathered evidence of this.
- 8.2 The additional contributor is the Welsh Language Act which could have the potential in some areas to delay proceedings where a child/young person elects to be 'dealt with' in Welsh, but translation facilities are not readily available.
- 8.3 YMC do not believe that Wales should adopt a different approach to sentencing than England, but do consider that there should be enough flexibility to adapt to Welsh needs if appropriate and ensure the child centred approach is observed and supported.

9. What are the capabilities in the justice system in Wales for responding to Brexit?

- 9.1 YMC believe that for a number of YOTs where there are ports, (eg Swansea, Hollyhead and Pembroke) potential immigration issues could impact on the YOT, if a more robust approach to policing the borders is adopted. This could impact negatively on those YOT's which do not have the capacity to respond to a significant increase in work (increase in looked after children; translation services and other issues intrinsic to immigration).
- 9.2 Some YOTs are in receipt of various forms of European funding which supports core business. A reduction in this funding, would impact negatively on a range of functions especially those under the auspices of prevention which is the focus of intervention. The reduction of diversionary interventions could result in more young people being drawn into the criminal justice system.

10. What steps do you think need to be taken to facilitate positive change in the justice system in Wales?

- 10.1 YMC believe there needs to be continued emphasis on children and young people who have offended being recognised as 'children' as opposed to offenders. There is a need for the right structural governance and support to meet the distinct needs in Wales (eg Welsh Language Act and the 'active offer').

- 10.2 Rurality issues need full consideration (eg young people and their parents/carers being able to get to court within a reasonable time thus not negatively impacting on schooling or work commitments). The current work being undertaken to develop the 'blue print for reform of Youth Justice Services in Wales' provides a mechanism for doing this.
- 10.3 Addressing the disparity in funding received by defence solicitors representing children and young people as compared to adults (as referenced in the Charlie Taylor report) is considered essential to ensure children and young people are given the same service as their adult counterparts.
- 10.4 The introduction of bureau in Wales to deal with out of court disposals shows that criminal behaviour in children and young people can be meaningfully and appropriately addressed in ways other than prosecution (Out of Court Disposals thematic inspection 2018). This has impacted positively on reducing re-offending rates with the reoffending rate of pre-court work being far lower than statutory orders. In light of the legislation afore mentioned underpinning our work in Wales, YMC would wish to see more done to enhance the non-offending identity of children and young people - our future generation, and avoid where possible the damage to future lives intrinsic to criminal records. (All based on sound assessment and evidence based interventions).
- 10.5 The thematic inspection of OOCDD did highlight that national guidance is needed in relation to ensuring a consistent approach in relation to diversion from court, to ensure that all children and young people have similar opportunities, which in turn would ensure that measuring and comparing first time entrants across the country is meaningful.
- 10.6 The recent introduction of a 'flexible funding' approach to many grant funds is considered by YMC as a serious risk to diversion and prevention work by YOTs at the current time. There is a significant risk that funds will be diverted from the PPE grant which largely supports the bureau and prevention work carried out by YOTs which YMC believe YOTs have the specialist knowledge and skills set to undertake this work which could be lost. Already Cardiff and the Vale of Glamorgan no longer take a regional approach to the grants but fortunately have maintained the regional commissioning of triage for diversion for this year.

11. How could the strength and sustainability of the legal sector in Wales be promoted? How could its contribution to the prosperity of Wales be optimised?

12. To what extent do current university curriculum and vocational and professional development courses reflect the law in Wales and the need to deal with the digital revolution and how should they be further developed?

13. What is the current provision for the Welsh language within the justice system and legal education in Wales? How should Welsh language provision within the justice system and legal education in Wales be improved?

13.1 By law, YOTs along with other service providers need to make an 'active offer' to children, young people and their families in relation to whether they want their service in Welsh.

YMC believe there needs to be a proportionate number of bi-lingual service providers to meet service demands. For example the secure estates are not able to meet the requirements of some of our Welsh speaking young people, particularly those placed in England.

14. Is access to Welsh law properly available?

14.1 Access to Welsh law and guidance is freely available on the Welsh Government website.