

The Michael Sieff Foundation

working together for children's welfare

YOUNG PEOPLE IN PRISON **Prevention, Policy and Practice**

Report on the Conference

4th - 6th September 2002

TOPICS AND SPEAKERS

	page
1. Introduction Lady Elizabeth Haslam, Founder Trustee of the Michael Sieff Foundation	1
2. Setting The Scene Anne Owers, HM Chief Inspector of Prisons	2
3. Young Offenders, meeting their needs, reducing their risk: an overview of recent research and developments Dr Susan Bailey, Consultant Child and Adolescent Psychiatrist, Salford Mental Health Services, and Chairman of the Child and Adolescent Faculty, Royal College of Psychiatrists	8
4. Research, Children And Prison Barry Goldson, Director, Youth Justice Research Unit, Liverpool University	12
5. Human Rights Of Young People Daniel Machover, Solicitor, Hickman and Rose	15
6. Dialogue between a District Judge (Magistrates Courts) and a YOT Member District Judge Jeremy Coleman, Wandsworth Youth Court with Denise Campbell, Surrey YOT	18
7. The Work Of The Lattice Foundation Dr Mary Harris, Director, Lattice Foundation	23
8. Good Practice John Spedding, Principal Officer, HM YOI Castington	26
9. Young People In Prison Paul Cook, Director of Children's Services for Rainsbrook and Medway STCs	29
10. Changing Custody And Providing Alternatives Lord Warner, Chairman of the Youth Justice Board for England and Wales	33
11. Involving Children In Decision Making Frances Crook, Director, Howard League	39
12. Reviewing The Evidence On Locking Up Children: Issues, Experiences & Outcomes Dr Ann Hagell, Co-Director, Policy Research Bureau	44
13. The Training Needs Of Prison Staff Juliet Lyon, Director, Prison Reform Trust	51
14. The Role Of The TUC Richard Exell, Senior Policy Officer, Trades Union Congress	55

TOPICS AND SPEAKERS (continued)

	page
15. Initiatives in the resettlement of young offenders	57
Chris Stanley, Magistrate and Head of Youth Crime NACRO	
16. Resettlement Initiative at RPS Rainer	59
Colin Rees, Head of Development at RPS Rainer	
17. Home Office Sentencing Review	61
Caroline Rowe, Head of Section, Juvenile Custodial Policy, Home Office	
18. Review of the Rehabilitation of Offenders Act 1974	63
Sue Jago, Head of Review, Rehabilitation of Offenders Act 1974, Home Office	
19. The Michael Sieff Address	67
Hilary Benn MP, Parliamentary Under Secretary for Community and Custodial Provision, Home Office	
20. Managing Juveniles - The Prison Service Experience	77
David Waplington OBE, Head of Juvenile Operational Management, Prison Service	
21. Responses from Departmental Panel and Plenary Discussion	83
Chairman Richard White, Solicitor and a Sieff Foundation Trustee	
David Waplington, Prison Service	
Caroline Rowe, Home Office	
Bob Ashford, Head of Prevention for the Youth Justice Board	
Jenny Gray, Social Services Inspectorate, Department of Health	
22. Conference Recommendations	91
23. Delegates	95

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Dedication to the late Lord Haslam of Bolton

Lord Haslam of Bolton had been the Chairman of the Michael Sieff Foundation for many years until his death on 2 November 2002. Bob Haslam chaired the Trustee meetings and participated in every conference, including this one, though he was unable to take an active part in it because of illness. His contribution to the success and prestige of the Foundation was profound and of enormous value in furthering our aim to promote the welfare of children. The Trustees feel deep regret at his passing and the loss of such a kind and generous friend. He was a man of great stature in public life and we shall miss his wise counsel and guidance. This conference, in particular, is dedicated to his memory.

Introduction

Lady Elizabeth Haslam a Trustee of the Michael Sieff Foundation

On behalf of the Planning Committee and our Trustees of the Michael Sieff Foundation and my Chairman, I would like to thank you all very much for coming and giving up your time to be here. We are delighted to have you all here, you are a powerful group and I hope we are going to have some really productive suggestions.

Too many children in prison

Many practitioners in the field of child care say children under 18 should not be in prison and I think we probably speak as one voice here today. Because, as you know from statistics for re-offending, prison doesn't work for the majority, and of the 11,500 people aged between 15 and 20 currently in gaol in England and Wales within two years of release three quarters of those released will re-offend and 47% will be back in custody. I apologise for giving figures but there may be one or two of you who don't realise just how bad the situation is. Rehabilitation should start at the moment of sentencing and following our April conference opened by Lord Justice Woolf, attended by the judiciary, I think that major changes will be made because of that conference. We hope that there will be more flexibility between the Courts so the offending child might stay in a caring welfare system rather than be automatically placed in a criminal system because, as we know, children in trouble

are troubled children. We hope to find a way the judge can remain involved with the young offender who is sentenced, as they do in France. This will enable him to see if his judgement is helpful to the young person's rehabilitation. There is scope for this development following John Halliday's Review of the Sentencing Framework. We understand from the press that the support systems are stretched, the Probation service is in the red, services cut, reports to judges cut, resulting in more people in prison at a time when prisons are already overfull. Children and Family Court Advisory and Support Services (CAFCASS) share rooms with the Probation Service, another example of serious problems of accommodation, resulting in mixing adults with children in reception areas, which is totally inappropriate. There is a huge backlog of cases due to lack of personnel and offices. I'm sorry if I'm telling you things which you know, but forgive me. Suicides and self harm in prison are increasing. It was suggested by a Governor who

attended the Howard League Conference that I attended, that it would be a good idea if the Department for Education and Skills ran the prison service for youngsters. I also heard another idea, it wasn't at that conference, that the Probation Service should perhaps run the adult section of the prison service. These are radical ideas and I don't think they should be dismissed, I think they should be examined.

The increased involvement of industries in prisons is excellent practice and also the rising number of day release prisoners going to college or work is encouraging. Undertaking community service and the increased use of tagging and the possibility of weekend and holiday imprisonment could be beneficial in some cases, allowing greater flexibility would ease the strain on the prison system. And it is my view that these measures will reduce the level of re-offending. We welcome the Home Office proposal of expunging criminal records for minor offences at the age of 18 years.

If we as parents and carers incarcerated our own young offending charges in a place of danger, deprived of good health care and education, forced them to spend many hours in a toilet shared with another, the seat and the plug to the basin removed, the mattress stained with another's urine – this I have seen – with a window too high to see out of, encouraged to work in the family firm but did not stamp their National Insurance Card and on release

gave them one week's benefit which had to stretch across many weeks – I understand that it has been known to be as many as eight – would we not be culpable? And quite frankly I think as a member of the public I am culpable.

We also know that missing children have by chance been found in prison. We know of three at least; they were found and they were reunited with their families; but I have a horrible feeling this could be the tip of the iceberg. According to the Missing Persons Helpline, and they are here today, there is still no system set up to prevent this.

Autistic young people and the mentally unstable should not be in prison. They need help and treatment in a secure, safe, stable place without the fear of continually being moved as at present. According to the splendid article by Juliet Lyon (Director of the Prison Reform Trust), 90% of young people in prison have a diagnosable mental illness and it seems that prisons are a dumping ground for failed social services. Those looking after our young must be given thorough training and supervision to allow them to give of their best to our most vulnerable, volatile and troubled children. Healthy relationships forged in prison between prison personnel and young people should be encouraged to continue after release. Good practice and success must be acclaimed and I look forward to hearing these presentations. May I wish us all a happy and productive conference.

Setting The Scene

Anne Owers HM Chief Inspector of Prisons

Ms Owers began by comparing the juvenile justice system in England and Wales unfavourably to that which existed in the Sudan 80 years ago (and has dramatically changed since), but made the point that both States provide examples of how policy often fails upon implementation. She noted the high use of custodial sentences in England and Wales and considered the changes that have been made in both non-custodial sentencing and that have been demanded of the Prison Service, though recognising the fact that YOIs are still places where prisoners fit into regimes. She discussed these regimes and the variability of good practice throughout the Prison Service. She also commented upon the need for better selection and training for prison staff dealing with children. Although the Prison Service acknowledges the principles of the Children Act, she expressed her concern that it was not a binding legal commitment, and also that Area Child Protection Committees ignored children in custody.

Children in Prison - Policies

Thank you very much indeed for asking me to come here, I am really pleased for many reasons, not least some of the work the Foundation has done already

which ties in very much with the work that I do now and also with the work that I was doing when I was at JUSTICE. We were doing a lot of work on juvenile justice and how to treat the children in

the courts and beyond. I think some of the work you have done is really superb and I wish you all the best for the Conference. I am very glad to be addressing you although slightly intimidated because it is one of those audiences where you know you are speaking to people who have been doing it far longer than you have.

I want to start by just sharing something I was doing last week. I don't often get outside the UK but last week I was looking at a children's prison in another country. Before I went there I had a look at the legislation for the custodial treatment of children in what was called the Welfare of Juveniles Act which was passed 80 years ago. I discovered that all children had to be dealt with in juvenile courts where there would be a magistrate plus child welfare specialists. The sentencer would have six possibilities including supervision by parents, Probation Officers, and a range of penal options of which custody was the last resort. A child couldn't be sent to custody for more than five years. The sole purpose of having a child in a custodial setting was rehabilitation, training and education, and whatever the sentence there would be early release if it was felt to be in the interests of the child to release them. And no children's institution, in fact no institution, could hold a child beyond 18, because they could not be transferred into an ordinary prison, because the system serving them is a reforming system and is so different from the adult system. The juvenile judge used to visit these reformatories every three months and there was a juvenile council to oversee what was going on, and also the whole thing, all the reformatories for children, were under the Social Work Department, not under the Ministry of the Interior. This looks like the kind of system you might want to rush and join until I tell you it was the Sudan.

There are two points that I want to make from that. First, the system in Sudan has in fact changed dramatically since that Act was written, partly because of civil war and partly because of the new regime with very strict Islamic law, and so both the practice and the principles that were in the Juvenile Justice Act have been considerably changed, and considerably changed for the very much worse. We too are in a system which is subject to a lot of fashion and political change, where we veer from the purpose of the Criminal Justice System being to punish children to the purpose of being to rehabilitate. Not so stark as in the Sudan, but I think one of the things that this Foundation said before, and I repeat, is whatever we do we do need to root reforms in the public consciousness of what

public protection actually means and what welfare of children actually means. We need to be very aware of those. There is a horrible temptation among politicians and the media to pick things up to see if they are growing, not to let systems develop, to expect instant results, results if possible by yesterday but certainly well before the next election. And I think one of the tasks before us is to protect some of the good things that we've got while acknowledging that they need a great deal more development.

I think the other thing shared with what I saw in the Sudan is that the best laid policies in the world can founder at the implementation stage. It's what I have described before as the difference between a virtual prison system, that people would like to see exist and maybe exists in the legislation, and the actual prisons that you see on the ground. And that is particularly important in closed custodial settings, and indeed in residential settings where children are under the control of other adults and may not be easily able to express their problems and their fears to other people. In closed custodial settings it is vitally important to make sure that what is supposed to be happening actually is, and it is part of my role, it is part of the role of other monitors that are set up in the system, but it is also I think crucially the role of the outside world, non-governmental organisations, specialists from elsewhere, to make sure that the outside is brought in and the inside is safely brought out.

Achieving a Child Centred Approach

I am going to focus in what I say on children in Prison Service establishments rather than on court process or sentencing, although sentencing will inevitably come in to what I am going to say. We are looking at our own system then, what is it that we need to build on? Quite clearly there has been a great deal of new thinking and quite a deal of new money into the way that we treat children in custodial settings and that's been led chiefly by the reforms in legislation, by the role of the Youth Justice Board overseeing all children in the Criminal Justice system. And I think that has brought into the Prison Service some new thinking, thinking that is around a child centred approach based upon the principle of the interests of the child, and also a community penalty centred approach, that custody, and particularly custody in a prison establishment, is a last resort and should only be used, if at all, sparingly. It's also brought in the principles of a joined up system where you've got youth offending team and parental involvement throughout the whole of a

sentence, part of which may be spent in a custodial setting, part of which will be spent in the community. And crucially the core of the new sentencing framework is education and training, and the provision of more resources for this. There are agreements where places are let to the Prison Service that there will be a certain number of hours per day and per week spent in education and purposeful activity, and this has required pulling in more resources into the juvenile justice system in Young Offender Institutions (YOIs).

And although most of us would say that is not nearly enough the extent to which that has happened is very evident if you contrast what is happening to under 18s in YOIs with what is happening to over 18s. In those YOIs which have split sites between under 18s and over 18s, the impoverishment of the regime that we now provide for 18 to 21 year olds is all too apparent. There are, however, some potential downsides to this picture and I think it's been a learning experience for everyone involved in it, and part of the scene I want to set is some of that learning.

As I said there is quite a wide view that children should not be in Prison Service establishments unless absolutely necessary. Remember that in England and Wales we have 3,000 children in our prison system and in Scotland they have less than 100, which shows that there are different ways of doing things. It's not that children in Scotland are allowed to get away with anything, it's simply that it's very rare to have to send a child in Scotland to a prison environment. There are other ways of dealing with offending.

However, there's a danger of eliding "children shouldn't be in Prison Service custody" to "children aren't there". The fact is that children are there and we need to refocus on what kind of environment they should have as an absolute minimum and what's the proper use of custody. In some ways, because of the focus on community sentencing, there has been less understanding of a custodial setting, certainly from the Youth Justice Board. On its side, the Prison Service has been asked in a sense to be counter intuitive. YOIs by and large are places where prisoners fit into regimes. What the Youth Justice Board is asking of the Prison Service is that they are places where regimes fit into individual children's needs; where they are child centred environments, and this is a very different concept for prison officers, however well meaning, than the traditional way that prisons are run.

When I talk about the elision of "children shouldn't

be in Prison Service custody" to "children aren't there", I would point particularly to the situation of girls. There has been for the last three years a promise that girls would not be held in the prison system. They were supposed to be out of it by 2000, it was then 2001, it was then 2002. However, they are still there and in greater numbers, and the consequence is that many of their needs have been ignored. Their educational needs are less well met and so are many of their other needs because they are spread among women's prisons, often in small groups and very often nobody takes responsibility for them. In a report yet to be published we found a small number of sentenced girls in an adult women's prison, who were having no risk assessments done, who were having no training plans for them, where they were receiving no education, and this wasn't a place where the Youth Justice Board had let places but it was places where sentenced girls had overspilled because there was nowhere else to put them. And nobody was responsible, nobody claimed responsibility for the way in which those girls were treated. It's a sort of Nelson approach isn't it, turning a blind eye, "I see no girls", but they are there.

The other forgotten group is remanded young people. Again, the hope was that children on remand would not be in the prison system, but they are and it looks as though they will continue to be. It is likely that under the street crime initiative, children on remand will increase rather than decrease.

Pressures on YOTs

On the other side, as many of you will know, when the Detention and Training Order was brought in it became a very attractive option for sentencers because it had the magic word "training" nestling in the middle of it. There was a great temptation to send children to YOIs to have good done to them, because they would be trained, and there was indeed a rise in the population as a result of that. The pressure that created on both YOIs and Youth Offending Teams was very great, not least because by and large the money and the structures to carry out the important training bits of the Detention Training Order came after the Order appeared, and so YOIs found themselves faced with having to produce a much more rigorous environment for children, without at that stage the money or the structure to do it.

There is also the problem that if you send children to YOIs the chances are that they will be at some considerable distance from their home and so the problems of linking both the youth offending teams

and the parents will be very great, and this is more likely because of prison over-population. I talked a few months ago to the Head of Feltham A who was having to explain to a distraught mother not only why her son had without notice been sent to Castington but where Castington was, and those of you who know where Castington is will know that it is very close to the border with Scotland. It is about an hour and a half's journey from Newcastle, let alone from Middlesex.

So those are some of the problems that the system has had and which many people have been trying to deal with and overcome. The assumptions that I work on and that I assume will be part of what's going on in the Conference is that there should be a minimal use of the prison system, or indeed custody, but that it's not right to assume that prison establishments can't ever do good work. They can, but only in certain circumstances. Those circumstances are largely where children are held in small units with the right proportion of staff and the right resources to do the work. There are two very small juvenile units, one at Carlford at Hollesley Bay and one at Castington, and they have done some superb work with some very damaged children convicted of very serious offences. My colleague John Rea Price, who some of you will know and who was Director of the National Children's Bureau, has said that he has seen in those places some of the best residential care he has ever seen, but he has also, of course, seen in other establishments some of the worst.

What we need to do to improve

I want to try and pull out now is what needs to be in place for children in any custodial setting, to make sure the best is attempted for them rather than the worst. First, as I say, you need to restrict the numbers that you are going to be trying to care for in a custodial setting. As far as the whole prison population is concerned, I have said many times that prisons can only work if they are only used where necessary and for as short a time as possible, and if this is true of adults it is very much more true of children. This requires the use of other sanctions, the use of alternative small environments for children who do need a protected environment. Prison Service custody needs to be at the extreme and rarely used end of a whole menu of sentencing options.

It is also true that custodial settings are only the meat in a much bigger sandwich. We will never tackle problems of juvenile crime and the issues that children face unless we tackle the front end.

What has happened to them before, what can we do to prevent, to divert, to engage, and what's going to happen to them afterwards, what will go on at the other end. A custodial setting, whatever it is and however good it is, will only be as good as the bits either end of it. We can never expect it to solve problems of society or the particular difficulties of the kind of young people who end up in YOIs. We also need to be looking at much more flexible arrangements, so that children are not either in completely closed conditions, or out on the streets, but so that they can be semi-protected some of the time while work is being done without losing touch with others or communities.

The second thing is that we need to ensure that where children are in Prison Service custody, and they will still be for some considerable time, they have the right kind of regimes, and the right kind of safeguards. I want briefly to focus on three areas that I think are critical.

The first is education and training. We know that it is supposed to be the core of the Detention Training Order and the way that children are dealt with. My Inspectorate does education inspections for every children's establishment every year, and a full inspection every three years. We do those inspections jointly with Ofsted and the Adult Learning Inspectorate. Last year we published the Annual Report of the first year inspection, which we called A Second Chance, and the findings in that will not be a surprise, I think, to anyone in this room. 50% of the children in our s have been in care, that 86% have been excluded from or truanted from school, that 40% only had the literacy levels of a 7 year old and that between 60% and 80% weren't at basic skills level of literacy that they would need to gain employment. Those figures I am sure will be as well known to you as they are to the Inspectorate.

We also found that the resources available to educate a child in custody were hugely different to the resources that would be expended if the same child found itself in the Local Authority secure unit or secure training centre. The budget per child in custody was £1800 per year, the budget per child in an STC or LASU was £16000. You can do an enormous amount more for £16000 a year than you can do for £1800. That situation has now been partly rectified, new funds are being put into education, but that was the situation we found a year ago.

What we also said though was that it's not enough just to put money into the system. We need to look

at the kind of education that is appropriate for children who have spent their lives avoiding or being avoided by the education system, and sitting them down in a classroom for an hour at a time with a formal education surrounding is not necessarily going to engage them. They may have to do it but they may not do it well. And so we need to look at other dynamic ways of engaging attention: linking education with things that they actually want to do like PE, vocational training, making that part of the environment a much more dynamic approach. But also what we find in our education inspections is that unless the whole organisation sees itself as engaged in the process of educational training it is not going to work, because the children won't be got there in time or else what they've been doing in classes won't be supported once they go back on the wings. Unless education and training are at the heart of the establishment as well as the core of the sentence, it will not work very well.

Staff Training and Child Safety

This work also requires specialist staff. We have talked about autistic children and other children with special needs, but there are many children in custody who do not have special needs in that sense, other than the fact that they have never been educated. But they are difficult and damaged children. They need to be taught in small groups and with short lessons: it is no good having 30 children in one room. What we found in our inspections is that very few YOI establishments meet the standards that are really required for education, or meet them well. That's moving, but it is changing quite slowly and we need to encourage that change.

Moving on from education to what actually happens to a child in the YOI, the central thing for an establishment to be committed to, to be signed up to, is that these are places where children are growing up. I couldn't agree more with what Elizabeth said, there must be staff training so that staff dealing with children understand the proper limits of adolescent behaviour. I have been in an establishment where I have seen both an over-rigid approach to the way children behave and also on which has had an over-tolerant approach to the way those children behave, and it is a very fine balance. Many of you will know it much better than I, but staff are not trained in that at the moment. If they are lucky they will get a half a day's training on children. Most of the training is about dealing with adult males, including high risk criminals in high security prisons.

We also need a holistic approach to the safety of

children who may harm themselves or each other: a whole package that deals with all aspects of vulnerability. This includes first night and induction procedures, anti-bullying, child protection, substance misuse and problems associated with it. You need to deal with all those as a package, not as little bits that happen in different parts of the establishment and are supervised by different people. There are serious gaps in relation to child protection, and this is not simply the fault of the staff. Very few establishments have installed good child protection arrangements, and some of those that had them have let them drop. But I would be even more critical of the fact that very few Area Child Protection Committees are prepared to recognise that they have within them children who happen to be in YOI establishments. We are about to produce, jointly with all the other Criminal Justice Inspectorates, a report on children's safeguards, and that will be highlighted in that report.

We need also to develop children's offending behaviour programmes, there are very few: none that are accredited and geared to juveniles. Also, as many of you here will know, health care provision generally, and in particular mental health provision, for young people in YOI establishments is inadequate. Of course, as has already been said, there are many children in YOI establishments who ought not to be there anyway because they ought to be in an entirely therapeutic environment.

The other thing I feel very strongly about, is that what children in YOI establishments lack, compared with children in other residential settings, is independent child advocates. That is particularly noticeable when you see a child being subject to an adjudication process. Without the benefit of a lawyer or anyone else, the child is expected to understand and participate in a process that can lead to punishment, even though most will have the social and educational deficits I have described. Some governors do adjudications very well and very sensitively and speak in child friendly language. But even when it's done well, there is inevitably a power imbalance.

So those are the kind of changes that we would want to see in youth offender institutions. There's also the whole relationship of residential staff with children, whether there are key workers, how they address children. I have seen children go from a wing where they are called Smith into their Training Plan meeting where they are called David. What is that actually saying to that child about the establishment as a whole and who is on the child's side?

Aftercare

Finally, my third point is throughcare, what happens afterwards. Links with the Youth Offending Teams are not always very good and need to be made better. Staff in YOIs need much more training in how to chair and how to participate in Training Plan meetings that involve a child. I've seen some very good ones, but they are rare. More often they are ones where the child is talked over, or talked to, and where sometimes the only contribution of the child to the meeting is to say "yes" three times; or where targets are set that have no meaning, "You must get on enhanced status" or "You must obey the wing rules", rather than targeting the needs of that particular child.

More than that, though, the outside world needs to be able to deliver to the child once the child leaves custody. The child has been in education in the YOI, and may even be ready for further education. However, if for example they are released in November, they won't be able to carry on with that until the next September. The time scales for those children are very short and they would be lost at that point. Employers are also vitally important: people who will employ young people once they come out of YOIs. There is also the need for continued mentoring support. You release a child from a protective environment, not necessarily a very good environment but a protective one, and they may lose support systems, assuming they haven't got good family support and many haven't, at precisely the time when they need them most.

So what's needed – and very briefly because I realise I have come to the end of my time – is a whole range of changes and alternatives: alternatives to custody, breaking down the number of children held in particular units or particular environments, dealing with the front and the back end, keeping up those important links with outside, both the specialists, doctors, teachers, social workers but also non governmental organisations, children's societies, all of those organisations that come in.

If the Prison Service is to continue to hold children it needs to train its staff and disseminate best practice, to produce a coherent strategy for dealing with children in our YOIs. We are about to produce a digest of the surveys we do for the Youth Justice Board at every children's establishment: the perceptions of the children and young people there. They match very well with what the Inspectorate

also found. What we found is that there is not a league table with a good at the top and a bad at the bottom. Different YOIs are doing some things very well and doing other things very badly. If you wanted to create a good children's establishment it would be like creating a fantasy football team. You'd have to pull bits from 13 different establishments and put them all together.

There needs to be a way of providing some consistent good practice and consistent guidelines, that meet the Children Act, the Human Rights Act and the international human rights standards. David Waplington, the Juvenile Operational Manager, who will be here later, has been trying to organise seminars for those working in establishments so they can share good practice. This needs to be much more central.

Prisons and the Children Act

And finally, as everyone knows prison establishments are not directly subject to the Children Act. There is a commitment to the principles of the Children Act in a Prison Service Order but there is no legal requirement. What that means is the Prison Service may be committed in principle, but in practice it can't protect itself against doing things that are against the Children Act. If more children are sent to YOIs, more children than the establishment knows it can cope with or the Prison Service knows it can cope with, it can do nothing. A Local Authority Secure Unit can say that it can't hold them safely under the Children Act because of the risk of significant harm.

Many of the things I have just mentioned would flow from a proper application of the Children Act, or regulations that tied the Prison Service into those principles. I cannot see any reason, why children, wherever held, should not have the same protection. I would be looking for either legislation, or effective implementation in binding regulations. If we had that, and if the systems were properly joined up, we would at least have a custodial setting where children were more likely to come out of the process better rather than worse. It's a large agenda but I hope by the end of the Conference you solve it.

Young Offenders, meeting their needs, reducing their risk; an overview of recent research and developments

Dr Susan Bailey Consultant Child and Adolescent Psychiatrist, Salford Mental Health Services, and Chairman of the Child and Adolescent Faculty, Royal College of Psychiatrists

Dr Bailey described the findings from research into the effectiveness of interventions into offending behaviour of young people, and the types of approach that are likely to bring about behavioural change. There are a number of promising targets for treatment programmes, which include antisocial thoughts, antisocial peer associations, promotion of family communication and affection, promotion of family supervision, identification of positive role models, improving problem-solving skills, reducing chemical dependencies, provision of adequate living conditions, and helping the young offender to identify high-risk situations for antisocial behaviours. She mentioned in particular a study into the mental health, social and educational needs of boys held in local authority secure accommodation, and two current studies concerning respectively a tool to screen for mental health problems amongst adolescents coming into contact with the youth justice system, and to determine whether providing those working with young offenders, with information about their client's mental health, social or educational needs leads to changes in the services that the young people have. Her conclusion is that interventions that will offer good preventative inputs, and long-term reduction in offending rates require a well-trained, skilled and valued workforce.

Thank you for asking me to be part of the Michael Sieff Foundation Conference, it is a special privilege to be invited back for a second year.

Intervention - What Works?

Working from first principles, and from a starting point of any child (any person under the age of 18, Children Act 1989 definition) being primarily the focus of welfare rather than punishment, there should be no young people in the prison system. Indeed young adults aged 18 to 21 should also have their developmental needs more clearly recognised and met. This said, currently we have a reality of children and adolescents moving into, between and on within the system managed by the Youth Justice Board in England and Wales of Youth Offending Teams, the Youth Court, Local Authority Secure Care Units, Secure Training Centres and Young Offender Institutions.

There is now an ample research base to inform us about what works in reducing rates of recidivism. In the final analysis politicians and the public will decide whether or not to make an adequate investment in valuing and supporting children and families to reduce the risk of children starting down an antisocial pathway.

For all of us gathered to contribute and learn from

this conference, we not only know what works but believe it is vital to put in place early prevention, intervention strategies and for those who fall through early intervention strategies to argue that established young offenders are "worth" comprehensive, multimodal interventions offered over time and across services and agencies.

Any interventions whether from health, social care, education or justice need to take an overarching approach, best described by the late and still much remembered and respected Barbara Kahan in *Growing Up in Groups* (1994). For many years co-operation between services in the interest of children and young people has been the subject of recommendations of research studies, teaching of good practice and public policy, nowhere is this more important than in the lives of young people detained in custody. Core recommendations contained in *Growing Up in Groups*, have real importance for practitioners charged with the care, and rehabilitation of young offenders. In order to achieve this, there is a duty on policy makers and researchers and trainers to ensure that practitioners have easier access to source material, which describes the theory, knowledge and skills required to carry out the huge tasks expected of them, and background information about how services for children and

young people relate to each other. Training and good management are essential co-ordinates to the principles and practice.

Since attending the Sieff Conference in 2001, I have taken on a new responsibility as Chairman of the Child and Adolescent Faculty at the Royal College of Psychiatrists and as such have become involved in the much-welcomed Children's National Service Framework headed up by Professor Al Aynsley Green.

We are fortunate enough to have a Mental Health and Psychological Well Being module headed up by my predecessor at the College, Dr Caroline Lindsey. The Children's NSF bring with it the opportunity to co-ordinate and deliver best healthcare, including mental healthcare to all young people including young offenders. The new initiatives set up in the Prison Health Service, with the work of individuals such as Dr Mary Piper, and with the work of the Prison Reform Trust headed up by Juliet Lyon, together with the now national commissioning of Adolescent Forensic Mental Health Secure Inpatient Psychiatric Services, led by Sue Reeves gives us a real opportunity to address and meet the needs of vulnerable young offenders and to divert them into appropriate services.

Although the challenges remain enormous we currently have an unparalleled opportunity to bring together an integrated, effective service to address the reduction of offending behaviour by young people, whilst meeting their holistic needs through the ever expanding set of new government initiatives. This to ensure no child is marginalised, disadvantaged or left to tread the pathway to antisocial behaviour only having their needs recognised when they have caused serious harm to others.

Treatment of Young Offenders

A large number of different treatments have been used to reduce antisocial behaviour. These include psychotherapy, pharmacotherapy, school interventions, residential programmes, and social treatments. Kazdin (Kazdin 1993) documented over 230 psychotherapies that were available, the great majority of which had not been systematically studied. As Kazdin pointed out, conduct disorder is a dysfunction with such pervasive problems that one can point to virtually any domain (e.g. cognitive, psychodynamic, family) and find deficits and deficiencies.

A treatment (Kazdin, 1997) is considered promising if it meets at least some of four basic criteria. First,

it should be based on an adequate scientific conceptualisation of the mechanisms leading to antisocial behaviour. Second, there should be basic research showing that the mechanism can be assessed and related to antisocial behaviour, independent of treatment outcome studies. Third, there should be evidence from clinical research showing that the approach leads to change in clinically relevant outcomes. There should be evidence from an outcome study that shows a relationship between the processes hypothesised to be critical to therapeutic change and actual change. Very few treatments adequately meet all these criteria.

Meta-analyses of treatment approaches to juvenile delinquency have produced reasonably consistent findings. Lipsey (Lipsey 1995) considered nearly 400 group-comparison studies published since 1950. The main finding was that there was an overall reduction of 10% in re-offending rates in treatment groups as compared to untreated groups. As might be expected, there were of course considerable variations in the results of individual studies. The best results were obtained from behavioural, skills-orientated, and multi-modal methods. Cognitive-behavioural and skills-orientated methods are likely to be relatively effective, specifically, treatment approaches that were participatory, collaborative and problem solving.

McGuire and Priestley (McGuire and Priestley 1995) identified six principles for effective programmes:

1. The intensity should match the extent of the risk posed by the offender.
2. There should be a focus on active collaboration, which is not too didactic or unstructured.
3. There should be close integration with the community from which the offender came.
4. There should be an emphasis on behavioural or cognitive approaches.
5. The programme should be delivered with high quality and the staff should be trained adequately and monitored.
6. There should be a focus on the proximal causes of offending behaviour rather than distal causes. In other words, the programme should focus on peer groups, promoting current family communication, and enhancing self-management and problem-solving skills. There should not be a focus on early childhood or other distal causes of delinquency.

All of these reviews suggest that there are a number of promising targets for treatment programmes, which include antisocial thoughts, antisocial peer associations, promotion of family communication and affection, promotion of family supervision, identification of positive role models, improving problem-solving skills, reducing chemical dependencies, provision of adequate living conditions, and helping the young offender to identify high-risk situations for antisocial behaviours.

Antisocial behaviour is very commonly associated with other kinds of mental health problems, particularly attention deficit disorder, affective disorders, and substance abuse. In planning mental health services for juvenile offenders, therefore, it is necessary not only to consider interventions that reduce offending, but also to consider treatments for non-antisocial behaviours. In this context, it is important to recognise that there should be no assumption that treatment of non-antisocial behaviours will necessarily reduce the risk of offending. For example, although we know relatively little of the mechanisms linking antisocial behaviour and substance abuse in adolescence, it is probable that at least part of the association stems from shared risk factors such as family background and neighbourhood influences. In other instances, such as depression, it is likely that the co morbid disorder is in some sense secondary to antisocial behaviour. Treatment of these co morbid problems will not necessarily therefore reduce offending. Nevertheless, for disorders such as attention deficit disorder it is reasonable to suppose that effective treatment of the co morbid disorder might lower the risks of later antisocial behaviour.

Interventions for young people with substance misuse problems

There is a very large literature on the treatment of alcohol abuse in adults with pharmacological agents. It absolutely cannot be assumed, however, that this literature will apply to adolescents. Alcohol problems in adolescents tend to be different in character from those in adults. It also cannot be assumed that the results from large-scale prospective multi-centre studies that have been conducted with adults addicted to substances such as opiates will necessarily apply to young people.

There have been few well-controlled studies of specific treatments for adolescent substance abuse. It can be said that some treatment is better than no treatment. Factors for success include staff characteristics, the availability of special services, and family participation. Length of treatment is

related to reduced alcohol and drug abuse in residential treatment programmes. Characteristics that predict poor compliance are younger age of onset, serious alcohol abuse, use of multiple drugs, and severity of behavioural disorder. Predictors of relapse post-treatment include cravings about alcohol, low involvement in work, and low involvement in hobbies or other leisure-time activities.

Individual approaches to treatment have been based mostly on cognitive-behavioural principles. By identifying and modifying maladaptive thinking patterns, adolescents can reduce their negative thoughts, and abusive behaviour, including substance use and associated behaviours. Participation in self-help groups is an important feature of many treatment programmes. Family therapy approaches have received most attention in clinical research on treatment for adolescents with substance abuse. One commonly used model is structural strategic family therapy where treatments involve all family members, whether present or not at the sessions, because substance abuse is understood as being related to family dysfunction. Common patterns of family dysfunction targeted in the sessions include under- or over-involvement, avoidance of conflict, and levels of supervision. Family therapy is often accompanied by skills training for the parents. Such approaches aim to reduce the adolescent's substance abuse by changing the caretakers' management practices. Community-based interventions with a focus on family problems may also be effective. Studies of multisystemic therapy have shown reductions in substance abuse and deviant behaviours (Henggeler & Borduin 1990).

Interventions and Needs Assessment

In considering the evidence base for mental health interventions, three main questions have to be tackled. Can the intervention work in the best possible circumstances? Secondly, does it work under normal clinical conditions? And thirdly, is the benefit worth the economic and other costs of providing it?

The Adolescent Forensic Research and Development Team working from the clinical service at Salford and the University of Manchester, Professor Richard Harrington, Dr Leo Kroll, myself and an enthusiastic group of young researchers are currently involved in research projects commissioned by the Youth Justice Board.

A previous study funded by the National High Security Commissioning Board and the Department

of Health, utilised the Salford Needs Assessment which looks at all areas of functioning of an adolescents' life, to assess the mental health, social and educational needs of 97 boys aged 12 to 17 who had been admitted to Local Authority Secure Care. The findings showed the following:

- 27% had mental retardation.
- Psychiatric need was high on admission, particularly depression and anxiety disorders.
- There were high frequencies of aggression, substance abuse, self-harm, social, family and educational problems and associated needs.
- Over the time spent in local authority secure care, the frequency of need fell in some areas but remained high for social and family problems and aggressive behaviours.
- Psychological needs persisted with new onset of depression, anxiety problems and post traumatic stress disorder shortly after admission.
- The commonest required interventions were psychological assessment and cognitive behavioural therapy.

From this initial study others have followed.

The first current study has a very direct practical implication that is to develop a tool to screen for mental health problems amongst adolescents coming into contact with the youth justice system, to develop staff training materials including a manual and video and to roll out national training for all practitioners involved in the youth justice system.

Stage 1 is the initial screener, is a ten minute questionnaire designed to be delivered by any youth justice worker and is repeatable in cases where the results are negative but there are concerns noted, the screen is repeated and where there is a positive result, the young person is referred for an in-depth interview.

The Stage 2 interview is a semi-structured interview, which lasts up to an hour and is designed to be delivered by a trained designated worker. If the Stage 2 interview flags up a positive result the young person is referred to an appropriate organisation for intervention. This may be a health worker within the Youth Justice System itself, to a local voluntary organisation or the local Child and Adolescent Mental Health Team. This research team are very aware that available specialist services vary across the country and encourage practitioners to map out the range of networks and local services.

The second current study is a systematic attempt to measure the mental health needs of this group

but covering the whole range of younger offender groups and systems and placements where they can be held including YOI's. It is very important if research is to lead to development with practical results that we not only measure the mental health needs of this group but also attempt an intervention. The mental health needs of this group will be fed back to their carers and then link these needs to input from mental health professionals.

This study aims to determine whether providing those working with young offenders, with information about their client's mental health, social or educational needs leads to changes in the services that the young people have. We have six paired sites across England and Wales to include a YOT and a Secure Estate from each. Within each site a random sample of 25 consecutive attendees at a YOT and 25 offenders in a secure estate will be selected.

To answer the research question what is the level of mental health need among young offenders in the community and in secure estates and what is the level of continuity of care for those discharged into the community, we are undertaking a cross-sectional survey of 150 offenders in YOI and 150 in secure estates. We are undertaking quantitative and qualitative assessments of mental health need and intelligence at baseline.

To answer the question what are the current models of mental health service provision for YOT's and secure estates including perceived strengths and weaknesses, we are undertaking a top down survey, of perceived strength and weaknesses of current models of CAMHS provision to YOT's and secure estates and a bottom up approach of the views of offenders on local mental health service provision.

In Conclusion

The complex multifunctional causes of antisocial behaviour and its co morbidities mean that treatment programmes will need to be conceptualised as extending over time. This in reality means providing continuing care for high-risk cases over long periods of time, offering a multidisciplinary agency perspective and training. The inescapable consequence of our knowledge base is that interventions that will offer good preventative inputs, and long-term reduction in offending rates require a well-trained, skilled and valued workforce. In the final analysis politicians will have to decide "what's worth it". We as a group at this conference have to persuade the politicians and public that it is.

Research, Children And Prison

Barry Goldson Director, Youth Justice Research Unit, Liverpool University

Mr Goldson gave four key messages from research into custodial sentences for children. First we are good at locking up children, second that we are not proficient in learning from this experience, third we are vulnerable to “bad experience” and neglectful of “good example” and finally we continue to invest faith in reform whilst shirking the question of reduction and abolition. New assessment arrangements may, or may not, screen-out the most exceptionally vulnerable children, they are fragmented and not truly effective, they are disjointed and the conditions of prison reception militate against effective assessment of children and young people. He concludes that evidence confirms that reform, however well-intentioned, is no substitute for abolition of custodial sentences for children.

Introduction

The United Nations Convention on the Rights of the Child, and the Children Act 1989, each provide that the term *child* refers to *every* human being below the age of 18 years. When the practice of incarceration is considered however, there is a tendency to side-step the fact that the troubled and troublesome youngsters who steadily fill (and over-fill) the locked institutions that we have recently learnt to call the ‘juvenile secure estate’, are first and foremost *children*. It does no harm to emphasise that point by way of introduction.

Furthermore, research - and indeed practice experience too - has taught us many things in respect of children in prison and, for the purposes here, I want to highlight four key messages.

Four Key Messages from Research

1. Over the past two centuries or so, we have become extremely practiced and proficient at locking up children in England and Wales.

Indeed, since the establishment of the first penal institution exclusively for children at Parkhurst Prison for Boys in 1838, an array of policy initiatives, legislative developments and carceral experiments have created and sustained a panoply of locked institutional forms. The Youthful Offenders Act 1854 provided the *Reformatory*; the Prevention of Crime Act 1908 ushered in *Borstals*; the Criminal Justice Act 1948 established *Remand Centres* and *Detention Centres*; the Criminal Justice Act 1982 set up *Youth Custody Centres*; the Criminal Justice Act 1988 replaced both the Detention and Youth Custody Centres with *Young Offender Institutions*; the Criminal Justice and Public Order

Act 1994 prefaced the opening of privately managed *Secure Training Centres* and, most recently, the Crime and Disorder Act 1998 has served to ‘modernise’ the rather euphemistically entitled ‘juvenile secure estate’ by re-badging the Young Offender Institutions and the Secure Training Centres as *Detention and Training Centres*.

We are, in short, very experienced at locking up children.

2. Despite such practice, we are rather less proficient at learning the lessons that failure can teach.

Notwithstanding the extremely well-documented accounts of the damage that is routinely produced and reproduced within child jails, together with their quite spectacular failure when performance is measured in terms of deterrence, restoration and rehabilitation (their very *raison d’être*, that is), we rather stubbornly continue to send more and more children to such institutions.

I recently had occasion to read a report which was written by Inspectors of Prisons in the late 1830s - some 170 years ago. The Inspectors raised a range of concerns in relation to the conditions, treatment and experiences of children in prison, and the similarities with the issues that have been expressed more recently by Her Majesty’s Chief Inspectors of Prisons including Sir David Ramsbotham, and, more recently still, Anne Owers, were quite staggering.

The blunt conclusion to be drawn from such an excursion into historical documentary research, is that prison often comprises a corrosive experience for the child, and this has indeed been the case for the best part of two centuries.

Equally scholars and researchers have produced book after book, journal article after journal article, research report after research report, which testify not only to the human suffering to which I have just referred, but also to the failures of prisons holding children in terms of their post-release outcomes (Goldson and Peters, 2000).

By way of familiar example, I was struck by the findings set-out in the recent report published by the Social Exclusion Unit: *'Reducing re-offending by ex-prisoners'*. The report states that 72% of young ex-prisoners were re-convicted within two years of their release, and just under half of them were sent back to prison: a clear reminder, if ever one was needed, of the 'revolving penal door' phenomena.

Despite the weight of negative evidence however, we do not seem ready to dispense with child imprisonment - it is as if we are both deaf and blind to such damage and failure.

3. We are apparently vulnerable to 'bad influence' and neglectful of 'good example'

I dare say that the parents and professionals attending this conference are equally concerned to steer children away from 'bad influence', and guide them towards 'good example'. To do otherwise would surely be irresponsible. It is quite ironic therefore, that within the realm of penal affairs, politicians and policy-makers appear to invert this logic.

The methodological problems confounding comparative research in relation to prison populations and crime rates, are well known and they do not bear repeating here. Notwithstanding this, in England and Wales, we appear to neglect the 'good examples' which are evident in other UK and European jurisdictions, whilst embracing the 'bad influences' which characterise key elements of transatlantic penal policy. Some of our neighbouring European states appear to manage their juvenile justice systems perfectly well, without anything like the same recourse to child imprisonment that is to be found here. However, the trajectory of policy formation and practice development in England and Wales tends to neglect the broader European experience, and is more akin to that which has unfolded in the United States to such devastating effect.

The USA is now a world leader in incarceration, if I can put it that way. The number of people behind bars increased by 300 per cent between 1980 and 2000. Two million people are now locked-up in the

US, and nearly six million people are under some form of correctional supervision. Interestingly, these developments are not consequent upon rising crime rates, but are instead the products of 'get tough' policies (Beckett and Western, 2001; Goldson, 2002a).

In England and Wales precisely the same patterns are evident. There was a 28 per cent increase in imprisonment between 1995 and 1999 and the *per capita* rate is currently the second highest in Western Europe (Barclay et al, 2001). Neither is this a direct consequence of a corresponding increase in recorded crime rates. Within this context we now face a situation in which we lock-up proportionately more children and young people than almost any other European state (Goldson, 2002a).

Moreover, the children that fill our prisons are drawn from the most damaged and disadvantaged families, neighbourhoods and communities. Of particular concern, children who have ostensibly been 'looked after' in public care, and those from minority ethnic communities - especially children of African-Caribbean origin - are grossly over-represented in prisons (Goldson, 2002b). Here too there is a chilling comparison to be made with the United States, where there are now more young black men in prisons than there are in colleges and universities, according to recent research undertaken by the Justice Policy Institute - a leading think-tank in Washington DC (*The Guardian*, August 29, 2002: 13).

This does not bode well for the youth justice system in England and Wales unless, that is, we are prepared to look elsewhere in search of example and influence.

4. We continue to invest faith in reform whilst shirking the question of reduction and abolition

In 1998 the Youth Justice Board for England and Wales (YJB) advised the Home Secretary that 'there is clear evidence that the current arrangements for juvenile secure facilities are highly unsatisfactory', and it recommended root and branch reform (Youth Justice Board, 1998).

Accordingly, in April 2000 the YJB assumed primary responsibility for planning, contracting, commissioning and purchasing 'placements' within the newly reconfigured 'juvenile secure estate', and alongside this the Board now also defines the operational standards for the institutions with which it has contracts, and it monitors performance against such standards. The YJB has repeatedly claimed

that such developments will serve to 'improve performance', and by taking centralised control of placements it will ultimately be possible to match children with the locked-institutions which are thought to be most fit for purpose. In this respect the Board has come to regard vulnerability screening as especially important.

There can be no doubting the determination and best efforts of many people within the YJB and, indeed, within the prisons themselves. I recently completed a substantial piece of research which focused upon the questions of vulnerability in respect of unconvicted and/or unsentenced children in prisons - that is those who are held on penal remand. I met some very fine people, who were clearly doing their best within extraordinarily difficult circumstances. However, I have to say, that although I do not have time here to set out the detail of my research findings, taken together they raise serious doubts in relation to the efficacy of the reform effort (Goldson, 2002b).

Four particular issues deserve brief mention

First, the very concept of vulnerability in child prisons is (necessarily) too narrowly defined. New assessment arrangements may, or may not, screen-out the most exceptionally vulnerable children (those with manifest suicidal intent), but the same processes will do little, if anything, to appease the inevitable vulnerabilities of the *majority* who continue to be placed on unsuitable prison remand wings.

Second, the assessment process itself is seriously flawed. From the point of court appearance, to the point of arrival at prison, the child remand prisoner will normally be interviewed by a *minimum* of five different adults, and it is not safe to assume that any of these adults will be known to them. Each interview necessarily raises complex, sensitive, personal and confidential issues with the child. Every discrete episode within the overall assessment process is rushed and located within an unsuitable environment. Suicide and self-harm is repeatedly raised. The formal skills of the 'assessors', together with their specialist training and qualifications, are almost certainly limited. The documentary expression of such an assessment process, presents a humane and caring impression. The lived-reality of the very same process could just as readily be described as abusive and damaging.

Third, although the overall process of assessment is characterised as 'joined-up', in actual practice it is seriously disjointed. Indeed, there is burgeoning evidence to suggest that the process haemorrhages crucial information. From my research the 'information breakdown effect' became very apparent. Although, National Standards provide that Young Offender Institutions (YOI) should receive a PCR *and* an ASSET form in respect of *every* juvenile remand prisoner, this occurred in only 28% of cases in one YOI which I audited over a six month period.

Fourth, the very nature of the prison reception assessment is - even at the most basic level - totally unsuited to meaningful vulnerability screening. Despite the best efforts of prison staff, the rather chaotic conditions within which children are received at prisons militate against any semblance of individual care.

This, and other research evidence suggests - however inconveniently - that prisons are not suitable environments for children. As Jerome Miller, the American criminologist and penal reformer, so astutely put it:

Reformers come and reformers go. State institutions carry on. Nothing in their history suggests that they can sustain reform, no matter what money, staff, and programs are pumped into them. The same crises that have plagued them for 150 years intrude today. Though the casts may change, the players go on producing failure (Miller, 1991: 18)

Conclusion - Towards Abolition

By way of conclusion therefore, the real challenge that besets conferences such as this, is not how to make prisons work better (whatever that might be taken to mean), but how to create the conditions that might facilitate a determined and deliberate staged programme of reduction, with the ultimate goal of abolishing the use of prison for children altogether. All of the available research of which I am aware supports this proposition. The same body of evidence confirms that reform, however well-intentioned, is no substitute for abolition.

For those who may choose to dismiss such abolitionist propositions as naive dreaming, I would respectfully remind you that just ten years ago a Conservative administration legislated for that very eventuality with regard to juvenile penal remands.

Human Rights Of Young People

Daniel Machover, Solicitor, Hickman and Rose

Mr Machover outlined children's rights under the European Convention on Human Rights, The UN Convention on the Rights of the Child and the UN Committee on the Rights of the Child's reports on the United Kingdom's compliance with the Convention. He contrasted the approach to custody being explicitly a last resort in Scotland and Northern Ireland, but not in England and Wales, and the reluctance of local authorities in England and Wales to consider the needs of children in custody. He concluded that the state must treat offending by young people as primarily a child welfare issue and put the best interests of the child at the centre of all policy making, while delivering to the letter the specific rights accorded to children

Human rights of young people in 15 minutes! I am not quite sure if I can manage that. I'll try to cover the key issues that I think are relevant to this particular Conference.

Outline

1. First of all I am going to say what I am not covering;
2. Then I am going to cover the human rights issues and principles that I think will help - it's already clear from some of the contributions that they will help in some of the discussions that we have over the next few days;
3. Then I will say a little bit about what an international body has said about children in prisons, which indicates the problems, some of which have already been gone over in quite a lot of detail; and
4. Finally, I'm going to come back to the Children Act.

So that's the overview.

Subjects not covered in this talk.

Let me just start by explaining that, because previous Conferences run by the Sieff Foundation have covered a whole range of issues dealing with children in prison, not least the rights of defendants in the Criminal Justice system, I'm not going to cover the rights of young people going through the Criminal Justice system. I will concentrate on prisons themselves and the needs of offending children. Obviously, human rights principles are reflected in a lot of what came out of previous Conferences, not least of course the very extensive two page document you've got on pages 6 and 7 in your pack about Child Defendants – Is the Law Plain? As I say, I'm not going to repeat what's covered in those pages.

General human rights provisions

Children benefit from the general body of human rights law. One of the most important human rights treaties, which most of you are now familiar with, is the European Convention on Human Rights (ECHR). Drawn up immediately after the Second World War, this is now obviously a very old document and didn't contain "children's rights", as such, which I am going to move on to in a minute.

Of course children benefit from all the ECHR rights. For example, children and adults alike benefit from the right to life contained in article 2 ECHR, which the state must protect. Lawful killings by state agents are subject to strict requirements. Convention case law has developed a positive duty to protect the right to life, which includes the right to an effective investigation into a death in state custody. That has been reflected in cases involving the prison system. This duty is informing the current wide-ranging review of the inquest system, to see whether that delivers properly the right to life in the sense of the positive duty to investigate deaths in prison. I can't think its going to be very long before what is going to happen is there is going to be a fundamental change in the inquest system and I hope that delivers this positive duty under the right to life. There is a need for the prison system to change what it does to investigate and learn from deaths in custody. There remains a need to learn lessons across the board.

This applies equally to the parallel positive duty to investigate under article 3 ECHR (prohibition on torture or inhuman or degrading punishment or treatment). Anne Owers, in her most report on HMP Wormwood Scrubs has recently referred to the need for a better system of investigating abuses

and problems in prisons. That's why the Prison Act should perhaps be reformed to include a new sort of statutory enquiry that adds on to the inquest system.

There are then a series of rights, including under article 5 ECHR (not being deprived of one's liberty except in prescribed circumstances), article 6 ECHR (the right to a fair trial), article 11 (freedom of assembly), article 10 (freedom of expression), which are all fairly well known.

Children's rights in International human rights law

So, given the time available, I will concentrate on what's developed on top of these general human rights provisions, which are specific children's rights. The UN Convention on the Rights of the Child was concluded around the same time as we in the UK passed the necessary legislation in the Children Act 1989. The Convention entered into force almost exactly twelve years ago today, 2nd September 1990. The UK has just submitted its second periodic report - people may know that under this convention there is a periodic reporting system which exists under the international covenant for civil and political rights and other international treaties. The UK Government has to do an audit to say how it's complying with such conventions. In the case of the children's convention, the Government did this once in 1994 and did it last time in 1999. There's a terrible backlog at the committee that considers these reports. The Committee on the Rights of the Child is only just going to consider, in its next session starting 16 September 2002, the UK's report prepared back in September 1999. The report is therefore tremendously out of date, three years old already and yet they are only sitting down now to look at it. That's a problem with the machinery just being completely overloaded.

In 1995, the UN Committee looked at the UK's 1994 report, the first one. Here is one of the key findings in paragraph 17 of the report of the Committee:

"The administration of the juvenile justice system in the State party is a matter of general concern to the Committee. The low age of criminal responsibility and the national legislation relating to the administration of juvenile justice seem not to be compatible with the provisions of the Convention, namely articles 37 and 40".

I will come to Article 37 in a moment. Article 40 is to do with criminal defendants' rights and, as I say, I'm not going to stray into that territory today. So

the UK's record is now up for consideration again. It may receive a similar response from the Committee, notwithstanding certain reforms in the period since 1994. One of the very interesting things that I shall come on to is how differently the Government's report deals with the question of custody in England and Wales and in Scotland and Northern Ireland. What is fascinating is the whole cultural approach to custody in the report.

What are the rights against which the UN, and perhaps more importantly UK policy makers, can measure compliance with UK law and practice? The starting point for the rights in the UN Convention on the Rights of the Child, is Article 3. This is familiar territory for this audience, as the fundamental principle is reflected in our own domestic law. Article 3 says:

"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration".

Article 37 then specifically provides:

"States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. [Then it mentions capital punishment specifically.]
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances.
- (d) [there is then a right of children in custody to have prompt access to legal advice and to challenge the lawfulness of their detention]

So those are the key rights as regards the use of custody for children - as I say, article 40 contains a series of very specific rights of children in the criminal justice system. I want to point out stylistically what the Government has done in this

report of 1999. The relevant section regarding article 37 in England appears at 10.47 of the report, headed “Treatment for young offenders who are in custody”. There is nothing here about avoiding custody for young people. It’s all written on the basis of what we do with them when they are inside. By stark contrast, if you move to paragraph 10.48 on Scotland, this is headed “Detention as a Last Resort”. Then the report goes in to how they have such wonderful work in Scotland in using detention as a last resort. And then in Northern Ireland the Government goes further: “Custody as a Last Resort in Northern Ireland” – this is at 10.49.1 of the report – “...in 1998 we introduced a number of important changes relating to the administration of juvenile justice in Northern Ireland which meets the Convention’s recommendations that custody should be used as a last resort and for the minimum period necessary. The order replaced the semi determinate two year training order with a more focussed deterrent known as Juvenile Justice Order.” This highlights a different cultural approach to these issues across different parts of the UK. The Government hasn’t really explained what it is doing in England and Wales to make custody the last resort, as they are required to do under this important international treaty.

Domestic approach to children’s rights

Moving to my specific concern over the domestic courts approach to such issues, in a couple of months time a case will highlight the Children Act 1989 in relation to prisons. Many of you will know that the Howard League initiated a judicial review against the Home Secretary about the Children Act. Anne Owers, at the end of her talk, referred to the Children Act and its applicability to the prison system. Let me just remind you then of our domestic law and the rights of the children under the Children Act 1989, section 13:

“It shall be the general duty of every local authority (in addition to the other duties imposed upon them by this Part)

(a) to safeguard and promote the welfare of children within their area, who are in need¹; and

(b) so far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children’s needs”.

And then specifically under Section 17(10):

“a child shall be taken to be in need if

(a) he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority

(b) his health or development is likely to be significantly impaired, or further impaired, without the provision of such services, or

(c) he is disabled.”

Many people may know that there was a Court of Appeal judgment in July 2001 concerning the policy of separating mothers and babies in prison (i.e. under the 18- month rule).² In that case, known as P&Q, the Court of Appeal looked at the Children Act in the context of the separation of mother and baby. I hope that what the Court of Appeal said on that occasion is the harbinger of good news for when the High Court comes to look at this issue in November 2002. The Court of Appeal said that decision-makers couldn’t just ignore the fact that these children are in prison and that the Children Act has implications particularly for local authorities that have prisons within their areas.

Of course the distinctive feature of a child in need, for this purpose, is not the fact that all children have needs which others must meet until they are old enough to look after themselves, but that those needs will not be properly met for children in custody without the provision of social services by a local authority. Both children in the P & Q case had been referred by the prison to local social services to arrange foster care, yet this was being done without either local authority actually conducting a “needs assessment”. Some assessment is obviously required. The Court of Appeal recognised this – in fact it isn’t rocket science, but local authorities consistently fail to carry out needs assessments of children in custody.

As a practising lawyer I can tell you that what is galling about the system as it currently operates is that such assessments are not even contemplated until you, as the lawyer, approach the local authority and tell them: “We believe there is a child in need in the local prison, we act for him, please go and assess his needs”. Then -

- initially local authorities often say “hold on” we are busy with other children who are not locked up;

- occasionally an authority will say it is taking action already, which is great;
- more often than an authority says that, as the child is in custody, the Prison Service (or YJB) are looking after its needs so the authority does has no obligations towards the child.

Once the latter response is received, we threaten legal action and the matter is then referred to the Legal Department of the local authority. The threat of a judicial review, or starting it off, invariably leads to the authority backing down and doing what it is supposed to do.

The frustrating thing about all this is that the underlying legal issues haven't been resolved for others by such individual cases. The result is that what we have is some local authorities just ignoring the fact that they've got children in their local area incarcerated. Alternatively, if local authorities are not ignoring children in custody, they are certainly not delivering fully the services needed by those children, because they are coming up against a prison service culture which says its alright, we're dealing with these children's needs.

I want to finish this part of my talk by referring you to the recent report of the European Committee for the Prevention of Torture. This is another international body, whose members recently visited a number of places where children are detained, like HMYOI Feltham and made various comments and recommendations about the treatment of children, particularly to do with violence against young children, both by staff and from each other. The report is another very important document to look at, again in terms of establishing what the UK is supposed to deliver under its international treaty

obligations (i.e. to protect children from each other and from any violent adults involved in running these institutions).

Conclusion

In summary, although it is probably trite by now, what these rights all imply is that the state has simply got to treat offending by young people as primarily a child welfare issue and put the best interests of the child at the centre of all policy making, while delivering to the letter the specific rights accorded to children. A need-centred approach requires criminal justice agencies and local authorities to come together to co-ordinate assessments of needs and deliver individually tailored services to children in need.

A step in this process, as I have mentioned already, is being achieved by at least bringing together all of those wonderful agencies in the High Court in November 2002 in the case brought by the Howard League. To paraphrase what Mr Justice Crane said back in July: "I want these local authorities here at Court - its no good having this judicial review of the Home Secretary without them represented at court, I want to hear what they've got to say." So, if they don't seem to come together on a daily basis, in a way that you and I would like to delivers needs-based services to children in custody, the High Court will drag them all along in November and see what they have got to say. What the Court concludes on the role of the Children Act in prisons and detention centres will be very important in achieving compliance by the state with its domestic and international legal obligations towards children in custody.

Dialogue between a District Judge (Magistrates Courts) and a YOT Member

District Judge Jeremy Coleman Wandsworth Youth Court With Denise Campbell, Surrey YOT

District Judge Coleman and Ms Campbell discussed the contrasting perspectives of the Bench and the YOT to the problems presented by the young offenders coming before the courts, particularly in sentencing appropriately and effectively in the light of the offender's social, educational and mental health characteristics, and the place of custodial sentences in achieving the right balance between punishment and reform of the individual.

District Judge Coleman: I am a District Judge, I specialise in Youth Court work and I sit in the West London Youth Court – that’s in Hammersmith. That court covers crimes that take place in three areas of London, Westminster, Kensington and Chelsea, and Hammersmith and Fulham, three interesting areas of London all containing wealth and poverty side by side, densely populated, and extremely and happily multi cultural. There are also areas of London that tempt other people, young people, in to have a look. Some of those young people become criminals and get into trouble, even more of them become victims. To give you a flavour of the extent of the youth crime we deal with, the number of youths who came before my youth court last year, 2001, was 3,136 – a lot of young people. In the first two weeks of August 2001 we dealt with 83 cases of street robbery. Since that time the trend seems to be that there are fewer cases, but the violence has got worse, and that is especially so among the younger children and sadly among female defendants. The carrying of knives now seems to be almost a routine crime, every youngster seems to carry a knife and doesn’t seem to realise what a dangerous thing it is. So that’s an overview of my work.

Denise Campbell: *Thank you very much for inviting me to come along this afternoon. I think I’m the only person here who is currently working in a Youth Offending Team. In entering into this dialogue with Jeremy I need to point out that I don’t represent all YOTs everywhere. YOTs have a different experience according to their own local circumstances and the stereotypical view of Surrey is that there is no crime really and no impact of crime. However that’s very far from the truth. We deal with far lower numbers than Jeremy does in Inner London and the crimes tend to be different. We don’t have anywhere near as much street robbery, but the impact of crime on the individual is just as great, both to the individual in terms of the young person and also the individual victim.*

I came into Youth Justice ten years ago; I came from the Youth Service and I entered a profession which just riveted me by its passion. The practitioner base generally was passionate about keeping young people out of custody. We worked very, very hard to achieve that. Ten years on there are still practitioners out there, myself included, who are equally passionate, but it has been diluted. It has been diluted by a lot

of factors, primarily the extension of Youth Justice teams into Youth Offending teams. That’s a different argument which I won’t go into. But what’s happened is that the task we are given now is so vastly different, and not just in terms of its size; we used to work with the tip of an offending iceberg, we now work with almost all of it apart from young people at reprimand stage. We used to be very focussed on diversion, we now have to focus on early intervention and it is not targeted early intervention, it is blanket early intervention. For a young person who is 18 and one day, on their first conviction for a driving matter such as defective brake light, they plead guilty by post, they pay their £40 fine and they get three penalty points – the end. If you are 18 minus one day you go to court, you have an assessment by the YOT, you have ASSET done on you, you go to a Youth Offending Panel, you have a contract, you have a review meeting and you have a final meeting. Not only is that deeply disproportionate but it dilutes what we can achieve at the top end with the persistent offenders, because there’s so much resources going into that process. It is not targeted enough and it dilutes what we can offer at the top end. I just wanted to put it into context. Over to Jeremy for our dialogue.

One of the features of my work is the huge number of “Not Guilty” cases we get and that means that we have many, many trials going on in court, some of which last for two, three or even four days. That means I see the victims of crime. It is interesting to note that, as far as crimes of violence are concerned, something like two thirds of the victims that I deal with are also children. They are usually children younger than the defendants, they suffer terribly from the crime that they have had to endure and also from the system they get into as a result of that crime. It seems to me that any Conference about youth crime and young people is a little bit incomplete unless child victims’ needs are addressed as well, because they have a rotten time of it. The over-riding dilemma of my work, well the over-riding dilemma is well known to all of you. It is balancing the seriousness of the crime and the needs of the victim and the public with the needs of a young defendant and the welfare of that young person. That’s the dilemma we all face in the Youth Justice system. It is interesting and instructive to consider the profile of the average young person that I deal with by the time they come to me. Four key features; first of all they will have faced serious

problems at home which all the social workers in the world will never be able to really get to the bottom of. Secondly, they will have witnessed domestic violence, and have been involved with drink and drug abuse (and interestingly many of them have also had a recent bereavement). Thirdly, they won't be going to school. I have yet to deal with a persistent young offender who actually attended school properly. Finally they will have committed and been cautioned for two arrestable offences, two more than the rest of us get through in our entire lives, and statistically what we are told is that this is the tip of the iceberg. They have actually committed many more than that but haven't been caught. So then society says: "There you are Youth Court, sort that lot out". And of course often I can't because the damage has been done long before they get to me, but I do try my best. And I try my best not to lock these young people up, even for quite serious crimes. Which brings me to the next problem that I face. If I take a chance on a young person, treat him leniently and send him on his way when I could have sent him to prison, is it a good decision, do I get it right? The answer is I don't know, because the only feedback I'm allowed to have is if that young person re-offends and I happen by chance to be sitting in the courtroom that day and I deal with him again. And that is the dilemma. I need to know whether I am getting it right or getting it wrong. Good news is welcome, but hearing bad news is sometimes necessary for any professional person. Getting feedback on a defendant's progress would make me better at my job, and I don't get it. What happens in Surrey?

Well, in fact in Surrey its slightly different in that our view is that if we are asking a sentencer to take a risk on keeping a young person in the community, then its fair for the judge to ask for feedback. There are issues about confidentiality. However in our view in Surrey it does not breach confidentiality to give the judge feedback when they ask for it, and its quite common for judges to ask for feedback say every three months. I think that that is part of a door to discussion and debate about lines of communication as lines of accountability. I think historically Youth Justice practitioners have been poor at communication with all parts of the system; that really needs to improve. Each part of the system needs to know what the other parts are doing and also to have confidence in them. How can a judge have confidence in what

we are doing if he doesn't really know what that something is.

Well, courts of course run on evidence and in order to sentence someone fairly I need accurate facts in front of me. Sadly when I have insisted on actually seeing witness statements in cases, as distinct from a summary of the facts, I so often find that that has not been done. Lawyers have done deals, and important factors which I need to know are simply not mentioned. How can I be expected to do justice and prevent offending, which is what my job is about, under those circumstances. Do you get full facts?

No, we don't get full facts and we have an issue which is shared by most jobs, about getting the information we need. With persistent offenders we have two weeks to produce a pre-sentence report, three weeks for non-persistent offenders. But we also have Youth Offending panels where we need to contact the victim. If we don't get the information, accurate information, from Court it just adds to the time. It also feeds into the issues about the Data Protection Act and about getting information on victims. We spend an awful lot of time unnecessarily on those sort of issues. If that were addressed centrally it would cut down on a lot of the bureaucracy, and a lot of the things that Jeremy is talking about, about false information.

Pre-sentence reports can be a problem. They vary in quality; sometimes they vary in accuracy. Now, I have never – and I have been in the criminal courts for over thirty years – come across an untruth in a pre-sentence report and that's nice to be able to say. But sometimes the words used in those reports really do disguise the reality of the situation. A couple of recent cases in a report: "He has been attending school". Well, he did not look as if he had been attending school; he did not give me that impression. So I had a phone call made and, yes, he had been attending school. In the last month he'd been there about twice. So the information I'd been given was accurate but also totally inaccurate. Another one: "Since the report was ordered by the Court he has not re-offended". Well again I looked at him and he didn't look as if he had not re-offended. He had that look about him as though he was going to offend any minute! Again I had a 'phone call made and what had happened in the intervening three weeks or so is that he had been arrested three, four, perhaps even five times and had pleaded "not guilty" to everything. So he

may well have re-offended. The statement that he had not re-offended was a misleading statement. I do not want to lock people up but I need accurate information. I know that writers of reports form relationships with the young people. When I used to represent these young people myself I found them from time to time to be very, very likeable indeed; but I do need accuracy before I can make a fair assessment of what is necessary. Do you have a problem with that as well in Surrey?

I agree with you absolutely, totally, and if I had gate-kept that report which said about him going to school I would have wanted more information and if I discovered via you the latter case then I would be saying something to whoever had written the report. There is no excuse. I could sit here and I could make excuses for Youth Offending Teams where that sort of thing happens, but there is no excuse and if we collectively are to make a difference and to keep young people out of prison and reduce the risk of them further offending we all have to take responsibility for our own part of the system, and I think that's not good enough.

The courts have a wide variety of community penalties to deal with a defendant and I am including in that the excellent and very successful curfew orders I can now make, and the excellent and very effective ISSP orders I can now make, orders which will allow me not to send young people to prison. I often wonder, and I know my colleagues wonder as well however, what the reality of community sentences are, once the court case and the pressure of the court case are actually over. Some young people seem to find it easy and to have got very good at slipping through the net, and one wonders whether supervision and reparation are as intense as they should be and as intense as they were promised. There is no more important relationship in the Youth Court than between the sentencing bench and the Youth Offending Team. We must be able to rely on each other.

I would agree totally and in Surrey we place great store by developing good relationships with sentencers. We are pro-active in that and I believe we do have a good relationship. But going back to the community sentences, the community penalties, again I would just refer back to what I said in the beginning about the pressure on Youth Offending Teams. We are being spread very thinly, and that is not an excuse. We also have a situation where the body

of people we can draw on for the practitioner base is sadly lacking. The criminal justice system has expanded and there are not enough people out there with the right training to fill vacancies. We have a particular problem in Surrey because no one wants to move into Surrey as they cannot afford to live here. So they are practical operational difficulties. However I personally, and here I am speaking as an individual and as a member of Surrey YOT, I have very strong views on what a community penalty should be. I believe, very strongly, that it should be child centred. It should be focussed on the needs of the individual. We should be able to ASSET the needs of that individual, the criminogenic factors, from the risk that that individual presents, and to design a package around those factors. We should not be reaching for off-the-shelf packages because that's all we've got, because we haven't got time to do anything else. I think that's been a real issue in a lot of YOTs. ISSPs are very good, they have a place. However Surrey YOT has recently taken over from the Children's Society the work in Feltham on the remand wing; we have only been in there a very short time but one of the factors that is already showing is the number of young people who come into remand where the only alternatives that have been put before the court are custody or an ISSP. And these are 15 year old children who may be very chaotic, who cannot actually deal with the demands of that level of intervention. They don't put anything else in. Alternatively, at the custody level where you've got very young people at very high risk of custody, what's available there? What we try to do in Surrey, one of the least resourced YOTs in the country, certainly the least resourced in the South East, is to provide effective practice, effective services, that are low cost, that use partners and so on. We put a lot of effort into that. And we have developed a menu approach to sentencing, particularly at the top end where we do look at need and risk, and we pull in from different packages so you might get a young person who is on community reparation. We have a very, very good community reparation scheme using partners from all over Surrey. They may be doing victim offender mediation, restorative justice, but there's a flagship programme for our very high risk of custody group – it's a programme which is

called CAN DO and I am going to flag this up to Surrey because its unique. It was funded initially by the Youth Justice Board under one of the original bids when the Crime and Disorder Act was implemented and its unique in that it is a cultured behavioural group, twelve session group. But it takes place within a prison, an adult prison, Coldingley Prison in Surrey. What makes it unique is that it is co-facilitated by trained and selected serving adult prisoners. It is multi modal, it is very intensive, and it works. But it is very costly to us as a team. We have a group worker who works probably three days a week on the programme. We also have to put another member of the team in for two days a week, so it's the equivalent of a full time worker, dealing with low numbers of young people. But it is worth the investment because it is working. It has been evaluated by the Cognis Centre Foundation, who at the end of three years came up with: "It is very promising"! But I believe very strongly that as a practitioner base we need to hold on to that, we need to hold on to what does make a difference, and we need to hold on to that passion about keeping young people out. There's a role for the Youth Justice Board there, I think, in actually disseminating good practice and not just focussing on the same old areas which they tend to: what is going on in Thames Valley, we all know about, but there are other parts of the country and there are good programmes out there. That was a bit longwinded but back to you, Jeremy.

For anyone who wants to know and doesn't know what an ISSP is I will tell them later on, but it is an interesting new way of sentencing. But my final dilemma is summed up in a conversation I had with a 12 year old boy whom I was defending as a defence solicitor some years ago. He had stolen something from one of the local shops. So as you had to then, I asked him: "Did you know it was wrong to steal?", "Yes", "Did you know that it was seriously wrong to steal?", "Yes", "Well, why is it seriously wrong to steal?" and he looked up at me and said: "Cos you get nicked for it". And that really sums up my concern, because I don't know why we cannot persuade so many young people that committing a crime isn't just legally wrong, it is morally wrong, and we cannot seem to get this message across. Where have we gone wrong (because I include myself in this)? Why have we gone wrong, and why is there such an increase in violent crime?

I think there's a very interesting point there for me, which is about what happens in custody to a young person. They lose all sense of personal responsibility. When they are in custody all decisions are made of them and on the CAN DO programme that I just referred to one of the issues that young people gradually realise is the reality of being in prison, it is not about: "doing time", "Jack the Lad, I can do it". It is not about the ritual rite of passage, it is about losing your choice. We expect young people to take responsibility for their crimes, their actions and yet we take that responsibility away from them in prison. We then put them back into society more damaged than when they went in, and it is very counter to other initiatives in the Youth Justice system. Restorative justice is all about taking responsibility, and at one end of the system we have got referral order sheets, defending panels; this is about bring the victim in: let's get the young person to understand the consequences, let's get them to accept responsibility and thus reduce the risk of further offending - yet in the custody context let's take that responsibility right away from them. And I personally believe that I've moved on from my position of a few years back, when I thought that restorative justice a fad and a fashion. As long as its targeted properly now I think the restorative principles, not necessarily restorative justice conference, can be hugely impactful. I would like it to even spread into the secure estate. There is a lot of work being done in various parts of the world where that happened and it worked. It is costly, it is resource intensive, we do not have the time to do it, I have to say. But it worked and I think it is very much about the moral understanding and the reduction of crime.

Young people in prison is a tragedy for the young person. It is a tragedy for the young person's family. It is also a tragedy for the tax payer. This seminar is all about stopping that tragedy. The best way of stopping young people going to prison is by persuading them not to commit a crime in the first place, and it seems to me that prevention should be society's priority now.

Can I just answer that? The Youth Offending Team's primary aim is to prevent offending by young people, because custody does not prevent offending so it is counter to our aims.

The Work Of The Lattice Foundation*

Dr Mary Harris Director, Lattice Foundation

Dr Harris explained the work that the Foundation has been doing in respect of the employment of young offenders, and the success of the programme of training which the foundation had instituted to fit young offenders for the workplace. She described the advantages not only to the individual but also to employers faced by a skills shortage, and to society in success in turning young criminals into productive citizens – with general economic benefits and considerable savings to the taxpayer.

Who we are

Firstly let me explain who we are. We started life as British Gas and through two demergers following privatisation our name is now Lattice.* The part of the company that is most widely known is Transco, who own and manage the gas pipes. Their vans are a familiar sight across the country as we pipe gas to some 20 million homes. They also operate the Transco Emergency Service, which deals rapidly and responsibly with 6.3 million calls a year. The family of companies includes Advantica, a leading international provider of technology services, particularly for gas industries, a property division responsible for returning to beneficial use disused gasworks sites and 186K providing state of the art infrastructure for the so-called broadband revolution. We are a large company and sit about number 38 in the FTSE 100.

Lattice Foundation coordinates and manages the social responsibility activities for the group. We are a business unit and my role is to combine our social awareness policy with needs we have within the company. We believe that with innovation, ingenuity and sharp focus it is possible to create both shareholder and social value – and to do so in ways, which are mutually beneficial.

The Foundation's budget is approximately two million pounds a year, but from that we aim to secure a gearing of 8 to 1. Last year in fact it was 10 to 1. This comes from Government, European Union and the company, so from the shareholder's £1million has come £10 million which goes towards solving society's problems.

Training Young Offenders

An example of the innovative approach to solving our business and society's needs at the same time

is our project training young offenders. One of the problems we have within our industry is a shortage of skilled labour. We need more craftsmen and engineers. Being an engineer myself I do not know why we have failed to attract people into the profession, after all we can engineer the future, but in recent years training has been reduced and now we have an ageing workforce.

Our company is in the fortunate position of having a full order book of work for thirty years. We have a heavy programme of investment and renewal replacing cast iron mains across the country, yet to do that work over 50 per cent of our current engineers are over 45. This situation is not confined to us - it is common across the utility industry. We need to bring in and train young people now so that we have a workforce capable of doing the work in the years to come.

Within our economy we identified three potential places where there are young people needing jobs: areas of high unemployment, children leaving school and young offenders leaving prison.

We looked at the latter first and four years ago we started working with prisons. We partnered with Reading Young Offenders Institution and spent a long time talking to the young men in prison. We asked them what did they need to earn as a wage to stop them re-offending. The answer was £18,000. Having met the young offenders you have a better understanding of the jobs they are capable of doing and what is going to have a long term appeal. Using a computer to play games might be a popular spare time activity, but they would not necessarily have the temperament necessary to learn the skills for a computer related career.

They needed a job which is portable. They needed

* Lattice subsequently merged with National Grid and the Foundation is now known as National Grid Transco Foundation

to be able to train while in prison and it had to have a 'street cred' image.

What Industry Needs

We carried out a market sector survey of what was needed in the South East of England. Commerce was a growing sector with many major corporates like Microsoft and Oracle locating in the Thames Valley, but it was also apparent that a great deal of warehousing was being built. Land here was cheaper than London yet the journey time from Reading to London in the evening was only about 40 minutes.

It was a natural progression to predict that warehouses needed forklift truck drivers so we set up a pilot scheme to train lads from Reading Prison.

My Chief Executive was totally supportive and we came up with the brilliant idea of offering to train fifty young offenders as a Fiftieth Birthday present for the Prince of Wales. At that time the Prince's Trust were canvassing ideas that both commemorated the Prince's milestone birthday and helped young people. Our training project for young offenders fitted the bill.

The Lattice Young Offender Programme

Fifty was the ideal number for a pilot as we wanted to track exactly what was happening, how many completed the training, how many went into jobs, how many re-offended. This was all virgin territory for us and we needed statistical evidence to support any future commitment to the project. As I started to examine figures more closely it was shocking to learn that there were about eleven thousand young people between the ages of 15 and 20 locked up, approximately 16% of the prison population. I learnt that on average it costs £30,000 a year to keep someone in prison and 70% of young offenders are back inside within a short time of their release. You will be more than familiar with these figures, but it seemed my £1,000 to train each young offender made sound financial sense.

From our initial 50 we had a re-offending rate of 6%. Three from the first ten committed crimes very soon after they were released and this made us ask the question "are we doing the right thing?" We learnt though that time horizons are very different. For the lads in prison their time horizon was very short, whereas your time horizon may be years and mine months, theirs seemed to be about 35 minutes. For example, two of them were late for work one morning so had 'borrowed' cars and

went straight back into prison. The third came from a drug dependant family and had he talked to us before and said, 'I really don't want to go back home to Oxford,' we would have got him a job in Southampton. As it happened within a week he was being used as a carrier and went straight back inside. We had not anticipated that, but it made us look more carefully at the lads and potential problems.

After three years, seventy per cent of those trained are still in the original jobs. Our re-offending rate went up to 5, which was a dramatic difference from the average and we trained a further twenty making a total of 70. Looking at the figures it will cost us £100,000 to train 100 offenders compared to £3 million pounds it costs the state to keep that number in prison.

Training for Transco

With a project that successfully reduced re-offending and got young lads into much needed jobs, we looked at training them for our own industry. Transco had been involved in the early stages of our pilot project and they had seen the job retention rates, which helped secure their commitment. This was important as there is a large investment needed to train people as engineers, also these young offenders would be linked to our company.

Transco does not employ very many people to actually carry out the replacement of pipes; this is done through our contractors. The contractors are the employers and we pay the contractors. So although we could take two or three young offenders per year it is the contractors who will employ the 3,000 needed in the market sector. We therefore needed to get the contractors signed up to this scheme.

Our Chairman, Sir John Parker, introduced the idea of hosting a dinner for all the Chairman of the contracting companies so we could tell them about the scheme and get them to partner with us and offer jobs in the parts of the country where they operated. Not surprisingly all twelve agreed.

The project is known as Market Relevant Utility Training because it involves not just us in the gas industry. We started earlier this year with a very small number of young offenders, as they do need a considerable amount of support. The interesting part starts when the young men leave the prison. Picking up all the difficulties they have – they are still tagged, we needed to get bank accounts organised. We also have to put them to work with the right teams – with men who are going to look

after and support them rather than harping back to past mistakes.

We had a chap a few days ago whose father criminally assaulted his mother and so he took his mother away to look after her. Unless we knew that and investigated, it would just look as if he had not turned up for work. There needs to be quite a lot of support mechanisms in place - it is more than just saying: 'We've got a job for you, sonny'.

We now have ten young men who have been trained and who are now in full time jobs with our contractors and us. They earn £14,000 a year for the first three months and then £17,000 for the next three before eventually getting £22,000 as their salary. The money is important – it has gone up from that initial £18,000, but it is one of the key criteria to keeping these young men choosing employment rather than crime.

Next Steps

So now where? We do need 3,000 of these young men, so we are looking at other prisons. We have visited Rochester, which looks promising. We are at the stage where it is beyond a pilot but not yet properly accepted as a route into work and I think over the next year we have got to concentrate on transporting it into the mainstream. Transco certainly understands and our contractors are starting to. If we can also attract people like car manufacturers, construction companies, and plumbers – all who need people - we can actually solve some of the problems by mobilising this work force.

I should like to tell you briefly about another Foundation project for excluded or children in danger of exclusion. It is related to the prison, as it was from the young offenders that we learnt that a high proportion of them had been excluded or truanted from school.

There are 100,000 children excluded from school every year, 13,000 of them permanently. Their employment chances are low and a lot of these children end up in prison. The reasons are varied: they have suffered abuse; they are not being treated as they should be; they have experienced bereavement; they have to act as carer to mother, father or sibling. If this happened in the workplace there would be support systems to help people through this difficult period. For children there is little.

We looked at the situation in Reading and started what we call Creative Education for up to 50

children aged 15 to 16. We are now in the fourth year of the scheme where the children spend three days a week in a specially built Learning Centre and two days being trained by companies in jobs that they want to do. This might be with motor mechanics, builders, photographers, retailers or nurseries.

There are three teachers in the classroom and the children learn computer skills with an emphasis on improving their literacy and numeracy. To start with we measured results by the children's attendance. Before they came to us they averaged 40% at school, whereas on our scheme it averaged over 85%. Their renewed interest was reflected in their results as 60% of them leave with NVQ or GCSE qualifications, 100% have basic IT certificates and a large proportion go into the jobs they were training for like photography/landscape gardening. Over a quarter have taken up apprenticeships and the rest have gone on to college.

The results amazed us, so before taking any decision to open a replica, we had the scheme independently audited by the National Foundation for Educational Research. The report confirmed we had a model that worked and last year we opened a similar scheme in Peterborough. The results echoed Reading.

It costs on average £2,000 a year to put a child through school – the same as it costs for a child to go through our creative scheme. We get full funding from the Government, so the only costs to us are housing the scheme in one of our buildings.

We ensure that children who would be excluded actually come through an education system that meets the needs of that individual child. The curriculum is tailored to what the children want to do and the whole classroom is dedicated to what they need, with all the support mechanisms around them.

It is not expensive and we do it because it actually helps. Our supply chain needs people to work for them and we are capturing a supply of young people ready and able to work rather than allowing them to drop out of society and into prison.

You could say that we are selfish in our corporate social responsibility – that we train people because we need them. If selfish means making sure that there is a real business benefit in what we do, then that is true: do not be altruistic, do not do something simply because you think it looks good. Do it because you believe you can demonstrate the benefits to your most demanding audience - your shareholders.

Good Practice

John Spedding, Principal Officer, HM YOI Castington

Mr Spedding described the work of the Oswald Unit which houses young men between the ages of 15 and 17 who are serving custodial sentences in excess of 3 years. He explained the nature of the unit, the selection of staff and the sort of work undertaken with the young prisoners. The young men coming to the unit have multiple behavioural problems and often come with a poor record from previous establishments. The attitude and behaviour of staff is crucially important to the unit's success in dealing with these young people, and the involvement of their families is an important element in the work of rehabilitation as is the creation of a community within the unit where well motivated staff can bring about change in the lives of young men who have committed serious offences.

The Oswald Unit

Thank you, Lady Haslam, for allowing me to come down today and give me a chance to talk about my unit. For you that don't know Castington it's a Young Offender/Juvenile establishment which is 25 miles north of Newcastle, so really in the depths of Northumberland. What I'd like to talk about is my unit, Oswald Unit, something I'm very proud of, something I've been involved in from day 1, something I helped plan and something that's now been open for 2 years. The message I really want to get across is what can be achieved if you have a well built, purpose built unit with the correct number of young lads on the unit, with well resourced staff, well motivated staff and a purpose. I'll go back to April 2000, that was when the unit was originally devised, I was given the task of planning the opening of the unit so what I did was I recruited the staff around the establishment, asked for staff who were interested to work on my unit, I said exactly what I wanted on the unit – and I'll talk a little bit about that later – asked for volunteers, to really handpick my staff if you like. I make no apologies for that but I knew what I wanted on the unit and I knew the type of people I wanted on there as well. At this time I got a lot of support from Headquarters, Section 91/92 units who were very instrumental in their help and their support. We had a lot of ideas which we bounced off each other and the result came to fruition. The planning team sat down to work out what we wanted for the boys, we got the staff on board, we spent a lot of time training the staff, talking about what we were going to do. There was going to be something different in the prison service, something that I think is quite unique. I was a little bit around the other estates and other establishments, a little bit of negativity I would have to say because they didn't agree with what I was

trying to achieve and what I was doing. I thought there was a little bit of elitism if you like, well fair enough if that's what they think, OK, but I think what I've achieved is proof that what I wanted and what I'm doing is right, and right for the boys and that's what counts.

I've had quite a few visits to secure units around the estates, picked some ideas up, pulled all the best practices I could find before the unit opened. The unit eventually opened August 2000 so we've been open just over 2 years and on the screen – that's the building. I apologise, it was going to be Power Point this morning which was going to be coloured but we have had problems with the laptop this morning so this is black and white. It doesn't actually do the unit justice, its beautifully coloured, everything you see around the unit the boys have done, they do all the flowers etc and that is a lovely setting. That is the building which you will find is different to what you would normally see in a prison setting. The unit is very well equipped - at the minute that looks just like a hut. Its going to be an aviary, Its exactly what the boys wanted, they wanted birds, birds of prey, ospreys, we've got people round the world willing to do training with the boys as well. So that's a little flavour of what the unit's all about. Something different that we do, these boys spend a lot of time sitting in their rooms and I use the word rooms, I don't use the word cells, because that to me is too prison. I'm talking about rooms, these boys live in rooms. The boys are out of their rooms most of the day, apart from one hour at lunchtime when the staff go and get their lunch, and that's the only time during the day that the boys are actually away. Very well equipped – that's our visits room where the boys get all their visits, their domestic visits, their family come to see them, they have as much time with them, take coffee, there's food available as well,

everything has been decorated by the boys on the unit and that's something that's totally different. If you can see the tables there, again being in black and white doesn't do it justice, but they are mosaics, they are what the boys have done with my staff. Stuff like that, models, everything that's up there, the boys have done again working with my staff. Pictures they've done themselves, models, everything, just things the boys have shown interest in, wanted to do, and I've let them do it and taken that forward. We've got our own little visits area, we've got our own dining area, the boys dine out, the staff sit with the boys, we dine with the boys, we sit there at lunchtime and breakfast time and at tea time, we've got our own play station rooms, our own TV rooms, enormous amount of activity is available. Again activities are available or activities that the boys have expressed interest in. Being a parent myself I know exactly what boys of this age are interested in so we've sat with the boys, we've talked about rugby and what we can deliver, and we've taken that forward. Sports facilities – they've got access to the gymnasium so they use the gym quite a lot. We've got a lot of projects ongoing at the minute – I'm having to go through quickly because I haven't got very long – we've got the aviary project, I'm busy with a little mini golf course which I'm doing on the outside of the unit. We've got one little greenhouse where we are busy doing our own vegetables, I've got a potting shed, again these are all things the boys have asked to do and why not, let's go for it. Now the actual unit itself, the role of the unit, I've got lads who are between 15 and 17 years of age. When they hit the age of 18 normally they would move on to a Young Offender institution. I've got lads serving sentences between 3 years up to and including life sentences, so these lads have got quite a long time to do. I've got a couple of lads who are doing three or four month sentences but normally I take the longterm sentences so I can do quite a lot with these boys in the time that I've got them. I've got lads who've been there for two years since the unit opened. I've seen a massive improvement in them, a massive, massive development in their behaviour, their attitudes, and their educational skills, I run a noncommittal regime. I've got lads in that unit who are in for all types of sentences, we just have to manage that. The boys accept what each other's in for and they live with it, they work and they get out in the community. That's a word I like to use a lot, we've built a community on the unit where the staff and the trainees interact and it works well. Where the trainees come from – basically I've got lads from all over the country – now straight away

people say "Oh, lads from London etc". What I've done is if its been highlighted to me that there's a lad who would benefit from coming to Oswald unit I've asked the family to come up. I've got lads from Peterborough, Manchester, Liverpool, and I've asked the families to come up before the boy's moved where possible, to have a look around my unit, meet the staff, see where the boy's going to be living, where he's going to be working, let them decide whether they think it's the right location. And up till now every family that's come up has decided that they would be happy for their boy to come up to Oswald Unit. OK so there's travelling involved, we are in the middle of Northumberland, but they thought that was the best prison location for a boy to be, and that's great for me. And I've never had a bit of problem with visits, OK it's a bit of trek I accept that, but as a parent I know I would want my boy to be in the place that's best for him wherever that was, and that's the attitude that their families have taken as well.

Our Young Offenders

We've got a fair mix of trainees on the unit, the unit itself holds 40 lads, I've got 40 lads in it, we're normally running about 38, 39, 40, nearly always full. I've got lads that have come from other prison establishments and half of them have come from Local Authority Secure Units. Normally lads that have hit the age of 15 in the Secure Units have decided that they are too old or they need to move on, or too sophisticated, so they come into my unit. So I've got a fair mix of 50-50 secure units and prison lads. All my staff call the boys by their first name, Mark, David, Paul, whatever. Its just something I wanted from day 1 and I think it breaks down barriers. Again that's pretty unusual in the prison service because there is resistance in some places to doing these things, but it was just something I thought we had to do, something we needed to do and something that works well. We have got extra funding. The manning levels on the unit are quite good for a prison unit although they may not look good compared to other establishments. I have been well blessed with good staff and quite well resourced and well manned and it makes all the difference. The actual structure of the unit, it's a one floor building, it builds itself, the staff interact with the boys, there's nowhere to go, staff have to interact, they're on top of each other all the time and that's broken down a lot of barriers. The staff are superb, I cannot praise my staff enough, the way they've dealt with these boys. We've got some very, very difficult trainees on the unit, they've been to many establishments and caused problems wherever they

have been and they have come to me and within a few weeks I've managed to calm them down, I've managed to take them forward, I've got one particular lad who I'll use as an example, a lad called Mark, who before he came to Oswald Unit had been to 50 different establishments, including foster homes and everywhere. When he first came he was very negative, very anti, didn't like prison staff, caused us quite a lot of problems but we wore him down. We spoke to him as a human, he had never been spoken to as a human before, and now the lad, its actually quite nice, he calls one of my staff his dad. Its his role model, he's never had a mum or a dad and he calls one of my staff "dad". He'll say to me "when's my dad back on duty" and I think that's brilliant, I really do. I've been in the job for 14 years, I've worked in many different prison establishments but when I hear things like that that tells me that we are doing something right, and that's what its all about.

Our Programmes

We do quite an extensive range of offending behaviour programmes, unfortunately as you well know it is a big problem with accredited programmes, but we are doing quite extensive offending behaviour programmes and that's built into our core. We have public classes, every member of my staff on an evening would take the boys out, I ' say "if you've got any interests, anything you want to do with the boys let me know" so the staff who wanted to do mosaics, staff who wanted to do modelling, guitar classes, drum classes, computers, everything, they've all come forward and said John we'd like to do that. Fine, do it. So every night on my unit, as well as the chance to go to the gymnasium, as well as using the play stations, as well as watching TV, there's always some activity available for them to do on an evening. Education, we do a statutory 25 hours a week education but that's going to be extended to an evening as well, going to be doing education on an evening. We're also going to be doing education on a weekend as well, I'm not sure how well the boys are going to take that but that's something the YJB want us to do. We have a very safe, controlled environment, that's the way I like to describe it. I come into work and it's a nice place to work in, the boys are happy and they love it. The boys are very happy on the unit. I had a lad about a year and a half ago who came in from a home with very very poor reading and writing, mentally and physically had a lot of problems. When he first came in, when he got his menu, he couldn't pick his menu choices, he used to say "can you help us fill it in". This was a lad of

15 years of age. We worked with him, with the Education Department, fantastic group of teachers in our Education, can't praise them enough. This year he's just won a Koestler Award, he's produced a poem called "I like the caterpillar" which will be getting published soon and honestly is absolutely fantastic, absolutely fantastic. He's absolutely delighted, his mum and dad – his dad is an ex prisoner as well, his dad can't believe it, he actually got a £50 prize for that and it being published. And this is a lad who couldn't read or write, and within two years he's done that. That gives me satisfaction. I've just had the GCSE results come back in, 21 lads of my unit out of 40 took GCSE exams and their results are absolutely superb. I would compare them with any school, but that's down to the teachers, the staff, the boys have to buy into the regime as well and I think that's important. The boys are all committed to what we are trying to do on Oswald unit. We do voluntary drug testing, that's something that obviously the boys have got the choice whether they do it or don't. Every one of the boys in my unit has signed up to do voluntary drug testing and up to now in two years not one of the boys has failed a voluntary drug test. Now we all talk about cultures in prisons and we always speak about drugs when we think about prisons, and for 40 lads to have not failed a drug test is pretty good. They fact that they have all volunteered to do it is good enough for me.

Family Involvement

Assault rates – something that's always very high profile in the prison service. Our assault rates on Oswald Unit are negligible. There's been one or two, I'm talking about fights – fights are registered as assaults. Now if you put 40 15-year olds in a playground you normally get problems and I've got 40 lads for two years and I think I've had three fights, so I think that's fantastic. Adjudications, very few, very few on the unit. Its always a last resort, its never the first option with us, somebody has to do something really bad to be placed on report. We work very closely with the families of the boys when they visit us, we expect the families to come up and we communicate with them, both by speaking to them when they come up and by the phone, we keep in constant contact with them. Any problems with the boys we are not shy to ring them up, tell them what's been going on, they always come up for their sentence plans and we get a good response. Seven lads on the unit are doing very very long sentences for particularly bad crimes and we had an idea – I managed to get every member of the families to come up from all parts of the

country and for a full day they had a chance to spend time with the boys, to spend some time on the field, they got a chance to meet their teachers, they got a chance to talk to their personal officers because every boy has a personal officer who is their first line of contact and they all know who their personal officer is and work very closely with them, and the families came up to me afterwards and couldn't thank us enough. For the first time in maybe two or three years they got a chance to spend a full day with their boy, now that's massive, massive. Normally visits are very very tight but these lads got a full view of their families, we put on a huge lunch on for them, with food they have not seen for years, it was tremendous. We had some really lovely feedback from the families on that.

What we Achieve

I've recently had some of my boys who have gone out to work with the Special Needs, the disabled games in Newbold Revel. They went out for the day and I've had letters back saying what a credit to the unit, credit to the families they were, they worked with the handicapped, they never stopped, they worked a full day, they volunteered for everything, they were so polite. Now again that's

something that really, really pleases me. Our latest achievement is we've just won a Twist award in March, a very coveted award I'm very proud of and that was for how we deal with young people in custody. So that tells me that we are doing something right, something I'm very proud of. Just in closing I'll give you a typical example. Sunday night I was on duty, walked into my unit and I just stood back and had a look at what was going on. One of my staff had ten boys on the sports field playing softball. I had two staff sitting with another boy helping to write a letter. I had another bunch of lads out playing crazy golf, and I had the rest of my staff just sitting, playing board games with them and chatting. It was just like walking into a youth club, it was like walking into a lovely little community and I stood back and I thought, yes, that's what it's all about, and it's given me great satisfaction. I've been very privileged to be given the opportunity to plan the opening of this unit, to run the unit but I make no bones about it, it will probably never happen to me again to be given this opportunity, but I'm very proud of what I've done and Oswald Unit is the way all juvenile units should be run and set up in the establishments and throughout the system. Thank you very much.

Young People In Prison

Paul Cook Director of Children's Services for Rainsbrook and Medway STCs

Mr Cook explained the work carried out at Rainsbrook STC. He discussed the need for standards and to establish criteria by which the effectiveness of programmes with young people can be evaluated. His main focus was on Codes of Conduct, Setting Standards, Knowledge of Children looked after, Culture and Ethos and Positive Control. He described the elements needed to create standards and codes of conduct, and how these are applied to ensure that the children looked after benefit from the environment and regime devised to assist them towards rehabilitation. The aim in any institution is to help the young person develop sufficient control to achieve the necessary degree of respect for others and personal responsibility so that they can move forward. This is best achieved by effective and positive relationships with adults.

Thank you for inviting me to talk to you today about Young People in Prison: Prevention Policy and Practice.

Striving to achieve best practice in residential care is complex, difficult and requires a whole range of inter-linking systems that when working effectively together, with very clear auditing and quality assurance will help to maintain high standards of care.

Rainsbrook

To set the scene, Rainsbrook STC opened in 1999 and now looks after 76 young people in living groups of 5, 6, 8, 24 young women, 52 young men aged between 12 and 17yrs – 16 of whom are remands who cannot be looked after in LASUs, 8 Section 90-92, the rest are DTOs – 68% of sentences are 4 month DTOs. A YJB Monitor and Assistant Monitor are based on site. The regime includes 25

hour National Curriculum Education per 52 weeks a year delivered by 18 pre sixteen qualified teachers on site daily. STCs are inspected annually by the Social Services Inspectorate and OFSTED. The last inspection report 2001/2002 quoted “Standards of care at Rainsbrook Secure Training Centre are ‘unsurpassed anywhere in the secure estate’. The team found evidence of consistent, very high standards of service, with credit given to ‘managers and staff who continues to display high levels of motivation, commitment and skill’”.

How is this achieved? Apart from very hard work! Managing a secure training centre is similar to building a secure wall of inter-linking bricks that when cemented well together enhance practice. Begin to remove one or two of those bricks or take out a column or reduce its height or scope, the environment becomes less safe and fails to protect children and staff. Remove a number of bricks or columns or fail to maintain the secure wall best practice will not be achieved. I am not suggesting the inter-linking bricks that I propose for best practice in a secure environment have to all be in place or that they are exclusive or exhaustive. They are not. They need constant reviewing and if necessary adding to as a response to different sets of circumstances that may occur from time to time.

This is a complex and difficult area and one that I could not do justice to in the short time I have to speak to you today. Therefore, I will focus on Code of Conduct, Setting Standards, Knowledge of Children looked after, Culture and Ethos and Positive Control. The themes and messages I am going to talk about I am sure will be common to all of you. We know in this country that some of our most difficult, damaged and problematic children are looked after in a whole range of residential settings by our least experienced and qualified, staff day to day.

One of the most important elements in any training is to get staff to work to an ethical Code of Conduct. A Code of Conduct should be simple and should concentrate on three elements:

1. Values

These are about respecting individuals and their worth.

2. Responsibility

Is concerned with the individual workers behaving in a professional and responsible manner as a representative of their profession. With the ultimate responsibility of looking after someone else’s child.

3. Accountability

Which is concerned with evaluating and continuously improving practices and care environments in line with the standards and protocols.

It goes without saying therefore that a Code of Conduct must be;

- informed by the expectation of the trainees
- command public confidence
- be developed by staff with an achievable set of principles
- promote the responsibility of workers for their own and others practice
- be endorsed and owned by the agency in our case Rebound, as an acceptable way of relating to young people.
- be acceptable to the trainees supervisory officers and Youth Justice Board and other agencies as an ethical foundation for practice.

I do not believe that you can create a safe and supportive environment for children and staff without developing *standards* as a prerequisite to the work that is undertaken. As with any buzz words within our profession, and I have seen many over the years, standards is a term that is readily used but I would say to you not always clearly understood.

A framework for a Quality Assurance system for the centre - of which an understanding of setting standards was critical - not something added in as an after thought. In developing standards there needs to be an acceptance and commitment to an implementation of those standards in everything we do. Standards:

- are criteria for judging quality
- provide a framework against which practice can be measured
- have express benefits for the trainees
- are exemplars for practice
- are related to the STC tasks
- are dynamic and need to continuously monitored and refined

Be warned though that standards do not:

- replace the need for professional judgement
- specify the knowledge and skills required
- guarantee good practice on their own
- replace the need for management

Developing standards requires vision, creativity and flexibility. They should make explicit:

- the outcomes for trainees
- the structures and systems required to support the activities
- the performance required by all disciplines of STC staff.

This activity of assessing standards should be for every activity undertaken within the centres. The following areas also need to be considered:

1. Staff Competence

Ensuring staff have the knowledge, skills and competence to work to the required standard.

2. Organisational Structures

Clear procedures in place i.e. policies and recording documentation.

3. Resources

Supporting the systems in place e.g. administration, information technology, adequate staffing.

Standards are:

- informed by the expectation of the inspection framework
- developed by staff as an achievable and measurable set of principles
- endorsed and condoned by the agency as an acceptable way of behaving towards others.
- anti-discriminatory and anti-racist practice
- support the statement of purpose
- implementation and refinement of standards is always required.

Embedding standards into working practices is crucial. This is achieved by:

- engaging participants in informing and inducting them
- building and supports to drive the work forward and motivate staff
- building review mechanisms so issues can be identified and addressed in an ongoing way.
- collating and analysing information
- evaluating relevant and workability and standards, practice trends and organisational issues
- making recommendations for change
- refining standards
- building quality assurance into every aspect of the organisations activity.

Why we measure our performance:

- what gets measured gets done

- if you don't measure results you can't tell success from failure
- if you can't see success you can't reward it
- if you can't reward success you are probably rewarding failure
- if you can't see success you can't learn from it
- if you can't recognise failure, you can't correct it
- if you can demonstrate results you can win public support

This audience is well qualified to be able to define the profile of the children with whom we work and look after. I do not have time to go into great detail on the diagnostic and criminogenic behaviour of the children as they are well known to you. However the impact these children have on the regime, ethos and culture we would wish to see needs to be carefully considered.

Profiling of the trainees at Rainsbrook carried out by Dr. Anne Jasper and her team from Raeside Clinic, we noted that 25% had attention deficit / hyper activity disorder which compares to between 2 and 10% in the general population. 28% have been convicted of violent offences, 47% have previous convictions for violence and 82% self reported violence, in total 55% of children are hostile to others they live with. Anne Jasper also concluded that 40% of children at Rainsbrook required active involvement from Mental Health Services at any one point in time and another 40% needed some kind of non-specific counselling from the staff to help them cope with mild distress. An addition 92% of children had not attended education at all prior to coming to Rainsbrook and had either been temporarily excluded or failed to attend for periods in excess of 1 year, and a significant number in excess of 4.

In that context we are looking after children with a massive diversity of problems which in a very short period of time we want to make a real difference to their lives. As with any organisation looking after these children we need to ensure that we strive to maintain best practice for this most vulnerable group. For those staff who have worked with me for a number of years, will be sick of hearing the message about *core business*, looking after, caring and educating, and building effective relationships with children day in and day out. This forms the foundation for good practice in a transparent and open environment which keeps children safe.

Key messages for Best Practice

The core business is:

- Care
- Education
- Effective Relationships
- Transparent / Open Environment
- Dignity
- Respect
- Privacy
- Security
- Diversity
- Complaints
- Reward
- Training
- Supervision

The right culture and ethos in an establishment is essential. Damaging cultures, if allowed to operate, are very difficult to change and damaging to children. Good quality care practice is where dignity, respect, privacy and security are observed, taking into account children's diversity and cultural religious background, ensuring access to an independent person. How a centre and its staff respond to children's complaints, no matter how minor they appear is critical. The speed of the response and acknowledgement is central to child's self worth. How we deal with complaints may give that *one* child who has a real concern the opportunity and confidence to begin to trust those with power and authority and talk through issues about their own and others safety. Not tolerating bullying or intimidation with good anti bullying policies in place and ensuring that education is valued throughout the institution are of equal importance. A positive ethos based on rewards and sanctions and 'positive parenting' is much better than control, restraint and punishment.

Ensuring that staff are well supported procedurally, with staff development, training, quality supervision and learning circles is essential to improve practice, as is a good knowledge of the children they are looking after. Building a regime that is based on positive prevention rather than reactive intervention supported by good quality management information and quality assurance. Leadership is about setting a vision and strategy that everyone understands and owns. Leadership is about ensuring that the vision is delivered day in day out and address the areas where it isn't. First line managers who are crucial to this delivery of service. First line managers must ensure the quality of what happens day in day out, their ownership, responsibility and accountability of their actions and the empowerment to manage is

paramount. This is particularly important when we ask them to support staff who are managing difficult and challenging behaviour against the profile of children looked after.

We need also to spend a great deal of time helping children develop their own coping skills and link that to their post release supervision. We know that most times good order is produced by the co-operation of the people involved in a social situation and that most people will attempt to respond in an acceptable way through their own choice. We also know that in institutional settings we do not have people who normally know or want to respond in those ways. This may be because of previous learning experiences, history or damage they have sustained previously which may work against good order.

Children tell me that they benefit from the presence of a consistent regime, they understand what is expected of them and why those expectations are held. Children respond well to fairness, honesty and security, a state of affairs that is brought about by knowledgeable and focussed individuals living in a humane and supportive environment. An appropriate routine and behavioural boundaries is therefore required. This will meet the social, physical and intellectual needs of the children ensuring they understand what is expected of them, this helps to form a basis for best practice. We must also understand that children living away from home have a greater possibility of feeling helpless and powerless. We should help them to feel more in control of their own life and personal destiny, which may help them develop a positive and socially responsible manner. We should not be afraid to use the word 'discipline' in these situations as it is an integral agent that helps the individual to respond in a measured and appropriate manner. Self discipline therefore grows when individuals have an opportunity to respond for themselves. They have a say and they are listened to and they can make genuine mistakes.

So, the aim in any institution is to help the young person develop sufficient control to achieve the necessary degree of respect for others and personal responsibility so that they can move forward. This is best achieved by effective and positive relationships with adults. I often hear the phrase 'pro-social modelling' used. Well, yes, I agree with that but what we are really talking about is staff behaving well and properly with the children they look after.

We must also encourage staff to constantly address

their own practice to ensure that they do not generate bad behaviour and differences in the way children behave according to which team may be on duty. Inappropriate staff interaction may cause aggressive defiance to become violent action and the lack of staff skills can be quickly exploited and identified by children. We must therefore not be afraid to address situations when they occur. Managing children in a residential setting is no easy task. Quality information systems, clear leadership, consistent and effective care based on a sound theoretical model will lead to best practice. Quality of relationships enjoyed in any establishment must be based on an awareness to promote mutual respect and understanding between the children and the staff who care for them. The quality of the living environment must be maintained at all times and staff should be encouraged to work with children to involve them in making decisions about their own living environment encouraging them to take responsibility.

The nature of any secure residential establishment that works with detained children in the year 2002 and beyond will have to work with a mix and flow through of children who present a wide range of problematic behaviour, and create a range of group dynamics which may not always help develop a positive ethos. Where children with the profile described live together, there will always be clashes of temperament, personality and frustration. We must therefore try to ensure establishments are safe and that the children are not subjected to unacceptable behaviour that will further distort or damage their perception of themselves or their relationships with others.

I believe these messages are imperative in developing best practice with the children we look after.

Changing Custody And Providing Alternatives

Lord Warner Chairman of the Youth Justice Board for England and Wales

Lord Warner discussed the developments which have been taking place in the Youth Justice System. The issue of responsibility is a key part of the change process, getting young people to take responsibility for their behaviour, for their actions, is part of the remedial process, and the thrust of work is towards this end. He explained the importance of the ASSET tool in assessment and the value of involving external agencies in the Youth Justice System. He also described some new alternatives to custody, such as the ISSP, as well as changes in custodial regimes. Looking to the future the YJB would be giving greater attention to education, training and personal development as the core business of the custodial facilities. Finally he emphasised the importance of consistency in sentencing and how greater consistency could be instrumental in reducing the number of young people in custody.

Developments in the Youth Justice System

I would like to take this opportunity to outline some of the developments in the Youth Justice System in recent years, following the reforms that led to the setting up of the Youth Justice Board, and to talk in more detail about some of the alternatives to custody that have been developed, and are still being developed, as well as the work we have been doing to improve the standards of custodial regimes. What we have seen over the last three years is the creation of a new and more effective Youth Justice System, and it is just worth reminding ourselves of what was there before when we made these changes. And what was there before in the 1990s

– before these Youth Justice reforms - was a set of problems around sentences for juveniles which gave very little emphasis to, and had very little impact on, changing the behaviour of young offenders. There was certainly a lack of demanding and intensive supervised community programmes, and I would say, from going round the custodial facilities before we took over, that those that were there were pretty costly, they were pretty fragmented and they were pretty inadequate. I understand why the fire power is turned on the prison service for custodial facilities, but I have to tell you we have had just as much trouble with some Local Authority Secure Units in the last two or three years in terms of the quality of regime. At least the prison service is a

sight cheaper than what we were paying some of the local authorities. So we shouldn't get too fixated and concentrate all the fire power on quality and safety and treatment of young people on what's going on in the prison service alone.

At the heart of the recent reform process has been a new focus - a single statutory aim for the Youth Justice System. There has been a lot of debate about this, but I think we're beginning to see the results both in terms of the public agencies and the staff concentrating on this single aim of preventing young people offending. This I think has led to much more emphasis on earlier intervention, on trying to divert young people from crime, by providing them with purposeful activities. In the summer, for example, there are six hundred SPLASH schemes. Some are activity schemes involving a lot of arts, a lot of sports access, which is a radically different approach from what was going on five, six, seven years ago. And we have tried also to make a better job of bringing these different agencies together, and tackling some of the often complex and interlinking issues that increase the risks of offending. Above all we believe that the key to success is the actual engagement with young people when they offend and not simply ignoring the behaviour. It is crucial that young people understand that when they offend something will happen. We must ensure that those consequences are brought home to them, but also at the same time any punishment that's used is constructive and will assist the young people concerned to address their behavioural problems. The issue of responsibility is a key part of some of these change processes, getting young people to take responsibility for their behaviour, for their actions, is part of the remedial process. What we have tried to do, and will continue to try to do, is to put in place a wider range of programmes that enable young people to engage with some of their behavioural problems, and get help with those problems to change their approach. We have a clear view that central to meeting this principal aim is the provision of effective alternatives to custody which address offending behaviour, and that for those offenders for whom custody is the only realistic option there must be changed and improved custodial regimes. Although we have made a start there is still a long way to go there.

The New Sentencing Framework

Overarching all this work with young people is a new sentencing framework. The new sentences that have become available to the courts have

underpinning them now, much more than they did in the past, a new pattern of programmes that try to tackle offending behaviour and try to prevent its recurrence. There is a growing range of sanctions and intervention programmes available to address the varying levels of anti-social and criminal behaviour. The system is geared to intervening at each level of youth offending, and the aim at each stage is to prevent offending behaviour escalating. The emphasis increasingly is on a bespoke programme response for each individual based on the assessment of their individual needs. We have introduced, with a lot of help from practitioners, a new national system of assessment, ASSET, and that is being used for this purpose. An independent evaluation of the ASSET system has shown that it has about 70% accuracy in predicting future re-offending behaviour. So if the assessment is done properly and the identified needs are then responded to (two big caveats I acknowledge) there is a very good chance of stopping or reducing offending. I am not saying that every ASSET form completed in this country is perfect. I have plenty of evidence that it's not. And I am not saying that every YOT, or their mainstream supporting services, do respond effectively to the identified needs; but at least there is a programme in place to try to actually operate on a systematic basis in identifying needs leading to offending behaviour, and building a response to them. It does start to show when you aggregate the results of ASSETs, one of the programmes you have to put in place at the local level to do a better job with many of these youngsters. We now have for the first time, and this has been a terrible shock to the Criminal Justice System, a multi agency approach which actually has people and agencies from outside the Criminal Justice System playing a key part in the response to these youngsters. I think this is actually something which is starting to penetrate even the darker recesses of the Home Office in terms of some lessons for some of the adult offenders as well. Doing a better job with a number of the agencies outside the Criminal Justice System is probably a key to success there, and certainly the YOTs, whilst not all perfect, have actually made some stunning advances in parts of the country. The assessments that we have done of some of these youngsters at the end of their time with the YOTs show a consistently increasing number of them improving against the offending risk factors identified when they were initially assessed. Home Office research on the effect of the new community disposals which was done on an analysis of a cohort

of juvenile offenders convicted in July 2000, just three months after the start of the new reports, showed a 14.6% reduction in the predicted offending rate of the group after one year. Now this is particularly significant for the Board as the Home Office target that was given to the Board to reduce juvenile offenders reconviction rates was only 5% by March 2004. Some cynics have said we can pack up and go home as a result of achieving that target. There are encouraging signs that some of this effort, despite the cynics, is actually beginning to work. It is particularly beginning to work at the earlier intervention end. The more that is done pre first court appearance, and at the earlier lower levels of offending, are actually having big payoffs in moving more of these young people away from a path of offending.

Alternatives to Custody

I want now to turn to some of the alternatives to custody issues. A major objective we set ourselves was to make the Youth Justice System better geared to provide effective alternatives to custody. I think the error in the past, which is still prevalent in some places and I believe is heavily prevalent in the adult sector, is to fail to provide robust community penalties which have the confidence of the courts. Trying to approach it in this way has made it easier to persuade the courts not to use custodial options as much, particularly the use of ineffective short custodial sentences. But our stance has not been to blame the courts but to try to address the problem of shortage of effective alternatives to custody; and to try to do that in a way which attracts the confidence, not just of sentencers but also the public. Now I think it is often overlooked that magistrates have to have some feel for the public mood, and there is an issue about whether we have done enough to try to address the public concerns in terms of these robust community alternatives. It is one thing to say that the courts should be more careful with the use of custody, it is another thing entirely to achieve the change. What we have tried to do is to ensure that there can be more confidence in community based options. This has been uncomfortable for some practitioners. This has meant addressing seriously issues of monitoring individuals closely in the community and restricting their liberty through curfews and tagging. But my argument has always been if the option is curfews and tagging, or a lot of time in custody, I would go for curfews and tagging every time as an alternative to custody. That has been a key part of the Board's philosophy, and that is why we have put a lot of

effort into developing a new programme called Intensive Supervision and Surveillance Programmes. ISSP to use the jargon. That provides electronic tagging, structured programmes for up to 7 days a week. That is revolutionary - not just 9 to 5 but also weekends. YOT workers actually being engaged with youngsters at weekends? Whoever heard of such a thing! Supervision by responsible adults from the community and the police has been one of the most significant features of ISSP. It involves a lot of face to face engagement with young people, not just by YOT workers, but by mentors and other people in the community. These youngsters are seeing a lot of responsible adults in these programmes on a face to face basis. That is the thing which is actually making quite a lot of difference; they are seeing people from their own community. These individuals are not professionals "parachuted in" from somewhere else, these are people who actually live in the same streets as these youngsters in many cases. That is the significant change in the way in the way that we are engaging with them. ISSP can be linked either to bail conditions, a community sentence or part of the supervision in the second half of a Detention and Training Order. The programme became available in the second half of 2001 and by July 2002 over 1800 young people had started an ISSP, with about 1200 of them having ISSPs attached to a community based penalty. It is currently available in about 84 Youth Offending Teams, mainly in the high street crime areas. But the Board is glad that the government has supported a major expansion of the programme. They have supported the expansion of ISSP. At the end of this year the annual capacity will be 2500 places rising to 3500 places in 2003. Its too early to properly assess the impact of ISSP, but anecdotal evidence from the police and the courts suggests that this programme provides an opportunity for changes in sentencing practice that could have a significant impact on the use of custodial sentencing in the future. Although sentences have got longer since the Lord Chief Justice's pronouncement earlier this year, the number of youngsters being placed on Detention and Training Orders has changed little in 2002. The sentences have got longer but since the courts have had ISSP available they have not been sending more youngsters to custodial sentences. There is some variation each month, but as a general trend line that is true.

Custodial Regimes

The Youth Justice reforms have also addressed the need to improve custodial regimes. Since April 2000 the Board has been responsible for commissioning places for young people under 18 who have been sentenced and remanded to secure facilities. Overall we purchase somewhere between 3000 and 3500 places each year, mainly in the prison service facilities but also in Local Authority Secure Units and in the gently expanding Secure Training Centre. Despite some of the concerns about the latter some of the reports on Rainsbrook have been stunningly good reports, and the argument that the private sector can't run these places is nonsense, and has been shown to be nonsense. The budget for purchasing all these places was transferred to the Board in April 2000. The creation of the commissioning role for the Board coincided with the start of the Detention and Training Order. That Order has been a real innovation I think, it is even starting to attract the interest of the Probation Service. Central to the Board's commissioning role has been the development of contracts and service level agreements with secure facilities to comply with new standards. This has provided a lever by which standards can be monitored and raised. We did stop the payment to the prison service one month, which did produce a concentration of minds in a number of areas. This commissioning approach has led to significant improvements to regimes in a number of establishments. These include safety standards, time spent in education, time spent in physical education, and other purposeful activities. We have good data showing, for example, that time out of cell has actually increased consistently over virtually all institutions over the last two to three years. We have not hesitated to use our authority as a commissioning body to issue non compliance notices to failing YOIs. It does concentrate people's minds, because if you issue a non-compliance notice the logic of that is that you will stop sending young offenders there, and ultimately you will go on reducing the number of them there. This has both significant if financial implications for the prison service and significant financial implications for a private provider if they are running one of those institutions. We did cease to purchase places at Portland YOI because we considered that place unsuitable for juveniles and we agreed with the Howard League's criticisms of that particular facility. I do not want to give the impression that all is well in the custodial sector but there have been some significant improvements. The particular area

we have focussed on has been education and training, and we conducted an audit which showed pretty appalling education and training achievements by the youngsters in these facilities that we published last year. Fifty percent of those of compulsory school age in custody have numeracy at levels at or below what you would expect of a seven year old child. Two thirds have a reading age of eleven or less. That is why the Board has persuaded the government to embark on a forty million pound investment programme over the next three years. It has started already, throughout the juvenile custodial estate, with new materials which have been piloted with youngsters that are more appropriate to the young people who are in these facilities. More and better IT and, perhaps even more to the point, more and better paid and trained education personnel are being introduced, providing we can work our way through the mind numbing educational bureaucracies for negotiating with education personnel. As part of the emphasis on education we have also developed relationships with other agencies to show how access to mainstream educational services can be gained by young offenders. Now I would not want to claim that everything has gone perfectly with the Connexions Service, but it is a significant development. We have agreed a shared target with the Connexions Service, so that by 2004 90% of young offenders aged 13 to 18 who are supervised by YOTs should be in education and training or employment. We want to make the personal advisor system of the Connexions Service really work for these youngsters, whether they are in custody or not in custody.

The Future

Looking to the future we will continue to stress the importance of education and we want to redevelop these facilities as secure learning centres for all those young people in custody, where the emphasis would be on education, training and personal development as the core business of the custodial facilities. There is still quite a long way to go, but that is the vision. Ultimately our vision is for a smaller, more stable, juvenile security estate which more adequately meets the needs of those young people who have to be in custody. One area where we are particularly keen to see further progress is in relation to secure remands. There are currently about five to six hundred juveniles on secure remands, locked up at any one time. Most are held now for only about a month on average, and there

is very good evidence that these secure remands cause significant disruption to the lives of the young people who are serving sentences in the remand facilities. There is huge churning as large numbers of staff are actually preoccupied with taking young remand prisoners backwards and forwards to court. It is very difficult to engage them over a month in many of the programmes in these facilities. What we would like to see is the separation of remandees more clearly in the prison service. Ultimately the Board would like to see remandees overwhelmingly in smaller remand centres outside the prison service, locally based, able to continue with education and training while they are on remand and using probably a lower level of security than the prison service is operating, or indeed a LA Secure Unit is operating. Most of these young people are not going to run away within that month and we are spending far too much money on the security aspects for most of them. In terms of the numbers we have issued some new figures today. One of the things that we have been doing consistently is trying, with our powers under the Crime and Disorder Act, to disseminate information about things that are working, and putting numbers in the public arena about the relationship of use of custodial sentences to community penalties. We have become increasingly concerned about the overcrowding in the estate and we are still increasingly concerned about the variation in the use of custody in different parts of the country. We have also seen the sentence lengths themselves actually increase over the last nine or ten months. What we are trying to do is to expand the use of ISSP. The Board is saying to the government, we think that there should be a bespoke intensive supervision and surveillance order which could be used for up to 12 months, and we should be working with the courts to see if more youngsters who are on these short 4 and 6 month detention and training orders can be placed on those orders. They could be longer than some of the present programmes but you would only use custody for serious breaches of that particular order.

Consistency in Sentencing

Finally I just want to say a few words about this issue of consistency in sentencing. Although the independence of the judiciary is vital, an equally important principle of our legal system is equality before the law. We ought therefore to be able to expect reasonable consistency in sentencing practice within the system. That is why we have used our powers to publish every six months statistics

on the number and ratio of custodial and community sentences used by the courts in every YOT area. We try to take account the gravity of offences, as best we can within the available data, to show this in the tables. The conclusion from this data, including the latest figures published today, is that there are significant variations in the use of custodial sentences which cannot simply be explained by the seriousness of the offences before particular courts. The average ratio of the number of custodial sentences to community sentences across England and Wales in the past eighteen months is 1 to 6. But areas (that is YOT areas) have ranged from using custodial sentences as frequently as 1 to every 2 community sentences, to as infrequently as 1 to every 30 community sentences. Within government regions there are also very considerable variations. The South West government region on average gave 1 custodial sentence for every 10 community sentences in the past eighteen months; that is half the rate prevailing in the West Midlands region and the North West region. You cannot explain this, and I have to emphasise this again, you cannot explain this just by gravity of offences. There has been some interesting NACRO research which also supports that argument. You just cannot explain it all away as reflecting the overall gravity of offences. We have done an interesting calculation. It suggests that if all the regions in England and Wales had used custodial sentences as the same ratio as the lowest region, i.e. 1 for every 10, then there would have been about 2500 fewer custodial sentences of youngsters each year. That is equivalent to actually removing about 1000 places from the secure estate; in other words between about a quarter and a third of the juvenile secure estate would disappear for if we had that level of consistency in sentencing. The Home Secretary has recently said we cannot expect uniformity in sentencing but we can expect consistency. That is why we are putting this information in the public arena. We hope that the YOTs and the Courts will actually look at this and examine some of their own practices. There's a long way still to go to improve the quality of regimes, still some way to go in making good robust community alternatives to custody available, but certainly there is a lot of momentum behind the change. I think a lot of support for these changes comes from the staff working in this sector. Thank you very much.

Plenary Discussion following Lord Warner's Address

Caroline Whitehead - Lord Warner, I can't quite understand if you are trying to reduce the custodial sentences, could you explain the plans that actually building very many more beds and centres for the 12 to 15 year old age group in SCTs and so on. What's the thinking behind this?

Lord Warner- The thinking behind this is that we are trying to move the STC sector, and we have put our position in the public arena with the support of the previous Home Secretary, up to about 400 places. They are replacement places for existing facilities; one new unit has opened at Rainsbrook – 32 places, another new unit will open at Medway in October – 32 places. We will be getting close to letting a contract for an STC with 80 places at Milton Keynes. That is going round the contracting processes, and we about to buy, I hope, a site in Nottingham for another one. We have bought a site and we are grinding our way through with the local authority in the planning process in Brentwood, the old St Charles site. And there will be one that the Welsh Assembly wants in Wales. And probably another one in the North West. That's the pattern that we are putting in place. Now as that comes on stream, that is trying to do several things. First of all it is trying to – though the Courts are slightly thwarting us – trying to make sure that there are no young women, other than a few 17 year olds, in prison service accommodation. That's one point so there will be some young women's units in those facilities. We are using some of them for secure remand at the moment. We also have a commitment to take more 15 and 16 year old vulnerable young men out of the prison service because we are running a national placement service. There are still, regrettably, too many 15 and 16 year old vulnerable young men who are put into prison service accommodation because there's an absence of alternative. And if I'm frank about it, we would actually like to withdraw from a few of the Local Authority Secure Units. Directors of Social Services, some of my former colleagues, are always nagging away about the indecently large proportion of the Local Authority Secure Unit places which are being bought by the Youth Justice Board, and so denying them access. That does not seem to stop them charging very high prices, in some places, to subsidise their budget, but we will let that pass without comment. And so that's the game plan - girls, vulnerable 15 and 16 year olds, probably a cheaper more cost effective alternative to some of the smaller LASUs.

Gordon D'Silva - Good work has been done over the years. Two examples we've heard about today. So often however, from our experience as a charity, we find that the experience of our clients is that good training, good resources, good facilities, are often the experience of being dropped off the end. The problem, therefore, is not so much the excellent provision that we are increasingly finding but the lack of a holistic approach to understanding how an individual can transfer from one environment to the next. Today we heard one of the speakers talking about a very difficult young man going through the system, at first establishing a relationship with one of the carers, so good that he called him "Dad", but at some point that will end and the problem so often is being dropped off the end with nowhere to go. Is there an attempt to look at the holistic needs of an individual once they leave a particular custodial or caring environment, and if so what are the sort of things that are looked at, and just to throw another spanner in the works, to what extent have you looked at the possibilities that have been made available through the technological advances that are now at our disposal. The idea of how you create alumni on line, how you create communities on line, how you look at learning in a way in which the clients that we work with, the chaotic ways in which the how of learning and understanding can be enhanced and supported through communities on line, are these things which are being kicked about right now or is it somewhere in a box for future reference.

Lord Warner – there's quite a lot in that question or statement. There seem to be two themes that you were talking about; the issue of resettlement and the issue of technology for joining up this sector a bit better and some of the participants in it. On resettlement, the fundamental problem I think on resettlement is that the short detention training orders, are too short to do a great deal with many of these youngsters in custody. You've broken their linkages with their community, you've often broken their linkages in a proportion of cases with some kind of education, employment or training. In some cases they have lost their accommodation. You haven't had a lot of time to work with them in two or three months in custody, sometimes less if they've had some time off for other reasons, and you are then trying to get YOTs, who in some cases are quite a long way away from those particular facilities, to plan their return to the community, and that is clearly not working in a proportion of cases.

We acknowledge that, which is why we want to look now at whether we've got this right. I hasten to add this is very much gleams in our eye, but one of the things we want to look at is whether we should change the emphasis and look at letting contracts linked much more to connections type services. To have the resettlement started almost as the kid goes into custody, and actually have contractual responsibility much more clearly identified for resettling people into the community. That's on the resettlement side. I have to say that we are all going to be able to do a much better job in that area if we simply restrict the number of people going into custody, that's why I was banging on endlessly about the numbers in custody. The bigger you make this custodial sector the more difficult you make the resettlement issues, the more difficult it is to find staff of good quality to work in all the units, and the labour market issues are poorly understood, I think, in the Criminal Justice system, and particularly poorly understood in the Home Office. Some of the constraints on many of these things are not always money, they are about people. So those are issues to be tackled. On the technology side, I think where we are trying to drive it within the constraints. If you've ever tried to set up a computer system with Criminal Justice agencies you

will know the problems; and if you are ever thinking of it, don't. Think of something else to do, just don't do it, go and think of something else. There are some real issues about actually joining up some of the IT systems in the community. We are trying to bring more technology, better technology, into the juvenile facilities. It causes all sorts of problems with some of the Prison Service's approach to computers, which would not be the Board's approach, and we are trying to introduce things like video conferencing. It took us some time to get people to accept the fax and send in returns to the placement service by fax. You would have thought we were trying to set up some advanced piece of nuclear physics in doing this, so there's quite a lot of technophobia and resistance around. And some of the YOT staff do not like the development of IT, so there are quite a lot of culture issues around using more IT. There are quite a lot of systems blockages. We are on the case – I wouldn't want to give you the impression that a shiny new, high tech Youth Justice system is just around the corner, but we will keep plodding away. There are enthusiasts dotted around this system who want to do it. What we've got to do is harness them and get these subversives working with some of their colleagues.

Involving Children In Decision Making

Frances Crook Director, Howard League

Mrs Crook talked first about involving prisoners in decision-making, and how very challenging this can be to all prisons, but particularly those dealing with children. She stressed the benefits to be gained for the child and for the institutions in enabling children to freely express their views. She described the finding of the Howard League research into four YOIs with regard to the responses of staff and the difficulties for young prisoners in using the complex complaints system created by the latest Prison Service Order. She makes a number of recommendations for change – giving young prisoners greater responsibility, better and more frequent dialogue between young prisoners and staff, more responsiveness to young prisoners views, help for children to participate, reform of the complaints system and, above all, greater respect for children.

Obtaining the Child's View

I want to talk today about involving children in decision-making, and I will quote from the UN Convention on the Rights of the Child, which states:

“States parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the view of the child being given due weight in accordance with the age and maturity of the child.”

I want to talk about the concept of involving prisoners in decision-making, and how very challenging this can be to all prisons, but particularly those dealing with children. It runs completely counter to the whole tradition of prison, which is seen as a place where you are stripped of your autonomy, and where you are made subject to discipline, which is imposed from above. Many people within the service contend that prisoners should forfeit the right to have their views taken

into consideration. That it is part of the punishment is quite a common view, both amongst those working with juveniles and with adult prisoners. But I would suggest that listening to children and involving them is not just desirable, it is essential, and this is the only way to create and ensure a safe and a nurturing environment.

The interests of the children must be placed at the centre of any institution, whether it is a prison service or other institution, one of the secure training centres perhaps, which aspires to run a safe and constructive environment for children. This means positively encouraging participation and active involvement. It will bring benefits, and it is the best means to prevent abuse. The clearest message emerging from all of the enquiries about child abuse inside any of the institutions, or indeed outside the institutions as well in the community, is that mistreatment flourishes when children have no voice, when they are ignored, when adults think they know best, and sometimes when adults are even acting with the best interests of the child at heart and think they are providing a very good service for that child, but they are not listening. Secondly, consulting with children improves the quality of the service. If you involve children in developing anti-bullying strategies or incentive schemes they are more likely to be effective and you are more likely to get it right, particularly if children feel they have ownership of the policy.

Thirdly, giving respect to the views of young people can have a significant and positive impact on their skills and their self-perception. The experience of having their views listened to, valued, acted on, is probably going to be a new one for the children who end up in custody. It could encourage them to take responsibility and help to build trust.

Fourthly, it could have an impact on offending behaviour. Poor decision-making is one of the factors that lead to the young person getting involved in crime. We can provide the best-designed programmes in the world but if every other aspect of the child's existence is controlled and they cannot practice making mistakes safely they will not learn from those mistakes. Speaking as a parent, one of the most important things I do is that I allow a safe and approving environment for my child to explore and experiment and to make mistakes, and to learn from those mistakes.

The Children's Act

The guidance in the Children's Homes regulations issued under the Children Act, recommends says

that it is essential that children should be consulted on their wishes and feelings and their views should be ascertained on matters concerning them. Of course this does not apply to prisons or secure training centres, but if you wait until November 12th and 13th when the Howard League is going to court to test this ruling the legal situation may change. We are now up against the Home Office, Department of Health, Local Government and the Directors of Social Services. Good order is likely to be achieved in homes where children are involved in decision making about their care. They should be encouraged to take responsibility for their own care.

In recent years I think there has been a major effort to increase children's participation in the social care field. Regrettably this appears to have been ignored across the whole of the penal system dealing with children. Actively involving children is now one of the core principles underpinning new initiatives in the social care field to improve the quality of care for children looked after by local authorities and is regarded as a key to protecting children and delivering better services. The "quality protects" programme has involved a stringent three-year target for local authorities to improve services for looked after children and children in need. It's a start, I'm not saying its wonderful and I think looking across education, schools and other provision for children we still treat them badly; we ignore them.

Howard League Research

So what should happen inside prisons? The Howard League has been visiting prisons and has produced a series of reports on Lancaster Farms, Hollesley Bay, Ashfield and Castington young offenders institutions. These are not inspection reports, they are not intended to rival the Chief Inspector's reports, but what we interviewed young people and staff and, significantly, we interviewed young people after they had been released. We particularly looked at certain areas of good practice and areas of concern, and one of the key issues was the participation of children in the institution.

I am going to look very briefly at each of those, make some observations about each of the four and bring in some issues to do with the complaints system as well.

Castington: Senior staff told us that there was a growing awareness among officers about the value of involving young people in developing regime activities. We were told, "At the start we were trying to do things to them, now we are trying to do

things with them”. And that’s quite a significant change, which is to be applauded. However, there was no formal mechanism that we could discover for involving the boys in decision making so whilst the will was there nothing that seemed to have been done about it. An attempt at an all-prisoner group that was supposed to meet monthly had been abandoned. Various departments including Psychology had tried questionnaires but the boys had such low literacy levels these were not a great success. These rather desultory attempts failed to appreciate that democracy requires practice. Participation is not something you can impose by holding a brief meeting once a month and then expect democracy to function. Democracy, as we all know, is messy, time consuming, frustrating, and requires an extraordinary effort. Just look at the number of young people who didn’t vote in the last General Election. It’s a very challenging thing to do, to really involve young people in some kind of democratic functioning.

Children in prison do not use the complaints system. Young people we spoke to in all four of the prisons had little faith in the procedure, indeed they felt that using the system was likely to get them into trouble. One boy in Castington told us “there’s no point here, the screws just take it and rip it up”. Another said, “there’s no point in making a complaint, as soon as you raise your head above that line you’re bringing trouble”.

Lancaster Farms: This is regarded as one of the jewels of the crown of the juvenile estate. Yet, there is no formal system for involving the boys in the way the regime is designed or run. When we visited there were no prisoners on any of the committees, no forum for the boys such as wing meetings, no consultation on the regime or the running of the prison and no consultation on any of the strategies. Staff undoubtedly do have good relationships with the boys and they told us that this allowed them to pass on any suggestions the boys may make.

In **Ashfield**, which has had a lot of publicity recently, each wing has a committee chosen by staff to meet with the director and senior managers, and we didn’t find that anywhere else. Some of the boys we spoke to were very positive about the meetings and said that changes had resulted following the meetings. However these meetings were the only attempts at involving the boys, who do not participate in any of the other committees.

Making a complaint in Ashfield, as in every other prison, is an extremely complicated business, like

something out of Alice in Wonderland; you have to ask for a form to get a form, to ask for a meeting. It is so completely bizarre, by the time they have got the form to get the form to have the meeting, the boys have been released. Boys in Ashfield told us that it was too complicated. One lad said “My padmate was being cheeky so they came in and ripped up all the letters I’d written that night. I complained to the director about it and he came to see me, but just said: “Well, you’d best tell your padmate to keep his head down then, hadn’t you”. And I didn’t think that was fair. I think it’s too hard to complain, basically you’ve got to put in four letters to see a governor and I think it’s stupid.”

In **Hollesley Bay** boys are represented on the Race Relations Committee and a group meets the senior managers once a month. We were told by staff that this had helped to develop areas like catering, activities, rewards, sanctions, anti-bullying and clothing issues. All the boys we talked to though had very little faith in the complaints procedure, they said the forms were difficult, they were difficult to get hold of, they were difficult to fill in and they were unlikely to lead to any resolution.

Since our research was carried out there a new Prison Service Order has come into operation aimed at making the complaints procedure simpler for juveniles but the form itself has not changed significantly. It remains dense, text heavy and most significantly there doesn’t seem to be any change in attitude. The Prisons Ombudsman, Stephen Shaw, whom I greatly admire, always says that he feels the sign of a successful and healthy prison is one that has lots of complaints. He is right. Prisons should be encouraging young people to make complaints as it is a sign that people feel safe, that young people feel listened to, and that they feel free to complain. The fact that so few children make complaints is not a sign they have nothing to say but rather that they are afraid or they believe it to be pointless.

Recommendations for Change

I want to end by making some recommendations for change.

The European Committee for the Prevention of Torture and Inhuman Degrading Punishment (CPT) said in its report on the UK last year that the value of incentive schemes in juvenile detention would be enhanced if additional emphasis were to be placed on the acquisition of greater responsibility. Instead of just giving things like radios or duvets as rewards, increased responsibility should be considered. This

is a really interesting idea. I could show young people that involvement in decision-making is not just about attending boring meetings but can be a reward and something to aspire to. Now I know that many of us would think that attending boring meetings is dull and boring but for a young person who has been disenfranchised and ignored for all their life, it could indeed be an incentive.

Secondly, I would like to see regular, possibly daily, wing meetings that involve all the young people and staff. This should not just comprise a few handpicked young people, as we found in some institutions that the staff chose young people to be involved. This does happen in secure units. Of course I appreciate that in secure units there may be only ten or twelve young people and in some of the prison units there are forty, or even as many as sixty. It is very difficult to run meetings with these numbers of people but it has to be tried. This will show the young people that their views are valued and that the prison is putting real resources into listening and consulting. It would also teach young people all sorts of social skills, for example listening to other people.

Thirdly, decisions have to be responsive to the views of young people. If you ask them you have to do something about it.

Plenary Discussion

Jenny Robson, the Who Cares Trust (an organisation that works primarily to try to improve the outcome of children in public care). I really, really want to endorse what you say about young people's participation. Our organisation is founded on the belief that none of our services are delivered unless we consult the children about what they think ought to go into any programmes we develop. It is time consuming, it is resource heavy and you have to be able to allow them to say things that are very uncomfortable and to appreciate that they have a point of view. I can't endorse strongly enough what you have just said.

Eileen Vizard, Child Psychiatrist- I'm not going to disagree because I also endorse everything really that you have said. But it is just a thought, thinking about how we want to use the period of time that young people have to spend in custody also for their benefit, so what I'm thinking is the other side of the coin of complaint. I'm thinking along the lines of moral development, you know, a slightly old-

Fourthly, the children need help to participate; they need training, for example in public speaking. They need literacy classes about filling in questionnaires. Education should be geared towards enhancing democratic involvement.

Fifthly, the complaints system needs to be completely overhauled so that complaints are encouraged and acted on quickly.

My final recommendation underpins everything I have said so far: there is a need to develop a culture of respect for children. Whilst many staff are kind and well meaning and make a real effort to listen to the young people in their care, the prison system itself is overly controlling. It infantilises young people. Young people must learn to make decisions, learn to make mistakes and learn to be listened to and awarded respect. It is not enough simply to expect people to be passive and grateful recipients of a high quality service, particularly for young people. They have to be allowed to participate; involved in the service so that they feel they have ownership of those services.

I want to end with this most important thought. Children must be allowed to dissent, to disagree, to argue, to be difficult, and to be challenging - just like the rest of us.

fashioned concept. When we talk about a person, an adult's, rights we also think about their responsibilities in society, and I'm just thinking how good it would be if children who are locked up and unhappy about their circumstances, of course could not only complain and have their complaints were listened to, but if they could also be encouraged not just to go down the complaining, litigious, aggrieved line but to think constructively about possible alternatives and to make a positive input into the institution where they are housed. I know in a way that is implicit in what you've been saying but I think there is an issue for children who offend. They do feel hard done by and they may have been, but they've also got an attitude problem and it seems to me that we need to do more than just say to them – please complain and we must listen. We must also encourage them to make positive suggestions about how things can change.

John Spedding, Castleton - A lot of the things you say I won't disagree with - the procedure for complaints is too difficult and too longwinded. But my philosophy is, if the staff on the units intermingle

with the boys, get involved, if a manager is sitting talking to the boys, a lot of the time a lot of the problems you can solve without actually having to go down the formal route.

Frances Crook – Yes but why is it that so very few do complain, and that would be true also in the adult estate. One would hope that what you are saying is right and I think again, what Eileen is saying, that participation involvement should deal with that. But in the end they don't want to be where they are, they are held there against their will and they must have the right to a formal hearing of complaints, and that is not happening. It is virtually impossible because it is so complicated for young people to do it. And I think in some ways you should foster this very positively. It is part of a good relationship to encourage people to seek formal redress for problems as well, and there have got to be all sorts of levels to it. There has got to be the informal procedure, there has got to be good relationships, there has got to be participation, responses. But in the end as well, if there is a problem that the young person doesn't like, they've got to be able to go through a formal procedure, in exactly the same way as you as employees do. If it is not working then you've got formal redress that through policies and protocol you can go through as employees, through trade unions and so on. Well young people don't have any of those outside support networks, they don't have any of those legal support networks either, Children Act, trade unions, anything like that, so the underpinning is quite important.

Paul Cook – I was listening to your recommendations. I thought there was a serious recommendation that was missing, and for some years in my time with local authorities we engaged with independent advocacy services to come into sectors and that was one of the positive features of the STC regimes. I have to say that at the Centre I was talking about, up until recently NYAS had the contract, now VCC have got it, and NYAS did an excellent job in representing children properly, including case management, and VCC are doing the same. Now I would have thought that was a clear recommendation you are missing. The independence of that; and the children can see someone independent coming in who can take things forward, who can resolve things often at first stage level. But it has a transparency, and it is recorded and children get an acknowledgement of it. I think some of the issues are that at the first stage, that John just talked about, children really need an acknowledgement. They need us to say thank you

for bringing this to our attention and this is what has happened. Regardless, you know at that level, I just wondered why you hadn't pressed for that in some of the juvenile estates.

Frances Crook – I should have done and you are right, it is very important. Can I ask you a question back? Can children phone Child Line – Yes? Because Child Line told me that young children in prison couldn't phone, there was no access, that's interesting.

John Spedding – We've actually got a system in place for the Samaritans as well.

Frances Crook – Yes I know about the Samaritans. I think access to a range of independent advocacy services is very important, people there and experts outside as well are very important.

Judith Timms – I was recently Chief Executive of the National Youth Advocacy Service and involved with the provision of the independent advocacy to SCTs. I wonder if you could comment. We talked about access of children to Child Line but there's also I think a question of the human rights of young people when they are in SCTs. I know when we were asked to sign contracts to provide the service, you are supposed to be bound by the Official Secrets Act, and that does mean that you've got your hands tied behind your back in terms of instructing solicitors on behalf of young people or taking legal advice if that became necessary. In fact we did negotiate with the Home Office and point this out and the contract was altered accordingly, because you can't have a contract that actually takes away the basic human rights of young people who are in custody. So I think there are some human rights issues which need to be clarified in terms of the provision of truly independent services and you have to be very careful to keep that independence, because the objectivity is so important and is such an important safeguard.

Frances Crook – I entirely agree. I have been trying to persuade the Director General of the Prison Service that what he really wants to do is have a public interest immunity protocol, which encourages whistle blowing by staff, all staff and people involved, families, everybody involved, because I think everybody, not just the independent advocacy but everyone involved in the care of children, ought to be able to alert when there's something going wrong. In all sorts of ways, I'm not just talking about physical abuse but there are all sorts of ways. But at the moment there is no protocol for staff.

Valerie Howarth – I realise time is going on and simply wanted to acknowledge the acknowledgement of Child Line, just to say something quickly about complaints. Some years ago Child Line was asked to underpin complaints procedures for local authorities and we looked at it with NYAS. (It wasn't quite NYAS then, it was a different organisation). What was quite clear to us was that children (and it was children then, we were not looking at children in this sort of establishment which I think is even more complicated) didn't actually want to make complaints. What they wanted was to have a system in which they could have someone to help and negotiate through the particular difficulty. As soon as they got into a

bureaucratic system of complaints they were absolutely lost. Children just did not find that a positive way forward. And therefore it seems to me that advocacy is actually the way forward because if young people have someone outside the system, and particularly in closed institutions, I have seen this work most of course in residential child care, where they can talk to someone who can try and work through the problem, then they don't get very often to the formal stage. When they do get to the formal stage they've then got also someone alongside them right from the beginning, so that was really the experience of Child Line from a lot of children.

Reviewing The Evidence On Locking Up Children: Issues, Experiences & Outcomes

Dr Ann Hagell Co-Director, Policy Research Bureau

Dr Hagell gave a mid conference point overview of the situation with regard to children and young people in custody. She pointed out the difficulties in conducting research in a system subject to continuous change, the increasing number of children in prison and the variety of establishments that a child may experience even during a short custodial sentence. She discussed the plentiful research evidence on the characteristics of children in custody, why we lock children up (that has more to do with what we think custody is for than with the incidence of anti-social behaviour), and prison regimes – which start with a political impetus to be harsh, but which inevitably adjust over time to becoming more rehabilitative than punitive in aim. She turned to the views of young people think and the very traditional nature of that thinking – and that they do not always know what treatment is best for them. The problem of numbers in custody is an issue for society, in particular the magistracy, in their response to popular (often media driven) pressure, and custodial sentences do not stop further offending. Addressing adverse social, mental health, familial and educational circumstances does make a difference, but would be better done in the community even though this may be a more expensive option.

This is slightly my own fault really because what I was asked to do for today was provide a digest of a very broad overview of the issues and some outlines of some of the main research findings in the whole area of locking up children. And I said that I would love to do that, but this was the only slot available that I would be able to do it, and so of course I've missed the opportunity of giving you this overview yesterday and everybody else has now told you pretty much everything that I'm going to tell you! We are thus going to reframe this slightly as a revision exercise, a sort of mid-point in the

Conference where perhaps we can pull together some of the facts and figures and themes that you have already been discussing over the last day and set the scene in the context of some of the things that are going to happen next. So please forgive me if I am just telling you sometimes something that you have heard already. I haven't had the opportunity to listen to the other speakers but most of them I do know and I know their work, so I have an idea, I think, of what you will have covered so

far. But that will teach me to be picky about my time slot.

The Current Position of Children's Custody

As you know we've got about 3,000 children aged 10 to 17 locked up at the moment at any one given time. That was the figure for July this year provided by the secure estate, mostly for criminally motivated offences, sometimes also for other reasons, (but that's a much smaller group, and given the title of the Conference one that I'm assuming that we are not as interested in right now). Over the course of the year at the moment we have about 6,500 young people going through the system so the throughput figure is much higher than the snapshots at any one point, that's because of course they are mostly getting short sentences. The throughput figure is a critically important one and one that is much less widely circulated than the snapshot figure and it's the throughput I think that causes the difficulty at the moment for the system. I think Barry spoke to you yesterday a bit about history, I'm not quite sure how far back he went but I was just going to point out that we started doing this in about 1823 when the first specifically created facilities for juveniles were set up, they were in fact prison boats moored off Sheerness, and the alternative, the reformatory school movement, began about 20 years later and both those two strands are very clearly represented in our provision today in the Young Offenders Institutions and in the Secure Units in the local authority system. There is lots and lots and lots written on children in prison and custody and locking up kids. There's much, much less directly relevant actual research. This is great if you are me and Barry and you work in this field but it's not so great, really, in terms of pulling out the main messages about what works and what doesn't work. It's actually quite hard in this country to put your finger on the really key research projects. Part of the difficulty is that we keep on reinventing the wheel so that every ten years there's a whole new set of institutions, all called by different names, slightly different parameters and remits and it is quite hard to compare them to each other. There is also an enormous gulf, which is now being crossed much more than it was ten years ago when I began doing research in this area, between the criminal justice research world and the child care research world. There are all sorts of very good lessons that we can learn from residential child literature that is really complete anathema to most people working within

the prison service. However we do have something to learn from, that's not to say that there isn't anything, and so what I'm going to start with is a very quick snapshot and then a summary, really one page on each, of the main issues, and concluding with what we know about the perspectives of the kids within the system and the outcomes.

Why are they there?

Starting with all the people that we lock up and the main routes into custody in this country at the moment, generally you are in there for one of three reasons. If you are a serious or persistent young offender under one of the Criminal Justice Acts, you will usually go to a Young Offenders Institution of which there are 15, a figure which comes and goes almost on a monthly basis, but there are round about 15 at the moment including Lancaster Farms, Feltham, Huntercombe. You might also go to one of the 3 secure training centres, and as Norman [Warner] was just saying, another one in the pipeline. You could be a very serious offender, that's not to say you are persistent but you have perhaps committed a one off extremely serious offence or something like that under a different Act, under one of the Children's Acts, and you'd be often sent to a secure unit. At the moment the Youth Justice Board is paying for places at 26 of the Local Authority Secure Units across the country. The ones that are getting the most kids at the moment are Barton Moss, Aycliff, East Moor or Orchard Lodge. Finally, you could be locked up because you are psychotic or seriously disturbed, under the Mental Health Act. Very few beds are available for this group, and I think you heard a bit about that from Susan Bailey yesterday, and the Gardiner unit at Prestwich, her place, is one of those. It's very uncommon to fall into the last category, it's of course most common to fall into the first.

How many?

How many of them are there? We've had a bit about numbers today already. It is going up. I'm not sure quite at the moment what it is looking like this year but we do know the numbers have risen dramatically just recently. This is not as high as it has been if we take a long perspective. It is round about the mid point of the distribution; we have had periods where we've had twice as many as that, we've had periods where we've had half as many. Numbers were particularly low in the late 80s, early 90s, but generally speaking the consensus is that they are too high either for children's needs or for

our needs at the moment. Where are they going? May 2002, 2600 were in prison, 340 in local authority run units and 128 in the Secure Training Centres. So the prison provision is of course the main focus when they are thinking about children who are locked up. However, it is really important not to view these things as mutually exclusive categories. Kids move between these, not only in course of their criminal career but sometimes within the course of one disposal, so you could spend time in each of those types of provision within the course of a two-month custodial period. And of course the children move between the disturbed and the not disturbed groups and the serious offender and the persistent offender categories as well.

Why they are

Who are they, what do we know about what these young offenders look like? They look a bit different in each of those three types of institutions, in the YOI they are at the older end of the young distribution, they are mostly boys, 93% boys, entirely segregated from girls, mostly white, about 80%. The annual cost of a place at a YOI is about £26,000. These figures are probably slightly out of date. In the LASUs they are younger, closer to 15 years old, a lot more girls, not necessarily segregated, a much more vulnerable group, this is where the Youth Justice Board is trying to send the vulnerable kids at the moment and as we have heard with some mixed success or mixed failures, depending on your perspective. At the moment, Norman intimated that Social Services is slightly fed up at the proportion of secure units that are being taken out by the Youth Justice Board. It's standing at 59%, if not slightly higher. The annual cost of those places is around £32,000 or more. In the Secure Training Centres they are again younger, also around 15 years old, mid range gender ratio, trying to get more girls into them, but they have been mostly segregated. This lot tend to be persistent and troublesome rather than vulnerable. I think there has been a tendency to put the vulnerable kids into the Secure Training Centres but strictly speaking that's not what they were for and the staff get fairly fed up in my experience if they feel that they have too many of the vulnerable. They shouldn't be getting very disturbed kids either, there's quite a good screening mechanism for keeping those kids out of that system. They should be in a sense your common or garden persistent young offender, but young.

Common Factors

What they all have in common, however, is indisputable, plenty of research evidence on this now, every single research study that goes out and asks what are kids like in custody comes back with the same list. They have disrupted and chaotic care histories, it is the unusual one who doesn't. Around about half of them will have spent time in some sort of residential care before they get to custody, its unlikely to be their first experience of being taken away from home. They have a very wide range of current needs, you've heard something already about mental health problems, they have physical health problems, you get plenty of evidence for children putting on weight, having their teeth fixed, things like this as soon as they get into custody, quite a bit of evidence for developmental delay, these children have had all sorts of problems, not just anti-social behaviour, masses of education exclusion and low achievement. Usually around 70% of the children in custody have been excluded from education, when you talk to them most of them haven't actually been to anything since they were about 11 or 12, its the transfer to secondary school that is really the excluding point. And lots of life stress, trauma and loss, evidence of quite extensive rates of post traumatic stress disorder amongst people coming into custody, always surprising levels of parental loss, it amazes me how many people will tell you that somebody has died when in fact it is such a rare occurrence for the general population at that age. Also a substantial proportion of them are parents themselves and this is, I think, a very important thing to remember, among 15, 16, 17 year old, boys particularly, and as parents the needs of their children are also part of the broader picture. They are disturbed and needy and it is still amazing that you can go into a Secure Training Centre and the staff say: "We thought we were just getting persistent young offenders. These kids are upset, they're disturbed, they're having a bad time with their parents." You say: "Yes?". As I say it is nearly always the same so that, I think, is indisputable.

The Major Issues regarding Prison for Children

OK, the issues. What I'm going to do is split these into two. This overhead is about the big picture, issues over the last two hundred years. The second set is going to be about the current issues. In each case I have tried to restrict this to places where there has been considerable written discussion if not actual research evidence over the years, so this

is meant to be the research perspective here. It is taken from very disparate literatures, Prison Sociology, Residential Child Care, Child Psychology and Psychiatry, Forensic Psychiatry, it's quite a challenge sometimes to bring all of those together. But the main things of concern in the literature and research in the terms of the big picture over the last, say, twenty years or so, is *why* do we do it? Why do we lock up children? We're still in a perennial debate, but the four main reasons for doing it are to deter, to punish, to reform and to protect. The changing philosophies as a result of the balance between those four notions directly impact on the numbers, the numbers are almost entirely to do with what we think custody is for, almost nothing to do with rates of anti-social behaviour in the population. It's always surprising what a cycle you find whenever you do any reading about this, the current debates that we are having about training in the young offenders institutions versus containment, proper training institutions, is that a good thing or not, reflect the debates in the 70s and 80s over exactly the same issues and the argument there was one that you hear quite often now, that if we make out that this can be a good training location the numbers rise. Is that exactly what we want to do or not? So the issue here is why do we do it, what do we think that we can get out of it? *Who* should we be locking up, of course, directly follows on from the previous. We are signed up to the principle of custody as the last resort. I am sure that's not the first time you have heard that here. There is a surprising consensus over the fact that we should only be locking up children who are either seriously dangerous to themselves or their communities, but even so it can sometimes be an effort to convince some constituencies of that and of course there are arguments for abolishing custody altogether.

Another long term issue has been what's the best way to organise a secure estate and run an institution? There's actually quite a large literature on this now; a number of recurrent themes emerge along the lines of staff retention and the problems in containing and managing the behaviour of young offenders, as you watch a new institution open its doors. We did an evaluation of Medway as it was opened so to speak to the public – you see exactly the same problems being hit within the first three months, six months, first year. You see the same settling down pattern about two years down the line. One of the most common patterns that you see is that places start out in response to a need for a very harsh and punitive centre because everybody's

worried about a hard core that are out of control. They start off like that; then they realise quite fast that this ethos doesn't manage behaviour; they evolve into a much more child centred type of regime even if they never intended to in the first place because it is in fact the only thing that works. And then the whole discussion about, well what about the hard core, we're being too nice to them, starts again and we have to open another one. Finally, how best do we meet the needs of young people in custody? One of the main problems here is we can specify a blueprint for how to meet the needs of young people in custody, but it is the issue of diverting special resources to this which is not without political and public opinion consequences, particularly if you are creating things that are not available to young people who are in the community and have not offended. Understanding how to manage the needs is of course a very important part of the movement to good practice, and without better management of it the secure estate will continue to lurch from one ineffectual model to the next and this cannot simply be ignored because the place won't run smoothly and the children won't change.

Current Issues of Child Imprisonment

In terms of the current issues of detail, Norman touched on these in the part of his talk I heard this morning. The evidence for all of these is widespread through research and various evaluations that have been undertaken over the past few years, including Prison Inspection Reports from the YOTs. Again these issues are not new but the Detention and Training Order has thrown a lot of them into very stark relief over the last couple of years. They include, and I am sure it's no surprise to anybody in this room, increases in numbers and the resulting over population; movement within the secure estate for what is referred to as population flow; issues concerning remand because of the pressure on places; awareness that we are failing with the vulnerable young people, people are not going to the places they ought to be going to, they are going too far from home, they are moved, frequently they have no idea where they are. Problems are being posed by the shorter sentences and the implications of shorter periods in custody for the development of constructive regimes. While the move towards a mixed custody-community sentence has been very widely welcomed, I think the issue of what happens when you take half a sentence out of custody simply wasn't anticipated in advance, and whether or not it's possible to do anything constructive in what

amounts to what is usually a five or six week period is an issue of considerable debate. Current issues include how to make the most of the mixed custody and community sentences. I have to say my heart sank slightly to hear Norman say this morning that they are thinking about changing the DTO because we are in the middle of evaluating it. This is what happened at Medway which was shut, well not shut but changed considerably before we had finished our evaluation of that.

The challenges of sentence, planning across the YOIs and the YOTs, have of course been enormous. There is a great deal of terrific work that has been done by the YOTs, one of the real benefits, of the side effects I think, is that the YOT 'holds' the child and that was the really big development on what was happening before, so there is a sense when people go into custody that there's somebody somewhere who knows where they are and is waiting for them to come out. We haven't had that before, but as Norman intimated, the information flow is a challenge - has anybody seen the paper work that comes with these kids? It is completely incredible to try and get your head around all the different training type forms, records of what is supposed to have happened to them, so that you can then build something sensible when they come into the community. What we found with Medway was that you've got about 24 hours and if you haven't got the child engaged in that period, if you haven't slotted them straight into the things that are going to happen, particularly with the younger age group, you've lost them already. So the smooth transfer, the fact that it has to happen on a working day, not a Friday, these sorts of issues have yet to be resolved. The role of the Children Act and its inconsistent application is also something that has been of debate a lot recently because the children placed in the LASUs for instance come under the remit of the Children Act; those in YOIs don't. As a result enormous inequity can emerge in the system. Problems of young people on remand no doubt Barry talked about yesterday. We shouldn't have the children on remand in custody that we have at the moment. Everybody is signed up to that. The transition to age 18 is the last one that I had picked out to raise for you today. This is posed within the person who turns 18 during the course of their sentence falls outside the remit of their YOT and into now something of an abyss. But also within the institution is the issue of the difficulty of managing on the same premises the young people who are aged up to 17, on whom a number of resources are falling, and those over 18 for whom they don't apply.

The Views of Children and Young People

In the next part I want to just draw attention to the views of the young people in all this who are much less often heard. There is an increased awareness from all sorts of international rights movements of their right to be heard, and also the emergence of various theoretical schools within research stresses the child as a social actor, and as a key consultant and player in any of our research projects. So as a result there is a growing international qualitative literature on the experiences of young people in custody. It would be wrong to overstate how much of this there is but it is very consistent, a lot of it now is American, and Juliet Lyon (who is sitting at the back at the moment) is the author of the one of the most influential pieces of this type of research at the moment in, as is Barry Goldson (who you heard from yesterday) as well with slightly different groups. We are very lucky to have them here, and no doubt they will correct me.

The main things coming out of these is that we just get repeated confirmation concerning the disrupted lives of young people in difficult family circumstances, this isn't something that practitioners are imposing on young people, they come back and say this is their perspective too. And confirmation comes too concerning the limited contacts with formal education, you tend to get a much worse picture if you talk to the young people than you do if you talk to their practitioners. They tend to have very mixed reactions to cognitive behavioural programmes, which on a DTO is a considerable part of their experience in custody now. They sometimes find them very helpful, a lot of it is anger management, problem solving skills, role playing is very popular, sometimes they tend to think it's all a complete waste of time and they get nothing from it. However, you do get a lot of support from them for anything to do with parenting and anything that helps them to maintain links with their families and their children. There has been quite a lot of work on this recently. They will say to you that they have an overall sense that their Criminal Justice contact over probably three or four years, if not longer, has been essentially unsatisfactory and also confusing. They quite often don't know what's going on and why it's happening, and that is of course essential if we want them to take more responsibility within the system, which is Norman Warner's line, and if we want them to learn from what is happening to them. People won't learn if they don't understand why it's being done.

Their relationships with the YOTs are rather different and so far they have tended to be very positive about the YOTs and the ways in which they have worked with the YOTs seem to be a really good development in the system recently. They recognise, and they can be very articulate about the fact, that the system doesn't know whether they are children or adults and they know that they fall between stools and they think that that's pretty unfair. They are also very sensitive to adult relationships within prisons, much more so I think than perhaps sometimes they are given credit for, and how adults view them; and there's a direct relationship between they behave and how they think people are thinking about them. They are aware of the difficulties that face them in resettlement and future prospects. They do not con themselves into thinking any of this is going to be easy and they have very strong feelings of personal responsibility for what is happened to them. As a rule they do not tend to say it was somebody else's fault. They say I knew what I was doing, much more so perhaps than somebody like me would maybe say so. But they do also have surprisingly traditional life hopes. They are not a creative group in the sense that they are going to go off and do things very differently from the previous generation. They are usually, it seems to me, about thirty or forty years out of date so they want to get married when they are maybe 22, they want to have children, they want a full time job when they are 18. None of these things seem to happen any more, there are no 18 year olds with full time jobs in this country, virtually. And they want a quiet life, they are really quite traditional people. And as part of that (I think largely because they are SUN readers) on the whole they have very right wing views about punishment and what works. There is a danger in here, if people take the whole bundle altogether and say we are going to do exactly what the young people want, and what they say is going to work, they'll say: 'Hang them'. They are really frighteningly severe and they will often tell you, as the kids in Medway did tell us, this is a holiday camp, this is not going to make any difference to me, when in fact the research evidence is completely to the contrary. So they don't always necessarily tell us the answer to what we should be doing with them.

Distress and Trauma

Finally, not on the list but important to know, is the role of distress and trauma and disorientation in young people's accounts. We see very high levels of this, particularly in the early days in custody, and

one of the ways of managing the distress and trauma that young people in custody feel is to develop a way of behaving which essentially is anti-social. So we are asking people to behave in custody in a way that will protect them there, and then asking that they should absolutely *not* behave like that when they go back into the community. So I think the interaction of their distress and their perceptions of the system and what we are expecting them to do puts them in an almost impossible situation. I have often thought that of all the people who are least well prepared to be able to cope with the sort of demands that custody places, they are of course the people who are in custody. In terms of outcomes, it is of no surprise to anybody of course that the outcomes are dire. It's worth reminding ourselves that the Criminal Justice statistics represent 3% of the offences that are committed. The two year reconviction rate for people coming out of YOIs is 88%, but this is only officially recorded offences, so we can assume 100% re-offending rate in reality. It simply doesn't work. It also doesn't work in terms of deterrent and incapacitation effects. There have been a number of studies that have calculated the proportion of the population we would have to lock up in order to notice an effect as we walked down our own streets. This number is just totally unmanageable within our secure estate. It is approaching something like that level now in the US and obviously it hasn't wiped out crime there, so that's not the way to go either.

How to Best Support the Child

However, we have a lot of research evidence on the ways in which an institution is run that can affect outcomes, and not every one has an 88% re-offending rate. What do we know about how to grow better institutions – this is the sort of bullet point list here. The institutional staff have to have clear and shared objectives, they all have to know what they are doing and why and what it is they are hoping to target. That is actually very rarely the case. Education and training should open up new opportunities, not just 'hold' people, but there has to be some sort of direct way in which what is happening to the kids will make a change afterwards. They have to be offered help with drug use and abuse and they have to have follow up support for those areas afterwards. Only being in a pro-social environment with good relationships and models of behaviour will change a child's behaviour. You don't change a child's behaviour by punishing it, especially not on its own, and there has to be a

positive side in some way, even if we include elements of punishment, or we are simply not going to have any effect at all. The institution has to enable children to change their mindset in a way that leads to a sense of self-efficacy and control and better decision making. They feel responsible for the mess that they've got themselves into. They need to be taught how to feel responsible for changing that and getting back more control over what happens next in a positive sense. And these are children. They have to maintain strong and regular links with their families, unless of course their families are a very serious risk to them. That's what we know about institutions. What has tended to happen is that the prison service has concentrated on what works in terms of the programmes that are run *within* the institutions, rather than what happens at the institutional level, so we continue to work within the broad shape of the institutions that we had 200 years ago. But we tamper with what happens within, with sort of numbers that are people are held in, the types of activities they do during their day. Again there's a separate list of bullet points about those and we know a great deal about what makes a small programme work, you can see some immediate changes. What we tend not to see in the research literature is any long-term change from those but that is where the effort is going at the moment with the development of the "what works" culture and accredited programmes that YOIs sign up to.

Conclusions

Now for some conclusions from all of this. It's more about us than it is about them. This is particularly with respect to the numbers question. The numbers reflect what we think, they reflect what we tell people, they reflect how the magistrates behave, it is in effect a needs led system which is people are always telling us we need to have, but it is the needs of the public and politicians, not the needs of the children that drive it. We don't have any more children locked up now or any less children locked up now than ten years ago because something has changed in children. We have very little evidence that anything has changed in terms of underlying anti-social behaviour. The prison service had a terrific graph which I did mean to bring with me, of prison population over a ten year period with key policy decisions planted on it, and it just stays level until Bulger and attendant policy shifts come right in the middle, and the line shoots right off the graph. It's got nothing to do with the children.

Whatever we do it costs a fortune and there's absolutely no way round that, so discussions about saving money within this system seem in a sense to me to be a bit of a non starter. The question ought to be how we can spend more in a sense rather than less. We have to invest in order to make a change. The same thing applies, of course, to any alternatives to custody. You are not going to get an alternative to custody that costs less. If anything my guess would be that a real and effective alternative to custody would probably cost more because the children can go where they want rather than have them there locked up in front of you. The figures that were on the overhead earlier suggest that we are talking in the region of fifty thousand a year per child and I would guess that would probably be the same in a really successful community intervention. Somehow, somewhere we all have to collectively bite that bullet and say we are prepared to spend that sort of money because otherwise we are just tinkering round the edges of a system that doesn't work. The international context is changing and this I think is a very important part of the debates that we are having right at the moment about custody. We may still lock up as many this year or more than we did last year, but we do with greater awareness that this is a serious transgression of their rights and that has to be at the forefront of any discussions that we have about prison and children. Within that context, within a context of a changing awareness of their rights, the patterns of issues and of needs are perennial. There is very little that is new in that respect. There are no debates we are having now that weren't had 20 years ago, that weren't had 40 years ago, that weren't had in the middle of the 18th century, middle of the 17th century. It's all exactly the same. The children are exactly the same. But awareness of the needs and the welfare aspects are gaining a much, much wider currency and the notion that custody is dangerous is now very much part of the discourse that we have. I think that is a major step forward. So we are in a good place to develop a better and smaller system, but it's not easy.

The Training Needs Of Prison Staff

Juliet Lyon Director, Prison Reform Trust

Ms Lyon began by saying that imprisonment should be a last resort for children, because it is harmful and ineffective as a deterrent. Prison staff have a challenging task and are undervalued and subject to turbulent change. Young people are churned through the system so that both they and staff lack stability and consistency – essential pre-requisites to purposeful training. There are obstacles to effective training which need to be eliminated or reduced, and greater resource needed to be put into staff training, some of which needs personnel resources from outside the Prison Service, but the staff are responsive. Better training is necessary for staff, but the context in which they apply the benefits of training needs to be changed – the system is failing staff as it is failing young prisoners.

This is a difficult subject for me to talk about. Before I came to work at the Prison Reform Trust I worked for the Trust for the Study of Adolescence. I was responsible with colleagues for setting up the first specialist training programme for work with adolescents in prison. Up till then all the Prison Service training had been generic. And we concentrated terribly hard on trying to improve things. We took, I think, a pragmatic view that there were children in prison and there were adults who needed to work with them and the best thing to do was to try and see whether there was some sort of training that would help them do it.

Prison is the Last Resort

And I suppose I've undergone a certain transition myself, going into campaigning territory and thinking that there is no justification for holding so many vulnerable children and young people in prison. I can no longer talk about training for staff without preceding it by saying that we need to keep prison as a place of absolute last resort. I think one has to say that and I know that other speakers here will have talked at much more length about why. But one has to say that because it is not fair just to narrow the focus down on training alone.

Prison has to be a last resort because it does damage. Growing up in prison is harmful. One of the things that staff need to learn when they are being trained, and I think it is an incredibly hard thing for a professional to learn, is that they are working in a setting which in many ways they are having to compensate for. To an extent this was true when I worked in a psychiatric hospital. You are having to make up for the stigma that attaches to the child, simply by virtue of placement in that institution. The young person is going to have to go out and try to

negotiate employment, housing, re-connect with home and rebuild fractured relationships. It is true if they have been an in-patient. It is true if they have been in prison.

These places carry different kinds of stigma. In both settings you would hope that young people receive some help. But I don't think it is reasonable to deny that they will also come to some harm because of who they have become, how their identity is affected now and in perpetuity. You are a young prisoner, you fit into that role fairly fast. Then you are an ex-prisoner with all that that involves.

We have heard from Ann Hagell about the kinds of children who find themselves in the criminal justice system and their levels of unmet need. We know that 88% of them, if they are under 16, will be reconvicted within two years. We know that 76% of them will be reconvicted if they are under 21, and of those more than half will be back in custody. When I managed a research study about young parents in custody the easiest ones to find - we were meant to be looking at them after release to see whether the parenting training was sustainable - the easiest ones to find, of course, were the ones who were back inside again. And there were a number of them.

Training for a Challenging Environment

So I think one has to talk about training in a context where it is not only challenging to work with young people, and young people who can be extremely distressed and difficult, but, its also challenging to work in an environment where you are trying to reduce or prevent harm. Staff are working in a system which inherits the failures of other public

services and which is itself characterised by failure. And in a society which has very strange views about imprisonment, very ambivalent views about imprisonment.

In our society we do not value the professional work that prison staff do. We see it as rather low down the pecking order of public service work. The prison staff – and this is important in relation to training – do not get the allowances, the loans for housing, the free travel. They don't get the same kind of perks and the same kind of pay and status that the police, teachers and nurses get. So it is difficult then to talk about professional training, because people sometimes feel that they are not in a very professional service. They are not treated as professionals. And sometimes the Service itself, for a whole variety of reasons, does not behave very professionally.

There is so much change in the system as it stands at the moment, that it is almost, but not quite, a nonsense to think about training. From the response to a parliamentary question you learn that of 135 prisons, 58 have had four or more governors within the last five years. Four or more governors or acting governors. Now if we were talking about a school that would be intolerable to all of us and everybody out there, but somehow because it's a prison it doesn't seem to signify. Onley, which was the subject of a very critical Chief Inspector's Report, had had six governors in under five years.

Getting the Environment Right

So again in thinking about staff training we have to think about how to create some kind of consistency, some kind of stability of leadership so that people can actually be managed. They have to be managed and supervised well if they are to have any chance of managing young people who essentially are unmanageable, out of control and chaotic. Vulnerable young people do not need that replicated in the institution. They don't need ever changing leaders, chaotic supervisors, bad parents. They need people with integrity who are going to stick with them like glue, and who are somehow going to be able to withstand the sorts of internal challenges, and manage the rather strange complexities of an institution in which they have to row against the tide.

Not only have we got the constant movement of the governors, due to the pressures of overcrowding we have the constant movement of young people across the young offender estate. If you look at Glen Parva, the largest Young Offender Institution

in the country, fewer than half of the young prisoners will have been there for more than one month. With that extraordinary level of movement in the system, you are asking staff to try and make a professional relationship with somebody who is essentially flying through, who is being moved around and around, further and further from home. And that's asking a lot. It's asking too much frankly.

So it is not altogether surprising that when you work in an institution you do the best you can. I think the vast majority of prison officers do that, they do the best they can. There are some who patently do not. They are a small but significant minority. The majority who want to do a decent job find themselves working in an insupportable system which makes their lives pretty difficult. And sometimes it is probably best not to even think about that context because otherwise you would not be able to bear it.

Training Needs and Support

What do people need in terms of training and support to make their job worth doing? Well, they need all of that changed, a reform of the system, and that's the stuff of this Conference. That is really what we are talking about. But they also need to be allowed the opportunity to think carefully about what they are trying to do. They need an institution – as Ann Hagell was saying – that has a clear set of aims and objectives. What are we trying to do with these young people? And I say with, I don't mean for or to or at, I mean with. What are we trying to do with these young people, how will we know whether we've succeeded, what kinds of possible measures of success can we have? Don't let us confuse audit with accountability. We have to be professionally accountable, but avoid becoming obsessed with lists and targets.

I will give you one example of audit, you could audit how many staff training days there are in the Prison Service. You can count how many staff training days there are in work with children in custody, but what you are actually measuring is staff turnover because the only training that is given is basic introductory training. So if you have got masses of training days it looks terrific until you ask, who has been doing that training? Then you realise a high number of basic training days equates with high levels of staff turnover.

There is scarcely any sustained developmental work with staff so that they get to be looked after, so that they work consistently. People need to feel that they are achieving something, they are learning

something, and developing in their work. There is almost no opportunities of this kind apart from what the few good governors and senior officers who stay put try to provide by leading by example and coaching. This kind of apprenticeship works tolerably well in the schools too, but I think the schools on the whole have got rather more sophisticated about training. You know, you can't be a teacher, or a social worker, or a nurse, you can't be a professional in work with children without a very, long period of training and opportunities for further training and qualifications. There is a specialist training programme for prison staff but it is comparatively short. As yet scarcely anything has developed beyond that.

The training course I referred to at the beginning was a bit of a homeopathic drop. But we were very proud of it and I still am. I think we hit the right start note because it was about child and adolescent development. It was about growing up in prison. And it was about remembering what we were all like when we were that age. This helps. For example, if you are getting incensed about young people not getting up in the morning you have to remember that at 16, 17, 18, it wasn't a great thing for any of us either. This guards against pathologising or criminalising ordinary behaviour. We tried to build in elements of good parenting, what that constituted and how you can apply that to professional work. But it was, at best, a very small piece of work in a real sea of need. What needs to happen now is a complete review of what staff are trying to do with young people in custody, and what they need to help them do their job well.

Quality of Training

A sustained learning programme must be developed. As Ann was saying about work with young people, it has to be expensive. It needs to involve outsiders and insiders. It needs the very best insiders to link training to practice. It needs the best outsiders, in different settings, but working with children with similar needs, to come in and contribute. It needs somebody to take a look at other models of training for teaching or childcare and assess what can be learnt from this to create a new system. So we are talking about a major overhaul really, but it has to be done. It is worth doing.

There are points of good practice that can be drawn from, for example David Farrington's evaluation of Thorn Cross. At Thorn Cross the outcomes for young people are rather better than in most young offender institutions. Well why are they better? Partly because some officials subverted the original

plans. They called it the HIT Regime which stood for High Intensity Training. They used all the extra money that Michael Howard had hurled in the direction of what he had hoped would be a boot camp, to employ extra staff and train them very much better. This new regime provides intensive education and mentoring. It involved staff in setting up work opportunities for young people and following them through. So although it was subversive, it achieved the desired results. We can learn from the fact that Thorn Cross is an expensive institution for young people with substantially better training for staff and better outcomes for young offenders.

Staff need to feel they are doing something worthwhile. They need to be managed consistently. They need to be managed by the kind of people who understand the dilemmas they face. That may seem very ordinary but actually I think it is quite complicated. If I can give you just one example. When we were setting up the training at Lancaster Farms we conducted an applied research programme over two years. We'd go back and back to look at how the training was developing. We would talk to young prisoners and the staff who had been in receipt of the training. I remember sitting down talking with a member of the Works Department. He didn't have any previous training because he was: "Just on the Works Department". But often the people in those roles get to work longer on a one to one basis with young people than officers do.

Quality of Support

This member of staff had worked for quite a long time with a young man he was training to do carpentry. He was really feeling bad because this young man had hidden his tools and he had just got into real trouble because it was a very dangerous situation. A couple of sharp carpentry tools going missing and it was his responsibility as the staff member concerned. This young man had done it and he didn't understand why because, as he said, we were getting on so well. The young man had seemed to really like the time that they were working together, and had talked about his life before and during prison.

And I think that was the point. I wish that he had a manager who could say to him I think that's the point, maybe you were getting on well, and that's very hard for someone who has always experienced rejection. Maybe someone who is used to adults letting them down uses the only bit of power they have to get in first and trash the relationship.

Perhaps this young man got you into a load of trouble because his experience is that you will let him down and he can see that coming. He knows that is what always happens, so he's got there first. Now that might be the wrong interpretation. But just somebody who would sit down and think through a range of reasons. He could have done with someone who would explore with him in some detail what the nature of that relationship was, help him make sense of it, so that he could continue to do the good work that he was really motivated to do, rather than become disillusioned. It would be sad to see him decide that, because however much you do they throw it back in your face.

Most young people in a young offender institution challenge and reject adult authority, but training and supervision has to be done by people who understand that and don't just brush past it. That's just a small example I think of the sort of professional supervision that is not about having the right number of points for the audit. This is not to say that audit does not have a place. It has to cover important detail, so that are you making sure these young people get out of their cells, get to make phone calls, have showers. These things are completely fundamental and basic.

Child and Adolescent Development

Staff training must always include something about child and adolescent development. However big or small a training programme may be, it has got to think about who these people are, their diversity, their individual needs and strengths, and not just focus on the deficit model of offending. It has got to focus on potential. It has got to focus on change and the transition from childhood to adulthood.

If ever there were a point for intervention it has to be adolescence, it is the ultimate second chance time. People need to know that. They need that reinforced and to think, well how can I intervene effectively, what do adolescents need? That would include a need for activity. In ten years the Prison Service has managed to improve purposeful activity by ten minutes a day for all prisoners. For young prisoners under 18 things are substantially better. But for older adolescents, the 18 – 20 year olds, regimes are very impoverished. It is important to think about what level of purposeful activity these young people need, and we have to help staff work out what can be done with them. Because talking isn't always the thing.

It is a great shame that because of the size and nature of institutions ordinary daily living things

rarely get to happen. I went to Werrington Young Offender Institution recently, and I was delighted to see staff and prisoners eating together. Completely normal you imagine. Not at all. Most people do not know that young people will eat in a lavatory. They will pick up their meal and take it back to their cell, sit next to the lavatory and eat it, because that's what's on offer. We have to think about normal interaction and whether the training could form part of how you could do normal things with children and young people. How could you not only eat with them but how could you cook with them. Could you take it in turns to prepare meals? How could you end up cleaning together, decorating together. It is terribly ordinary. I do not apologise for that. I think there are so many things that could be done that are just the stuff of basic living. I know that these things are extremely hard to do in any institution, whether it's a penal setting or a health setting.

Personal Responsibility

I would like to end by focussing on personal responsibility. Enabling young people to take responsibility for themselves is I think one of the hardest things staff have to do. When Alexander Patterson was establishing the Borstal system, he talked about different ways of approaching work with youngsters and he said he thought there were three main approaches. "The first being the lad was treated as a lump of hard material, yielding only to the hammer, and with every good intention beaten into shape. The second method is to apply pressure, the lad who is merely being subjected to pressure of authority from outside will, when exposed to the different influences of a free life, assume quite another shape, in other words having been treated like a lump of putty he will behave like a lump of putty and respond successively to influences of each environment." And he concluded by saying that the task is "not to break or knead him into shape but to stimulate some power within him to regulate conduct aright to insinuate a preference for the good and the clean and to make him use his life well so that he himself, and not others, will save him from waste."

Well, that may now sound like a rather grandiose way of putting it, but the young people I interviewed for a Home Office study were very clear. They said 'you've got to want to change it yourself, they can't change you, you've got to want to do it yourself. Decide. Its up to you at the end of the day' and 'you only stop doing crime if you want to do it inside, sometimes you may say you want to

stop but inside you don't really want to stop, you only stop when you want to do it inside.'

Staff need good quality training and supervision to think about how on earth you avoid doing things to and for young people and instead help them to do things for themselves. How do you enable them to take some real responsibility for their lives, both their

lives in the institution and their planning for resettlement so that you have been a catalyst in a process of change for that young person? To do that you need exceptionally good training, very good support. And you need, I am afraid, to be working in a system that is very, very different from the one that we have now.

The Role Of The TUC

Richard Exell Senior Policy Officer, Trades Union Congress

Mr Exell stated that the TUC supported positive fair policies on the employment of ex-offenders. He elaborated a public policy argument – employing ex-offenders cuts crime; and a business case argument – ex-offenders must be employed if there is to be full employment, particularly as one third of men have some sort of criminal record. He explained that the TUC lobbied government for more resources to be devoted to re-employment of ex-offenders and encouraged employers to adopt fair employment policies. He stressed the importance of the TUC publicising its support, and the need to persuade employers not to reduce the pool of potential recruits or to drive people with criminal records into non-disclosure.

I'd like to start by going completely off subject to start with and say that I'm here amongst other things as a man with a mission. A couple of years ago I decided that every audience I spoke to, regardless whether it was relevant to the subject or not, I was going to start off by saying that I'm speaking here today as an expert in my field but also as a person with a mental illness. I have depression and that puts me in just about the only group that faces equal employer resistance to taking people on compared with ex offenders. I have decided I want to start off every public speech I give with that because if we are going to address that level of prejudice and discrimination those of us who have got successful careers and mental illnesses have got to start letting people know about it, so its not just an image of failure.

Support of the TUC

Really I've got one very simple message for this afternoon, which is if you want to introduce positive fair policies on the employment of ex-offenders you have the support of the TUC.

If you've got any concerns from the work force or their union representatives I want you to be able to tell them that, so on the table outside there are copies of our report "Employment and Ex Offenders". Anyone here who is an employer, who tries to persuade employers to take ex-offenders on as

recruits, or who has other dealings with the world of work, please take a copy, stick it in the file for future reference, and then if in the future you come up against someone saying either: "Oh, the lads and lassies wouldn't stand for it" and very often you get that and it has just been assumed. No one has even stuck a toe in the water about it, or if you get: "Well I have tried to do something but the union started kicking up rough about it" then fish this out of the file and you've got something there for at least the start of a dialogue, rather than complete mutual incomprehension. Apart from anything else, the more of these you take the fewer I have to cart home!

To elaborate on that message a bit I have come up with two sets of arguments around employing young people who've come out of custody. One is a public policy sort of argument, and the other is a business case argument.

Public Policy

When I was working on this report, sometimes you meet people at a party and they say what are you working on at the moment and I'd say TUC policy on encouraging employers to take on people with a criminal record. The commonest response I got to that was: "Is that really fair? Isn't that a bit like rewarding criminals for their crime? You're not doing the same for people who haven't got a criminal record".

Your reactions here to someone wanting to improve employment prospects for ex-offenders are not typical of the outside world so we have to think through what some of those arguments are.

The first argument - a concern for lots of people - is that improving the employment prospects of ex-offenders is a good way to cut crime. There's Home Office research showing that ex-offenders are half as likely to re-offend if they find and keep a job. Now that seems to me a pretty conclusive public policy argument if your concern is, not with the welfare of the ex-offenders themselves, but "am I less likely to be one of their victims in the future?". Well getting ex-offenders into jobs is a good way of going about it and there's another Home Office study that looked at hundreds of reports from all around the world which all came up with much the same message; the proportions were slightly different from one study to another, but it's a consistent message.

The Business Case

The second point is that dealing with the unemployment of ex-offenders has become vital if we want to achieve full employment. As unemployment has come down the people it's easier to get into employment have got jobs. Because we have got a bigger labour market now, our level of just under a million unemployed, in percentage terms is round above what we used to call full employment. To get down further we now have to think about how we get jobs for people who are harder to get into work. The people that the Job Centre will think of as hard cases, and ex-offenders are undoubtedly one of those groups. For the Trade Union movement, which has a historical objective of full employment, therefore we have to have the employment of ex-offenders as one of the things that we support, otherwise we are being hypocrites when we talk about full employment.

And then finally, and again this is an important argument for Trade Unionists, there's so many people who've got criminal records. A third of men have criminal records by the time they are forty. Thousands of Union members have got criminal records, and that means that if we want to represent those members fairly we've got to be arguing for fair employment policies for ex-offenders.

Now in the TUC one of our key objectives at the moment is to recruit more young workers into trade unions, younger members are less likely than older workers to join a union. If we want to get young people, who are the most likely to offend, into unions we've got to be talking about matters that address

their concerns and therefore from our own self-interest addressing the employment of ex-offenders is a particularly important issue.

Recruiting ex-Offenders

So the employment of ex-offenders, increasing opportunities, is an important issue and that means that we should be worried about the current situation. In 1998 - HM Inspector of Prisons said 90% of ex-offenders were unemployed initially on leaving prison. In the longer term people who have been in prison, well studies find various figures, but they start at 50% of the proportion who are unemployed at any one time and goes up from that. In 1997 NACRO surveys found that fewer than half of employers would offer a job to a young person with a criminal record and just 7%, one in fourteen, would have a policy of recruiting ex-offenders. The Lattice Foundation is very, very unusual.

And as if discrimination simply on the grounds of having a record wasn't bad enough, ex-offenders tend to have other characteristics which make them unattractive to employers. 1997 Home Office Study - 12% of ex-offenders have GCSE or equivalent compared to 19% of the general population, lower levels of qualifications. In 1998 West Yorkshire Probation Service looked at ten thousand pre-sentencing reports and they found that a majority - a majority - of the people those reports had been written about had at least one of these problems: alcohol misuse, other substance misuse, financial problems, accommodation problems, mental illness. All of them other reasons why employers won't tend to look very carefully at potential recruits.

So we've not just got a situation where the employment of ex-offenders is an important issue, improving matters is also going to be very difficult indeed. So what we are supporting is a two pronged strategy. Firstly we are lobbying for extra government support to deal with the employment of ex-offenders as a direct issue and also dealing with the other problems that ex-offenders tend to have, homelessness, poor educational records. The special new deal for people with drug addiction problems is an important development in this respect.

What can Trade Unions do?

But what Trade Unions can do directly is to encourage employers that we negotiate with to adopt fair employment policies. Now I'm emphasising fair employment here, because I think it is important to say that just as we've got obligations to our members who've got a criminal

record, we've got obligations to our other members as well, so we've got the same set of concerns as employers have. It wouldn't be fair if we were leaving our other members open to being victimised because we encouraged a thoughtless policy. So what we want is to get employers not to make decisions on the basis of a criminal record when that record isn't relevant to the job that's at question. And not to automatically sack someone if they find out that they have got a record, which they haven't disclosed before.

And if I could take one minute just to go through the three business case arguments that we think we can use to persuade employers of that. The first is to publicise TUC support for fair policies so that we are minimising the likelihood that unions will be an obstacle to their being adopted.

Secondly we want to tell employers, don't reduce the pool of potential recruits; you are less likely to get the best person for the job every single time you use one of the filtering mechanisms that chucks the application form straight into the bin. That's an argument that applies to discrimination against disabled people, against black people, against

women, against people with family responsibilities, and against people with a criminal record.

Also, the final point, don't drive people with a criminal record into non-disclosure. It won't make the problem go away, you will still have people with criminal records or who have committed crimes and not been caught applying for jobs with you. All that will happen is you won't know about it any more. The only way in which employers can manage the criminal records of employees and applicants is when they know about it. And the only way in which you can encourage people to disclose their criminal records when they are applying, even once the CRB is established and running properly, there's going to be a problem of non-disclosure. The only way in which people can be encouraged to want to disclose is where you tell them in advance "we're going to have a fair policy on the recruitment of ex-offenders".

So we think we can make a difference and hopefully if more unions start adopting this in a pro-active way, and more employers start acting like the Lattice Foundation, we might make a real difference.

Initiatives in the resettlement of young offenders

Chris Stanley Magistrate and Head of Youth Crime NACRO

Mr Stanley dealt with issues concerning the growing prison population, the characteristics of young offenders and in particular those who are in custody. He went on to deal with issues that need addressing inside and outside prison, and NACRO's work in this regard. He concluded with a description of NACRO's On Side project in Portland YOI, its holistic approach to the individual and aftercare, and its success in reducing re-offending amongst the young people with whom it had worked.

The Numbers Problem

I have problems with this subject area because I feel there are large numbers of young people in prison that shouldn't be there, and in some respects this creates a dilemma for me because the more attractive we make prison, the better it performs in its ability to reduce reoffending, the more attractive it becomes to sentencers. This was illustrated when the detention and training order was first introduced. The DTO was attractive to courts who thought for the first time some of these children and young people might get some decent education and training. So they sent them there in considerably increased numbers. So there are real difficulties

about making reconviction rates so much better. We don't want to make prison attractive, we want to reduce the prison population of children and young people to such a level that prisons contain only those that really have to be there and then we can do some really good work with them. That aside, I would like to give you a few facts. Many of these figures have been drawn from the recent social exclusion report (Reducing re-offending by ex-prisoners).

The Facts

- In March 2002, 2,915 juveniles were held in secure accommodation: 2,713 boys and 202 girls.

- Between 1993 and 1998 the number of 15-17 year olds in prison almost doubled.
- In the last year the number of juveniles in prison increased by 6% (5% for boys and 42% for girls).
- 84% of 14-17 year olds were reconvicted within two years.

Young people who offend

- Young people who offend, going through the difficult period of adolescence will 'drift'.
- The links between their family and community become thinner.
- By sending these young people to custody we sever the links completely.
- Re-establishing these links and strengthening them then becomes a major problem, it is no wonder so many young offenders reoffend again after prison.

Characteristics of young offenders in prison

- Low educational attainment
- Disruptive family backgrounds
- Over represented black and ethnic minority young people
- Behavioural and mental health problems
- Problems of alcohol and/or drug misuse

Issues that need addressing inside and outside prison

- Education
- Employment
- Offending behaviour
- Housing
- Drug/Alcohol issues
- Physical/Mental health

All these characteristics of young people that go into prison need addressing if we are to successfully rehabilitate them and make sure they do not reoffend again:

NACRO's work

- NACRO provides housing for young people both sentenced and those on remand, and
- Employment, training and education

NACRO's work in this field is to provide housing for young people both those that are sentenced and those on remand. It is a key factor for many young people that are sent to custody, particularly on remand because if they haven't got anywhere to live there is a greater chance of them being remanded

to custody, this applies to sentenced young people similarly. So housing offenders is a very important factor and there is a particular shortage of suitable accommodation throughout the country. So as young people come out of custody if they haven't got accommodation there is a very good chance they will start reoffending without the stability of good accommodation.

NACRO provides employment, training and education to equip offenders for the world of work. So these two factors, that of accommodation and employment, are very important if we are to resettle offenders back into the community so that they don't reoffend.

NACRO On Side project Portland YOI

- Charitable funding set up in 1999
- Pre-release key workers link with prison staff to identify vulnerable young people
- Help provide opportunities, information and support in prison to prepare for release
- After release key workers maintain contact, meeting them in the community on a regular basis
- Project involves those who have been in local authority care
- Those whose family relationships are weak
- Those who will be leaving prison without a home to go to
- Key workers plan: education, training, employment, accommodation, benefits and budgeting, health, including substance abuse etc.
- Health including substance misuse and family relationships
- Keyworkers working with other support agencies to make sure young people returning to the community can receive relevant services, strong network of practical support before release
- After release act as mentors, advisors and advocates offering continued support
- Reconviction rates for those taking part is 38% against an expected reconviction rate of around 90% for this age group

As you can see this project relies on key workers who prior to release link in with prison staff to identify vulnerable young people. These key workers help provide opportunities, information and support in prison to prepare them for release. When they are released they maintain contact, meeting them in the community on a regular basis. In the young person's home area they make sure that they start to rebuild their life in that community. The project is

particularly aimed at young people who have been through the care system and where family relationships have been weak. It also looks at those who are leaving prison that have no accommodation to go to. The key worker is involved in seeking education, training, employment, accommodation, benefits and budgeting, health and seeking substance abuse services. These are concentrated and intensive key worker arrangements, once the young person is back in the community to help them re-establish themselves. The key worker will of course work with other agencies in the field in the young person's home area. Sometimes young people are placed in prison many miles from home and this can mean that key workers spend long periods of time visiting the young person trying to

establish contact and make local arrangements.

Key workers continue to act as mentors, advisors and advocates offering support. As you can see reconviction rates for those taking part are 38% against an expected reconviction rate of around 90% for this age group. As we are dealing with a particularly vulnerable group of young people, its possible that their prospective reconviction rate without this intervention would be considerably higher.

So it does seem to work. It is reasonably expensive, but not as expensive as the prospect of the young person reoffending and being sent back to prison. Many young people are released from prison onto the streets with very little support at all. It is no wonder that they reoffend.

Resettlement Initiative at RPS Rainer

Colin Rees Head of Development at RPS Rainer

Mr Rees described the partnership that has been created, under the European Commission funded EQUAL scheme, that includes RPS Rainer and other voluntary organisations, as well as the Youth Justice Board, the Prison Service and Connexions, the aim of which is the re-engineering of the resettlement process for offenders aged 16 to 18 from the point of sentence, through custody, out into the community and on to employment opportunity. Currently there is a scheme with 3 pilot sites. Each comprises a feeder establishment, a prison or YOI, the relevant Youth Offending Team and Connexions partnership, and local support agencies, for example, drugs, health, accommodation, employers. Through these it is hoped to establish a codified model of seamless resettlement practice that can be nationally transferable, to set national standards on the accredited training of inside out resettlement mentoring

The Issues

Good afternoon, my name is Colin Rees, Head of Development for RPS Rainer. It is a national voluntary organisation working with vulnerable and at risk young people 10 to 25. I'm aware that it's the after lunch spot, its the after statistics spot and I read an article recently in Public Speaking and it said if you don't capture your audience's imagination in the first minute they tend to drift off to think of sex. So I will apologise now as I have designed this presentation to stop that. So to that end, in the next fifteen minutes what I want to inform you about is a resettlement initiative that I think is one of the most exciting, one of the most innovative and one of the most radical that has been undertaken in this country for some time. Chris gave an overview of a range of statistics coming out of the SEU Report, I actually want to go back to just one. And

you've heard it a load of times. Basically 84% of 14 to 17 year olds were reconvicted within two years and we've heard that its possibly even more if added to the offending rate. This statistic says clearly the resettlement practice in this country is not working, I think the question we have to ask ourselves is "Why?". The SEU has identified a range of factors that influence re-offending. These factors are, again nothing that you haven't heard so far, education, employment, drug and alcohol misuse, mental and physical health, attitudes and self control, institutionalisation and life skills, housing, financial support, death and family networks. Many of these issues have often been dealt with in an uncoordinated and ad hoc manner with the level of service received by a young person from any of these issues often being dependent on the area to which they are being released. The opportunity to

address these issues and actually do some out of the box thinking came nearly two years ago with an announcement of a European funding scheme called EQUAL. Funds were made available for projects that could demonstrate innovation and apply different ways of thinking to long-term and persistent problems.

Resettlement Project

So EQUAL, European funding scheme that tests and promotes new means of combating all forms of discrimination in the labour market. Part of the EQUAL philosophy is to promote the creation of partnerships that include public, private and voluntary sector organisations. Historically many of these organisations have actually been rivals for funding. This project aims to bring together a range of Best Practice thinking and influence in an attempt to address the factors I just highlighted, in a seamless way towards the achievement of a common goal. Over the past year we have built such a partnership that we feel can address the issue of resettlement in a seamless ways that includes both policy makers and delivery agents working together. All have come together to shape a bid to the European Commission under the EQUAL programme for funds to address this issue. Basically the strength of this bid has secured two million pounds worth of funding for this research, both in cash and matched funding from our partners, over the next three years. I think one of the words I would use for the credibility of this partnership will be demonstrated when I show you who is committed and who has contributed to the design and development, and in many cases ongoing delivery, over the next three years. The national partners include a range of national voluntary organisations and probably, not most important but certainly as importantly, the three key agencies that effect and shape policy in this area, the Youth Justice Board, the Prison Service and Connexions.

The project aim

I've got to say that the project aim is written probably in European speak, PRISE - planned resettlement into sustainable employment. The re-engineering of the resettlement process for offenders aged 16 to 18 from the point of sentence, through custody, out into the community and on to employment opportunity in an attempt to create a seamless sentence. We have also heard the quote that the single most important factor or one of the most important factors in reducing re-offending is gaining sustainable and suitable employment, and

the aim of this project essentially is to do that. So, here are some of the key elements of the project. The delivery will be through three pilot sites, set up in Cornwall, Oldham and South East London. These areas have been selected to examine the issues presented within rural, urban rural, inner city catchment areas. Having come from Cornwall directly to this meeting I can tell you the issues of rurality are very different to the issues of an inner city programme. And each of these pilot sites comprises a feeder establishment, a prison or YOI, the relevant Youth Offending Team and Connexions partnership, and local support agencies, for example, drugs, health, accommodation, employers. Again its about getting that list of factors put together in a seamless way. Some of the local partners in the pilot areas include Youth Offending Teams as I have said, Connexions services and again these are all agencies that have signed up.

Key elements

The project will have a rigorous monitoring and evaluation system built in from the start, set against clear performance indicators we are negotiating, or have already negotiated, with our key partners and it will also include a peer research programme using ex-offenders. There is also a comparative research programme being established with five other European member states and these include organisations such as the Finnish National Probation Service and Dutch Juvenile Estate. First what I want to say is that we are not trying to reinvent the wheel. There is considerable good practice out there and what we are simply trying to do is to break down the barriers that exist, for example in relation to communication between agencies, and we are trying to bring the areas of good practice together in a seamless, joined up, logical way.

Finally I just want to show you a couple of objectives, not all of them, but we are looking to establish a codified model, of seamless resettlement practice that can be nationally transferable. We are looking to set standards, national standards on the accredited training of inside out resettlement mentoring. What I'm talking about - with inside out resettlement mentoring is a young person having a mentor signed up at the point of sentence, not at the point of release, and actually continuing to work with that individual whilst on the inside and continuing that support through whilst into the community. To develop and test an effective case work model by Connexions, Prison Service and YOT. One of the problems about communication is who takes responsibility and how do you get these

agencies to work together in a co-ordinated joined up way, so how do you manage that young person, to the best effect, cross all those range of agencies. And also, again as has been spoken about, developing and producing and testing an employer's positive action guidance measure, then I can say that actually there's three other large research programmes across this country with European

funding, all in excess of two to three million each, that are actually also looking at the sum of the source of issues and what we are trying to do is join up on a national basis and actually bring all our weight, finances, resources to bear in a single co-ordinated way.

Thank you

Home Office Sentencing Review

Caroline Rowe Head of Section, Juvenile Custodial Policy, Home Office

Ms Rowe described the work that is going on concerning the Home Secretary's sentencing review. This is largely concerned with the sentencing of adults, and there is no intention of changing the terms of the main custodial sentence for under 18s, namely the Detention and Training Order. The sentence for serious offences, under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000, is being considered for reform with adult sentences in respect of the release and supervision arrangements. It is proposed that release on licence will automatically take place when half (as opposed to three quarters) of the sentence has been served, and supervision will continue until the end of the sentence period. There will, however, be consultation on non-custodial sentences for juveniles where sentencing options have become complicated and confusing.

Good afternoon. I'm Caroline Rowe from the Juvenile Offenders Unit in the Home Office. I'm down to speak on the Sentencing Review with Sue. I'm going to talk briefly about the Sentencing Review background, about how it is being applied to juveniles, and I'm only going to talk about sentencing because the Minister is going to be talking later on about the broader context of Home Office policy in this area. And then Sue is going to pick up the resettlement theme again when she talks about rehabilitation of offenders.

Sentencing Review

Most of you will be aware that the Home Office has been looking generally at sentencing policy over the last couple of years and you will be aware of John Halliday's Report of his Review of the Sentencing Framework which was published last year. Halliday didn't look at juveniles as a separate group and one of the issues that the Home Office had to think about in formulating a response to Halliday was the extent to which his recommendations should be applied to under 18s. The youth justice system, as Norman Warner discussed this morning, had already been the subject

of substantial reforms with the 1998 Crime and Disorder Act, which had created new structures and new sentences. Some of the ideas which Halliday was promoting in his review were already an integral part of juvenile sentencing, in particular the emphasis on reparation. So there didn't seem to be a need for a further root and branch reform of the juvenile sentencing structure. What we did was to look at the elements of Halliday which could usefully be drawn upon to improve the existing juvenile framework.

The Proposals

It might be helpful to remind ourselves what is actually being proposed for adults. The proposals were set out in the Government White Paper which was published in July and that summarises the proposals as follows:

- Starting off with *customised community sentences*, which bring together the existing community sentences into one sentence to give courts the ability to pick particular elements and tailor the sentence to the needs of the individual offender. It will replace community service, probation - the different kinds of sentences which

- Then moving on to the shorter custodial sentences, there will be *custody plus*, which will be a short prison sentence of up to three months followed by a community programme, within an overall sentence envelope of up to 12 months.
- Then *custody minus*, which is a short prison sentence, suspended to enable the offender to undertake supervision in the community with the prison sentence being invoked only if the offender fails on the community supervision.
- Then quite a different approach with *intermittent custody*, where there will be an intermittent pattern of prison and community supervision, so a prison sentence might be served for example at the weekends whilst a community programme is served during the week.
- Then to the longer sentences, *prison sentences of twelve months and over*, where half will be served in prison and half served in the community, with automatic release at the halfway point and supervision right to the end of sentence.
- And then at the very top end, for dangerous, violent and sexual offenders, an indeterminate sentence triggered by an assessment that the offender is dangerous.

Juvenile Offenders

Now in the short term the only one of these formulations which we are proposing to adopt for juveniles is the one for prison sentences of twelve months and over and that will be only for one of the two custodial sentences. I will just quickly remind us of what the current sentencing regime for juveniles is. The main sentence is the Detention and Training Order, which was introduced in April 2000 and is now the main custodial sentence for 12 to 17 year olds. It replaced the old sentence of Detention in a Young Offender Institution for under 18s and it completely replaced the Secure Training Order. It is a two part sentence, served partly in custody, partly in the community, and lasts for a minimum of four months up to a maximum of twenty-four months. That was a new sentence, one that we were reasonably happy with the structure of and therefore we decided that we didn't want to touch this as a result of Halliday.

But the other sentence for juveniles is detention under Section 91 of the Powers of Criminal Courts (Sentencing) Act 2000. This is what is often referred to as the grave crimes provision. It is available for under 18s who are convicted of certain serious offences: offences which attract fourteen years or more in the case of an adult, and certain

sexual and capital motoring offences. The release and supervision arrangements for Section 91 are quite different to those for the DTO. They follow the pattern for adults. The time of release and the supervision arrangements depend on the length of the sentence but nobody is supervised right until the end. It's always supervision up to the three-quarter point, regardless of when you are released. As those arrangements were being got rid of for adults, we needed to think about what we were going to do for Section 91. What we are proposing to do is to change their arrangements so that all offenders serving Section 91 sentences, regardless of their length, will be released automatically at the halfway point of their sentence, and release will be on licence and supervision will last until the end of the sentence rather than the three-quarter point as now. We think that this longer period of supervision in the community will improve the offender's chances of rehabilitation and reduce the risk of further offending.

Dangerous Juvenile Offenders

The White Paper also talks about how we deal with the small minority of juveniles who pose a real danger to society and the White Paper proposes that, instead of being released automatically at the halfway point, offenders who are judged to be dangerous are detained in custody until the end of their sentence if necessary, with release being determined by the Parole Board. There will then be a period of extended supervision on top of that, so that they are not just released with no support. We are still looking further at the detail of that, but we will be coming forward with proposals.

Consultation

In the longer term, we are planning to consult on both community and custodial sentences for juveniles. On the community side we want to look at how we can simplify and improve community sentences for juveniles so that the sentences have the flexibility to develop a package of interventions depending on the severity of the offence and the needs of the young person and his family. There is a whole raft of sentences for juveniles now and there is some criticism that they are confusing in terms of the different types and what they should be appropriate for and different age bands that they can be imposed on, so we will be consulting on that. We will also be consulting on the custodial side where we want to explore how we can introduce more flexibility into the sentencing structure, perhaps offering different balances between the custodial

and the community part, perhaps making greater use of open conditions and perhaps exploiting the opportunities presented by electronic monitoring technology. Thinking on this is at a very early stage and we would welcome thoughts from you on the most fruitful areas to pursue, but we will be consulting on that.

This is a very brief overview on the latest position,

therefore, on sentencing. Examining supervision under Section 91, looking at doing something for dangerous offenders and looking more generally at custodial and community sentences in the longer term. Now I'll hand over to Sue.

Review of the Rehabilitation of Offenders Act 1974

Sue Jago Head of Review, Rehabilitation of Offenders Act 1974, Home Office

Ms Jago explained that the 1974 Act was enacted to improve employment opportunities for offenders, but change in context has required the Act to be reformed. The aim was not only to make the Act more relevant to the needs of young offenders in particular, but also to make it more understandable to employers and others. For young offenders there need be no disclosure of a criminal record when a non-custodial sentence has been served; for those custodially sentenced for less than 24 months they will have to disclose for 1 year after completing their sentence, and for custodial sentences over 24 months disclosure will be required for 2 years after sentence completion.

Good afternoon everybody. For those of you who I have not met I am Sue Jago from the Home Office. I have some background in policy on juvenile offending and so have met some of you in the past in that capacity. But for the past year I have been working on a review of the Rehabilitation of Offenders Act and, like Richard, I am keen to promote my report. Please take a copy with you. To encourage you to read it the report comes with the endorsement of the Chief Executive of Nacro that it is 'for a Home Office document refreshingly radical.'

The Policy in Rehabilitation

We have heard a lot today about the recent youth justice reforms and how we are trying to influence those young people we have in custody or under supervision in the community to stay away from crime. We do not want to undermine the resettlement work that has been undertaken by having unnecessary barriers to education and employment. We have heard from Richard this afternoon about the TUC approach, promoting fair recruitment through an assessment of the *relevance* of previous convictions. The role of the Government is to assess the period in which those previous convictions are sufficiently relevant to be disclosed to employers. This was the objective in 1974 when

the Rehabilitation of Offenders Act was introduced, for both adults and young offenders. The 1974 Act set periods according to sentence in which people are required to disclose their previous convictions to employers and others. The objectives of the Act are as relevant today as they have always been – indeed even more relevant now that we know so much more about the impact that employment has on successful resettlement and rehabilitation. You have already heard many of the key statistics. There is plenty of evidence about the positive impact that employment can have. Indeed it is common sense that, if people are to stay away from crime, they need to be able to get into lawful employment and play a full part in their communities. So why are we reviewing the Act if its objectives remain as relevant as they were in 1974? The fact is that it isn't working because the context has changed. There have been considerable changes in sentencing patterns, not least in respect of youth justice, and more to come following the Halliday proposals and the other new measures outlined in the recent Government White Paper, Justice for All.

But it is not only the fact that sentencing patterns have changed that have reduced the effectiveness of the Act. Although the intention behind the Act was to make life easier for ex-offenders, this has

to be balanced with the need for protection. This requires the provision of full information to employers offering particularly sensitive posts, so that we can ensure that children, and other vulnerable people, are protected from those (relatively few) ex-offenders who continue to pose a significant risk of harm. We have had to balance the limitations on disclosure with a whole raft of exceptions which have grown and grown in our increasingly risk-averse society, to the extent that the Act has become unwieldy and very difficult to follow – difficult for offenders and, difficult for Nacro, the Apex trust and others trying to advise offenders. It has also become difficult for employers to follow. This last point may have been something of a mixed blessing in that employers have not taken so much notice of previous convictions as they might have done had they been sure of the information they were entitled to, and had the opportunity to check up on the statements made by applicants. In fact the Act is not biting in the way that it is intended. Just as well, some say, as the research indicates that those employers who do have access to criminal record information tend to use it in a discriminatory way. This is why we have taken the view that we need to restrict the amount of information available to employers to that which is necessary for vetting purposes. In other words, we need to limit the requirement for disclosure whenever it is safe to do so.

Disclosure and Discrimination

Discrimination against individuals by employers is likely to become far more widespread when the Criminal Records Bureau makes Basic Disclosure available. Basic Disclosures are certificates that anyone can apply for, at a cost of £12, in order to demonstrate whether or not they have any unspent (that is to say, disclosable) previous convictions. No-one knows how many employers will make requests for such disclosures as a routine element of their recruitment procedures, but research suggests that a significant number may do so.

As the Act is not working as well as it might and employers may have much more access to criminal record information in the near future, and following a recommendation from the Government's Better Regulation Task Force, it was decided that there should be a review of the 1974 Act. The Government announced that it would take a fundamental look at the Act and consider whether there were ways in which we could better achieve those original

objectives. This document – Breaking the Circle – is the result of that work. A wide group of interested individuals and organisations – including Liz Atkins – met every month for a year to work our way through the Act, looking at it from the offender's perspective, the employer's perspective, and trying to work out whether there was a better way to design a disclosure scheme.

Young Offenders

During the course of the review we looked specifically at the position of young offenders. We did not want to come up with a scheme designed for adult offenders that was then made to fit the needs of young people. This is essentially what was done in 1974 where a general scheme was devised, disclosure periods set – and then simply halved for young offenders. We wanted to devise a scheme which actually responded to the needs of young offenders. The review team set up an ad hoc group, the young offender workshop, which built on the expertise already available on the review groups but which also brought in more people with specific expertise in youth justice and working with young people in a range of different ways. We started with a clean sheet, as we had done with the adult scheme, and came up with more or less identical conclusions in terms of the structure of the proposed new disclosure scheme. We came up with different disclosure periods but, as you will see if you read the report, the scheme is broadly similar for both adults and young offenders. But I feel more confident knowing that we approached it separately. The reason we came to broadly similar conclusions, I believe, is that we worked to the same principles – searching for a scheme that would be clear, easily understood by offenders and employers alike, and proportionate. This last point was crucial. The 1974 Act was *not* seen to be proportionate in terms of relating disclosure to the seriousness of the offending, and the risk of reconviction.

You will all understand why we favoured a separate approach to young offenders. We recognised the stigmatisation that comes with a criminal record for young offenders and we recognised that getting into employment is a big issue for young people, perhaps a bigger issue than it is for many adult offenders simply because young offenders will be coming into the job market for the very first time. An adult offender may have to disclose a previous conviction but may also have all sorts of other life experiences to weigh against it, including perhaps previous

employment experience. For a young offender leaving a YOI, the chances are that the conviction is all that features on their CV. Many will have very little in the way of educational attainments, very little in the way of previous employment experience, nothing to demonstrate those qualities, like reliability and honesty, that are so important to employers. So we recognised the particular needs of young people.

We then looked at what we meant by young people. Who were we trying to help by introducing a separate arrangement? We recognised that the issue of growing up crimes and coming newly into the job market could extend up to around the age of 24. Maturity varies considerably amongst young people as many of you will know better than I from your professional experience. However, we concluded that the separate scheme should operate for 10-17 year olds because we did not want a scheme that was broadened to meet the variety of needs of a wider age group. We wanted a scheme that would meet the needs of the younger offenders. There were also many practical reasons for selecting this age group. However, the report also signalled that there should be close attention paid to the settlement needs of 18-24 year olds who have tended to slip through the net.

What is to be achieved?

We do need to be realistic about what can be achieved through this particular initiative. A new disclosure scheme with significantly reduced disclosure periods will not get every ex-offender into employment. It can only help those people who are both ready and willing to work – and we know that many young people in the criminal justice system are simply not ‘job-ready.’ This may be for reasons of maturity, or for any of a whole raft of reasons – often the same reasons that got them into trouble in the first place. We have heard much during this conference about a lack of basic skills, mental health problems, drug and alcohol addiction, a lack of a positive role model at home, chaotic lifestyles – I could go on. Not being ‘job-ready’ may be a symptom of life stage but it may also be a symptom of many of these other factors which caused the criminality. These are the issues that must be dealt with in the resettlement programmes in order to help young people to be employable. Once they are ready for employment, the importance of a disclosure scheme becomes relevant.

During the course of the review we went to talk to

young people about the 1974 Act and what they wanted from a new disclosure scheme. We went to the YOI at Huntercombe and also to speak to young offenders under the supervision of Luton YOT. We also talked to young offenders participating in Trevor Philpott’s C-FAR scheme at Okehampton. The majority was around 17 years old, and mostly male. Few knew anything much about the 1974 Act, other than that it existed, and few could remember anyone trying to explain it to them. When I explained why I was there and why I thought it important, a huge gulf opened up between us. They couldn’t understand the importance because many weren’t interested in looking for lawful employment and those that were made it perfectly clear that they would never dream of telling a potential employer that they had a record. So I had to wake them up a bit by telling them about the Criminal Records Bureau and the introduction of Basic Disclosures. They were rather shaken, and horrified that to find that concealing their convictions would not work in the future - and became rather more interested in the review at that point.

The review wanted to devise a scheme that would be less draconian than the current arrangements, and preferably one that could be in place before the introduction of Basic Disclosures. We also wanted a system that would be clear and transparent and readily understood. We have heard much about the practical rehabilitation programmes now in place, and about ASSET, and how we can look specifically at the individual needs of young offenders. It might be assumed from this that the best way forward would be to set individual disclosure periods to suit each young person’s circumstances, and the particular risk of harm they may pose. Indeed the same argument may apply for adults, following the introduction of OASYS. But we decided against that because we felt sure that the over-riding need was for clarity. Although there would be a lot to commend a system of individual assessments, it would be complex.

The Reformed Structure

For the structure we concluded that we would recommend a system based on sentence as, so far as the employer is concerned, this is the best indicator of the seriousness of the offence. We also recommended fixed disclosure periods. In the 1974 Act there is a different fixed rehabilitation period for almost every kind of sentence. Apart from the

confusion it causes, it means that the scheme is immediately out of date as soon as a new sentence is introduced. We recommended a straight distinction between custodial and non-custodial sentences. By and large these are the length of the sentence as ordered by the court plus a buffer period to give employers a little bit of encouragement that the person is able to demonstrate that they are not offending even during a period when they are no longer in custody, under threat of breach proceedings, or under the supervision of the courts.

However, for young offenders we decided that we would not impose a buffer period on those given non-custodial sentences. Once their sentence has been served they will no longer be required to disclose the conviction. For those sentenced to custody, a buffer period of one or two years will be imposed at the end of the period ordered by the court. This difference between one and two years depends on the length of sentence, and is intended to reflect the differing levels of seriousness between custodial sentences for juveniles of up to 24 months, and those of two years and over. This is enormously different to the current situation. At the moment, for both adults and young offenders, anyone sentenced to custody for 30 months or more must disclose the conviction for the entirety of their lives, no matter how they may conduct themselves in the future. For all other adult offenders, there is a regime of ten, seven and five years, halved for young offenders.

We will continue with the current regime of exceptions. We need this in order to protect young people and vulnerable adults who come into contact with people who may present a risk by virtue of the nature of their employment.

Educating the Public

We also recognise that it is not only legislative change that is important. There needs to be a programme of education. We must go out and talk to employers, about the work that Richard has been doing and the views of the TUC, and we need to make the kind of business case that Richard was putting forward earlier. Employers cannot afford to cut out enormous numbers of the population. A quarter of the working age population has a previous conviction. This is a very strong business case. We need to work closely with employers such as the Lattice Foundation who understand the business case, and can act as champions to encourage those employers who have not yet taken the plunge, and help to convince them that the employment of a

young offender will not bring their business to its knees. We also need to educate young offenders about their rights in terms of when they need to disclose, and how to do so to present themselves in a positive way to potential employers.

So this review is not just about new legislation, it is also about devising information campaigns, and we will want to work with you on how they should be conducted. Which brings me back to the purpose of this conference. This initiative will only work if we get the wider approach to resettlement right, if we can deal effectively with all those factors which can prevent a young person from being employable. The stigma of a criminal record is just one aspect of their employability. We need to work holistically with young people to get them ready for employment, and keep them away from crime. That relies on the development of constructive custodial regimes, and regimes in the community setting. So I welcome the kind of discussions that are taking place today.

One last point. The consultation period for the review recommendations is nearly over but there is still time to comment. The closing date is 13 September to allow me to feed the comments to Ministers, and to move swiftly to bring the recommendations in this document to fruition through early legislation. I would be grateful if you would take the time to look at the report and to let me have your views.

THE MICHAEL SIEFF ADDRESS

Hilary Benn MP Parliamentary Under Secretary for Community and Custodial Provision, Home Office

Mr Benn discussed the issues around how we reconcile on the one hand society's desire not to be subjected to crime and vandalism and anti-social behaviour, and on the other the desire to help young people and children to do something different and better with their lives. He noted the recent successes in reducing delays in the criminal justice system and in reducing the rate of juvenile re-offending, as well as the government's attack on social exclusion and the preventative work that is being undertaken around the country such as the summer SPLASH schemes which the Youth Justice Board is running, and the Youth Inclusion Programme which is trying to reduce youth crime and truancy and school exclusion by involving young people in more positive activities. He also referred to the government's concern about consistency in sentencing and their policy that custody should be the last resort, but that the general public need to be reassured that sentences and regimes would prevent re-offending.

Thank you very much indeed for having invited me to come and join you at this very important Conference, particularly because I know what an impressive track record the Foundation has got in bringing together a lot of people with an enormous amount of expertise and things to say and views to express in discussing issues of concern to children's welfare, and I am particularly pleased that you have chosen the opportunity of this Conference to address the very important debate about young people and custody.

The Victim's View

I've been in this job now for just over two months and at the beginning of this year I went to one of my constituency surgeries and a very angry group of constituents had arrived there and camped in a circle and they had come because they had been driven to the edge of despair by a family that had moved into the street where they lived. Now as it turned out it was a pretty well known family with rather a lot of form but they told me in great detail and with enormous passion about the thieving and the abuse and the stone throwing, which included the children of the family participating, which had become a feature of almost every day in their street, and what made them most angry of all, and I spent about an hour with this group of constituents, was that they had an absolutely profound sense, a burning sense, that when the criminal justice system and all the mechanisms that we have in society was meant to be there for them to help with the problem that was, quite frankly, ruining their lives, that they didn't think that the system cared about them at all. And

I sat there as a Member of Parliament, they come to you and they think, you know, that you're powerful and there are things that you can do, and I felt pretty useless at that moment. Now, in a sense it had a happy ending because the family was ultimately moved on, peace returned to the street, but that experience and lots of others I have had as a constituency MP over the last three years has made me realise just how important the Criminal Justice system, in all its guises, is to the quality of life that the people I have the privilege to represent in Parliament want for themselves, to the quality of life for all of us in society wherever it is we happen to live, but it is people who live in the poorest areas in many ways who suffer most from crime, as we know.

Just how much it means to each of us to feel safe and secure wherever we live and just how desperate people can become when they feel they have absolutely no control about what is happening to their lives. And of course many young offenders feel exactly the same. They too have been subjected to experiences, abuse, neglect, and a lack of care that has made them do desperate things. They too when you get the chance to talk to them would like to live a life in which there is security, that they feel valued and acknowledged, and they too have got needs that we have to try and address. And as I reflect upon it, whichever of these two viewpoints we see the Criminal Justice system from, and it depends where you happen to be at any given time and one of the things about the job that I do is that you see all of those dimensions, the burning issue for society today, it seems to me, reflecting

on my first two and a half months and that previous experience, is how do we reconcile on the one hand society's passionate desire not to be subjected to crime and vandalism and anti-social behaviour, and with that the greater recognition we have as a society now of the position of victims within the Criminal Justice system, and not before time, and on the other the desire that we equally have to help in this case young people, these children in some cases, to have a chance to do something different and better with their lives. And that, it seems to me, is the fundamental issue and it was precisely towards trying to do something about this problem that the reform of the Youth Justice system that we have begun to put in place since 1997 has been directed, and as you will know it had four main aims, to develop a clear strategy to prevent offending and reoffending, to intervene earlier and more effectively, to get things done quicker and to get all of the people who have an interest in dealing with this problem, and the more I reflect upon it the more I realise that everybody has a contribution to make and the more I realise that the responsibility that we put, as a society, on, in particular the prison system and the probation service, enormous responsibilities which we ask of the people who undertake those jobs on our behalf, but as a society we don't really ask a lot about what happens.

The Reforms

We don't really care enough about what happens because unless you work in the system, unless you know someone who's been in the system or you have visited someone in prison or you've had a relative in prison, or you've had other contact with the prison or probation service, most of society knows very little about this hidden world which plays such an important part in trying to tackle these problems. And so bringing together all of the people, as we have been seeking to do in relation to Youth Justice in particular, to do something about youth crime clearly makes sense, not least because it enables each of us to understand the contribution that the other can make and by putting all the bits together hopefully we can provide a better response to the problem that we face, hence the Youth Justice Board, hence the multi agency Youth Offending Teams, hence the powers the court has been provided with to intervene earlier, and the early signs, one has to say, are quite encouraging, one because we have succeeded in halving the time – and when I say we, actually I don't mean we the government, it's the people who work incredibly hard to make sure that the time between arrest and sentence for young offenders has halved compared with the

figure that we inherited when the government came into office, but that's the result of a lot of hard work by people, and the people who should take the credit and get a pat on the back are those who've worked very hard to achieve it, but it shows that progress is possible, because some people might have said "what about all these delays, well its endemic with the system and its all very difficult to deal with" but actually we've been able to see real and substantial progress, thanks to those efforts.

Re Conviction Rates

The second bit of good news is that, as you are no doubt aware, the first national reconviction figures since the implementation of the Youth Justice reforms showed a 14.6% reduction in one year reconviction rates compared with the group of juveniles that were dealt with in the old way before the reforms were implemented, and that really is a real achievement because we have been looking over a five year period to achieve a 5% reduction and with the very first cohort the figure has shown a 14.6% reduction. Now this is just a first snapshot and we are going to have to see how the further groups work out and to see whether that progress is maintained, because in doing all this we have got to continually learn the lessons of experience, fundamental, very simple questions, does it work, does it make a difference, and to improve in the light of that experience, and then having got the answers to those questions, to improve the work that we do with young people as I shall come on to in a moment.

Family Support

But alongside these changes to the Criminal Justice system, I also want to say in passing that we do recognise unquestionably the argument that the more that we can do, the more that we can intervene, the more that we can provide support at an earlier age, in supporting families and children at risk, to prevent them getting involved in offending in the first place, the better it will be for us all because we all of us know that a number of factors, notably problems with parenting, not doing well at school, families on low incomes, a life of deprivation, makes it more likely that a young person will engage in criminal behaviour. We know that crime is not indeed the only consequence of those factors. The same factors are linked with high rates of teenage pregnancy and homelessness and drug abuse and mental health problems, and we know, because the evidence is absolutely in our face, we know that if we can't help these young people at this age then

they are heading for the revolving door of the prison system. And that's why things like the Children's Fund that we have established to work with 5 to 13 year olds and their families, to address some of those risk factors, is a step in the right direction, that's why the Sure Start programme, which I know from my own experience in my constituency is making such a difference and building on the experience pioneered in the United States and elsewhere through the Head Start programme, one of the great achievements actually of the Johnson administration of the 1960s, is providing support to families and parents in the most deprived areas and again bringing together people to work together on a joint basis. You might think what's this quite got to do with it, but the fact that for the first time in a generation schools in the Inner City, and all of the schools that I represent are in the Inner City because I represent an Inner City constituency, are actually getting more money precisely because we are acknowledging that the most challenging and difficult job of all in education is to work in the Inner City. And we are recognising that by saying you need more support and that hasn't happened since the old Social Priority Allowance was got rid of about a generation ago.

Things like the Working Families Tax Credit, the summer SPLASH schemes which the Youth Justice Board is running, the Youth Inclusion Programme which is trying to reduce youth crime and truancy and school exclusion by involving young people in more positive activities. And there's going to be a full evaluation of that programme in particular but the interim findings suggest that it showed, in the areas where its been working, a reduction in crime of a third and has helped to cut school exclusions by a third also. Why is it worth doing all of this, because of course its worth getting in early, because if we wait until those young people turn into adult prisoners we are going to see the legacy of that lifetime of social exclusion reflected on the faces of the people that we see inside our prisons. And that the statistics are absolutely shocking and very stark but we need to remind ourselves, I'm sure you know them already but we need to talk about it to a wider society, the fact that prisoners compared with the general population are fourteen times more likely to be unemployed, thirteen times more likely to have been in care as child, ten times more likely to have been a regular truant, six times more likely to be a young parent, two and a half times more likely than the population as a whole to have had a family member convicted of a criminal offence, and we have got somehow to cut through this endless cycle of offending and reoffending and

we have got to do it with more offenders and if we can do it, then as well as preventing more of us in the general sense in society becoming victims, we can also make a greater contribution to tackling that legacy of social exclusion.

Custody the Last Resort

Now the government believes very strongly that custodial sentence really ought to be the last resort as far as juvenile offenders are concerned, and its precisely for that reason that we provided the courts with a wide range of community based penalties and introduced a new range of disposals for sentences which are specifically targeted at those young people who might otherwise face a custodial remand or sentence. And if we are going to provide a genuine alternative to custody, and I am very interested in that not least because the prisons are full, if we are going to do that then community sentences, alternatives to custody, have got to be strong and effective and command public confidence. They have got to address offending behaviour and social problems, they have got to encourage offenders to take responsibility for their behaviour and to make reparation to the community or to victims where appropriate. Because if we offend we should be called to account for what we have done, I think its an absolutely fundamental principle, and we all of us need to understand whatever it is we do in life that actions have consequences and sentencing therefore should reflect that in a way that, while ensuring that the public is protected, makes it less likely that someone will reoffend in the future and sentences should therefore aim to change that behaviour which, without intervention, might continue to resurface. And the reason we need to do that is because, as we know, as the social exclusion unit told us, one million crimes a year are committed by ex-prisoners, and that is a big burden of crime that impacts on our society, and where it works that rehabilitation, that chance for resettlement, that chance for living a different life, is not a soft option.

Making Progress

I think the debate about hard and soft is, in many ways, extremely unhelpful but its got to be credible, and in fact if we are successful in rehabilitating by means of effective community sentences the, in the long term, this is a highly effective crime prevention measure. And if we are able to achieve that then it seems to me we have a really good chance of winning the public argument about where we should invest our time and resources in correction policy

and win the argument with people that it is not about, as some would term it, a soft option, its about looking at what is the most effective means in the end of trying to reduce the chance that this is going to happen again. So in relation to young offenders in particular, developing referral orders, parenting orders and in particular the new Intensive Supervision and Surveillance Programmes, ISSP, which as you will know target the most persistent juvenile offenders, provide intensive monitoring for up to 24 hours a day, 7 days a week, together with a highly structured programme of education and training and reparation to victims. Now the ISSP can be used for offenders on bail, those serving the community part of a Detention and Training Order, and may also form part of other community based sentences, and by the end of July just under two thousand young people had started on the ISSP programmes, its currently available to 84 Youth Offending Teams and will be extended to a further 34 later this year.

Young Offenders in the Community

We are also looking at ways to develop and pilot intensive fostering as part of a community sentence, to provide another alternative to custody, having said that custody should be the last resort for juveniles. Children and young people who have committed offences would be placed with specially trained and supported foster parents, and in the meantime the Youth Offending Team or the local authority would work with the natural parents to help the child's eventual return home. And we hope that intensive fostering will be part of the new strengthened Action Plan Order on which we hope to legislate soon, currently Action Plan Orders are fairly short, intensive, community based sentences combining punishment, rehabilitation and reparation, but the extended Action Plan Order will include the additional options of curfews, the intensive fostering I've just been talking about and will be able to last up to 12 months rather than the current 3 months. We are also seeking to maximise the benefits offered by electronic monitoring, not only as part of ISSP but more generally because we have introduced powers to enable young offenders' curfew conditions on bail to be monitored, so providing the courts with an alternative to remands in custody. And frankly, given the choice, I know some people have raised concerns about tagging young people of that age, but if tagging provides an effective means of preventing them reoffending while they are on bail, and you won't need me to tell you that the thing that drives my constituents up the wall, thinking about does the Criminal Justice

system work to protect me, is when of course they see and read about young offenders who have been arrested for one offence, on bail, and then go out and commit further offences, and they do not understand and rightly so, they do not understand why the system permits that to happen, so if tagging, and its proven to be the case, can provide an effective way of avoiding custody but also constraining the liberty of the young person in question to go out and do that to other people while they are on bail, then I for one think that is a good policy to pursue.

The use of Custody

Now, sadly there is a small minority, and its just 4% of the 190,000 young people dealt with by the police and the courts each year, whose offending is either so serious or so persistent that custody may be the only immediate answer. Custody is clearly appropriate for the most serious and dangerous young offenders, and it may be necessary in the case of many persistent offenders, although we acknowledge that some minor and persistent offenders may benefit from some of the more rigorous community penalties, hence our determination and wish to provide those options to the courts. Now where a custodial sentence is justified we have got to ensure that that sentence is served within a constructive regime which is aimed at preventing reoffending, and there has been a process of change going on and the Chief Inspector, Sir David Ramsbottom, in some of his final report acknowledged the process of change, we haven't got it right everywhere, let's be very frank about that, but there is a process of change. A number of things that we have been trying to do, one of course creating the new sentence for 12 to 17 year olds, the Detention and Training Order, which combines a period in custody with a period spent under supervision in the community, and the aim really is to provide a focus on planned and constructive use of time with effective supervision and support after release, which we know from our experience is so important. Now the YJB has commissioned research from the policy research bureau NACRO, the centre for Crime and Justice Studies, on the impact of Detention and Training Orders on juveniles and we are expecting the report later this year. It will look at sentencing patterns, it will look at the effectiveness in achieving the primary aim of preventing reoffending and its wider effect on education and employment.

Improving Regimes

Secondly we have been working to try and improve the regimes, because the Youth Justice Board through its role as a commissioner and purchaser of juvenile secure accommodation across England and Wales has had a notable effect on standards, as I referred to a moment ago, and I would congratulate the YJB and the Prison Service on the change that they have been able to achieve in many establishments. Because the YJB started a programme of investment in education and training in the juvenile estate in October last year, made up of around six million pounds capital and seven million pounds annual revenue spending, and since then establishments have put together three year plans with the assistance of education and development monitors provided by the YJB. And really what they are trying to do is improve the structure for delivering learning to young people in custody, to provide a greater depth of expertise, and the ability to build on this at establishment level, including the mentoring of staff, to improve literacy and numeracy, and we all know how important that is, and to increase the capacity of establishments to deliver the target, which we are not yet achieving in all cases, of 30 hours a week of purposeful activity including education and training. And the YJB is also working to improve the quality of the secure estate, so that sentences can be served in environments which actually promote rehabilitation and the maintenance of family ties, and the YJB has also got, as you will know, a capital programme to deliver 400 new places that are close to home for young people over the next four years. 32 places recently came on stream at Rainsbrook, a further 32 will soon be available at Medway. But having said all of that, I am the first one to recognise that the juvenile secure estate has been under a great deal of pressure recently and continues to be as a result of the increase in street crime, the measures that are needed to tackle it, and the increase in the number of young people that have come into the care of the system. So a great deal remains to be done.

Making the System Work

Now the final point I want to make really is to come back to where I began, this question of the public argument that we need to win, about what is the effective form of action to take to deal with this problem, because I do believe that there is a big effort that is required and all of us have a responsibility, in whatever part of the system we are working, whatever interest we have got, to try

and get a better understanding of the challenge that we face, a better understanding of the sentences that are now available, among sentencers as well as amongst the general public. Because when I talk to sentencers, of course sentencers are alive to what they perceive to be the mood of the public, clearly they are alive to the legislative framework, they say they listen very carefully to what ministers and others say, but they do reflect what they perceive to be a public mood and therefore to have the debate with sentencers, to ask them the question, having made that decision to what extent do you reflect on what the outcome was, because if we go back to the point “does it work, does it make a difference” that, it seems to me, is a very important job for sentencers to undertake, to ask the question – as the YJB has done this week – looking at the sentences that are handed down and the very wide variations, why precisely is that? A very legitimate and pertinent question to ask. And we need to reflect on the answers, recognising of course in the end of course it is for sentencers to take their decisions on the basis of the evidence and the individual who is before them and to better communicate with individuals and communities who have suffered from crime, that group of angry constituents who came to my surgery six months ago, why all of this is about. Because when you talk to victims there’s a whole bundle of emotions that come out. A lot of my constituents will say, “who’s going to pay for the damage that I have suffered?”. I represent a lot of poor people, they don’t have the money to pay for the damage that they have suffered, to their car that they worked hard to save for, their front gate that was kicked in or the window that had a brick flying through it. So they are very practical questions that they want to ask. They want to know what happened, first of all did anyone get caught.

Rehabilitation in Society

Nothing undermines confidence in society’s ability to try and provide a secure environment for all of us than its inability to catch people who engage in this kind of activity. Having caught somebody, what happened to them, and we still have some way to go, I think, to reconnect society better to the Criminal Justice system that does this work on its behalf because the worst thing, in truth, is that if this happens to you, there’s a long delay, nobody tells you, you don’t find out what happens, this alienates people from the process. If we had better information, yes we’ve caught someone, this is what is going to occur to them, this is what the sentence will involve, if its not a sentence of custody involving intensive supervision explaining to people what is

involved, you might involve them making some reparation and some very interesting work is being trialed through the work of the Youth Justice Board. And then people would be in a position to say “OK, now what can be done to ensure that this person doesn’t do the same thing to somebody else?” And once you get to that point, then you can have the conversation about, right, what the evidence shows us about where we can most effectively put our resources, and then we’ve got people at a point where we can have a serious adult conversation about what we do about this major social problem, and re-establishing that connection, overcoming that alienation, making a better link between this service, the people who work in it, on our behalf as a community, seems to me to be at the heart of addressing many of these problems. Because it will give a voice to victims and communities by bringing them into the process better so they have a chance to influence the solution and then in turn to take responsibility when offenders come out of custody. I’ve learnt there’s about 25 of the 71,500 people in prison currently who are never coming

out. The other 71,400 odd are all coming back out into our communities and we have a responsibility then to try and manage that process, and it seems to me that the fundamentals of the deal that then you can make with people is to say: “If you are prepared to offer support and help to give those people a chance to do something different in future to meet the needs that they’ve got, then in turn society ought to have a reasonable expectation that people will take up that opportunity and do something different and non re-offend”. It seems to me that that is the bargain.

So in conclusion I think we have made some real progress. In the short time I’ve been in this job I have been unfailingly impressed by the enthusiasm and determination of the people that I have encountered, who are working to try and make a difference, but as more days have passed and the more I have understood about the nature of the challenge, the more I recognise that there is an enormous amount yet to do, and its down to all of us to work together to try and achieve that. Thank you very much indeed.

Plenary Discussion following Mr Benn's Address

Elizabeth Haslam – I would just like to know what happened to the family that was moved on from your constituency.

Hilary Benn – The answer is that I don’t know and I must be very frank. I don’t have an answer to the question: “What do you do with families that create that degree of difficulty in a community”, nor do I think that the only solution is to move them on. I don’t know what the answer is. What I do know is what one feels if you have ever lived next door to an anti-social neighbour, and I have a short personal experience myself. It gave me an insight I didn’t have before, and even though the intervals of anti-social behaviour were two or three weeks apart the whole of the rest of the time you sat there when you were at home listening and saying “is it going to happen tonight”, and the corrosive effect that that can have on your life. I’m not wanting you to weep for me, but I’m just saying that when my constituents come and sit in front of me, as one of my colleague MPs described, old women twiddling the handles of their handbag, holding back their tears, because they simply don’t understand why this is happening to them, it makes us realise that we need to be more effective in finding mechanisms to offer protection; but what one then does is the really difficult question. This is the

hardest part of the equation. All that some of my constituents will say is: “Well, I’ve had them for six months so maybe somebody else will have them for six months and I’m going to get some respite”. Now that is not a long-term solution and we haven’t cracked that one yet but we are better, I have to say, we are better now at recognising that problem and the development of anti-social behaviour units, such as Leeds City Council has, is a huge improvement on the days I remember as a Local Authority member. Then the Housing Department would say “this is a bit off” and they would send a letter to the Legal Department in the Town Hall and you had a lawyer, very well intentioned but no experience of dealing with these cases, and the system was completely disconnected. Now you’ve got people with legal expertise as part of the team who could pull levers quicker to offer protection and support, as well as give people the opportunity to change the way that they behave, which is of course another way of dealing with it.

Trevor Philpott - Chief Executive of SEFAR. You talked in the beginning of your presentation about the need to engage society and to make society more aware and involved, and I think everyone here would endorse that enormously. And of course one of the best bodies to do that is the

voluntary sector and community organisations, and the SEU report highlighted that very strongly. You didn't mention that in your address. I wonder what your thoughts personally are on the employment of voluntary sector and community bodies in supporting actively, directly and in partnership with the Criminal Justice system, please.

Hilary Benn – The short answer is an enormous contribution. You take an example of a large organisation with a long history, for example NACRO. I think the Conference I attended, some of the people in the room I think were also there at the Business Design Centre in Islington when the prison service brought together representatives from a very wide range of voluntary organisations, to mark the publication of the new report that the prison service has brought out about its partnership with the voluntary sector. I hope you will take from that the very strong belief that we have the voluntary sector has an enormous contribution to make, and I did refer to the contribution made when I said this was a responsibility for all of us. I apologise for not uttering the magic words “voluntary sector”. It's always difficult with speeches, some people sit in the audience with their tick list and then they say, well you haven't mentioned this so therefore you don't care about it. That isn't actually the case, one because we can't do it on our own, that's the truth, and secondly because my experience has taught me that the voluntary sector and the public sector have an enormous amount to learn from each other. Because the voluntary sector comes and challenges and does things in a new way, and bureaucracies – I don't mean that in a disrespectful sense – but large organisations with rules and structure and framework find it rather difficult to quickly change and try something new. At the same time the voluntary sector comes to understand the particular responsibilities that come with being a public authority with laws to enforce and responsibilities to apply equally to everyone and so on. And we have a lot to learn from that dialogue, and in terms of the history of prisons, of course, the voluntary sector played an enormously important part in the movement to change prison conditions, which have led us to the point where we are today, although I recognise that we've got a long way yet to go.

Valerie Howarth – A Sieff Foundation Trustee. I would have thought that most of the people in this room would be saying to you, if we were being absolutely honest, no young person should be in prison. This is quite different from saying there are young people who should be deprived of their liberty,

there are clearly young people who need to be incarcerated and that's clear. You talked about the development of new institutions being developed by the Board. My concern is that we may develop some very good new establishments where young women, who at the moment are in totally inappropriate places, go into a more appropriate place but we know that supply and demand in this service often match each other. I mean, could we not have an assurance from you that when we have those places we really do have an instruction that young women, and young men when we have enough places, do not go into inappropriate adult prison places. When do you think we will reach that point?

Hilary Benn – The honest answer is I don't know when we are going to reach that point but the premise that you put, that we should be making appropriate provision, is one that nobody in this room could argue with and nor could I. But we have what we have currently, and having to deal with the situation that we have currently, while making the changes that I described and an investment that the YJB in particular is trying to make in more appropriate places, while we wait for that progress to be made, we will soon need to continue to make real progress in the provision that currently cares for those young people. There has been progress, but it's not everywhere, and one only has to read the reports of the Chief Inspectors to see that's the case. Some reports praise the care and support and the regimes in some institutions, and the purposeful activities, the sense of security, and all of those things which at its best can be provided, and in other institutions that clearly is not the case. I mean it's one of the reasons why I am so passionate about independent inspection because I reflect too on my Local Authority experience in education, and I remember the days when we used to inspect our own schools. When I became the Chair of the Education Committee in Ealing in 1986 we didn't publish our inspection reports on our own schools. So the first thing I did was to do that. But I think that independent inspection, someone who will come along and tell it like it is, difficult though it is, as part of the drive to maintain standards, to raise standards, to move things on, is absolutely fundamental. It is one of the strengths of our system and it must continue, because it calls us all to account whatever job it is we are doing, and in particular it calls ministers in the prison service to account and that's exactly how it should be.

Sharon Moore Children's Society - We've heard a lot over the last two days about overcrowding in

the prison system and the pressure that staff are under, working with children in those circumstances. One solution to perhaps ease some of the pressure the system is under is for government not to implement Section 130 of the Police and Criminal Justice Act, which is going to increase the powers of courts to remand to custody children as young as 12 for petty, persistent, offending. It is going to put even greater pressure on the entire system. It is likely that it will result in children who are held in Secure Training Centres being moved into the prison system and children from Secure Units also going into that system, which I would submit is not going to help any agency or any young person who is going to be caught up in that system. I would appreciate your comments on that please.

Hilary Benn - That piece of legislation, as you will be aware, is there in response to the point I tried to make forcefully in my remarks, about the people who are on the receiving end of it. I have to say it weighs heavily on my conscience because of the experience I have had and have, and will have on Saturday morning when I go to my surgery for my constituents, who are driven to despair and the question really is the question they would ask of us, of me and of you: "What protection support are you going to provide for us in circumstances where, for whatever reason, young people are engaging in this sort of activity. What assurance can you offer us that we are going to be protected from the consequences of that". That's the motivation and the starting point, and if we don't acknowledge that I just think we are in terrible difficulty in trying to work our way through this issue as a society, because we can't run away from it. If we don't acknowledge that then people will close their ears to the debate we are trying to have about where to put resources in the most effective way. Now, the fundamental problem – we have the prison population, speaking frankly we are just about full – but we would like to create some head room to try and develop further the kind of regimes which are provided in some prisons in quite outstanding ways in very difficult circumstances, because the current prison population creates enormous pressures. Although having said that, the first prison that I went to as the new Prison Minister, having never been in a prison in my life, was Leeds. The walls of Leeds Prison touch the boundary of my constituency. Now Leeds is a very, very overcrowded local prison, dates from mid 19th century, the architecture isn't everything, but look what Leeds has been able to achieve in recent years. Don't take my word for it, look what the

Chief Inspector had to say in an Inspection Report and it managed to change the culture of that establishment. They have managed to provide a lot more purposeful and educational activity for prisoners, and they have done it despite the pressures of the prison population, despite unpropitious buildings, and they've done it by leadership and they've done it by the quality of relations which I observed for myself when I was there that there are between the governor and the staff, the staff and other staff, staff and the prisoners. So it isn't absolutely the case that nothing could be done because of the pressures of the prison population, but we undoubtedly have a problem because we need to create the space to provide more purposeful activity, and that includes in relation to juveniles. That's the first thing, and the second thing is we need resources frankly, to be able to develop effective alternatives to custody, to run the kind of intensive supervision offending behaviour programme, tagging, the range of options that we want to give sentencers so that they can match the sentence better to the individual who is before them, including providing help with drugs (which I didn't refer to in my speech and which we haven't touched on in the questions). But reflecting on that visit to Leeds which really brought home the absurdity of some of the current situation, the Governor there told me that one of their prisoners who left the prison came back and knocked on the gate. They opened the gate and said: "What do you want?" and he said: "Can I come back in?" and they said: "Why do you want to come back in?". "Because" he said "I know you can provide me with help for my drug problem now, but I've been told that I'm going to have to wait three weeks out here". Now its barmy and that's one of the challenges that we've got to address, is how can we provide that support in relation to people who have got drug problems; and a very high percentage of prisoners, as you will know, come into the prison system with a drug problem. How can we provide that support once they are out so if they want to continue to make progress and live their lives differently they can do so? What we have to avoid is support in one setting and then you go through that gate, the gate closes behind you and you are without that continuing help that you need, and that's partly the responsibility of the community. It goes back to the point you raised about the contribution that the voluntary sector can make working with offenders. And it is how we create the space to do this, how we find the resources to do it at a time when frankly in the list of things that people write to me about and come and see me about it, the things they want money

spent on, education and health and transport and you name it, prisons and the probation service doesn't seem to figure very often on that list. Which is why engaging in the debate and saying: "Actually if you're concerned about crime, yes we need more police officers but investing in this kind of work will in the long term make a real difference" and then people will say: "OK show me the evidence, if that's the case then I see the argument you are making." And may be they'll be more prepared to recognise that investment in those areas is worth while.

Barbara Esam NSPCC - We've heard during this Conference that we are the second highest in Europe in terms of the number of children that are in prison. We've got the commitment that you've mentioned that custody should be the last resort, that's repeated in the White Paper "Justice for All", we've got the alternatives to custody, and yet it seems to me that there needs to be a goal set here about actually putting that into practice and making sure there is a clear target for reducing the number of children who are in custody.

Hilary Benn – In the end the decisions about who gets sent to custody and who doesn't, of course, are decisions of the sentencers and they are the ones who will decide. A target is something to aim for but at the same time you need to be honest and realistic about what you are likely to achieve. I don't think that we are at that point now because in the process that I think we need to go through, its about first making sure that the effective alternatives are in place and can be demonstrated to work. Let's be honest, we've got some way still to go to ensure that that is the case, but having done that then you can build credibility with sentencers and with the wider public. Then if that works our hope is that the reduction in the number of people going into custody will flow from that. Because that's the objective that we all share. Whether setting an artificial target now would actually help in that process, frankly I'm not sure that that's the case. You've got to win the credibility of sentencers, you've got to be credible with sentencers, you've got to win their confidence in order to persuade them to do something differently, and you also have to win the confidence of the broader public. If I got up and said to my constituents: "Well in order to deal with the crime problem we've decided to set a target to send fewer people into custody.", they wouldn't quite see the connection between the problems they are experiencing and that; and I think the target would get in the way of the practical steps that we need to take to achieve the same objective. That's my view.

Barbara Esam – A very brief supplementary. If that's the case, then wouldn't it be sensible to be working on public education to talk about how children end up in the positions that they are in, or the background that these children are suffering from before they get to the point where they are, and also issues about how ineffective prison is in terms of the recidivism rate and the expense of it.

Hilary Benn – I hope you gathered from what I said that I am very much in favour of that. It's a responsibility that we've all got, but in putting that argument one can't just say: "Look at the background" and of course it isn't surprising. You think of young women in prison and surveys have been done showing the proportion that have been subjected to sexual abuse, those who have been subjected to violence in the home, and you only have to think for a bit to understand. Of course we can only give back into society what we ourselves have been given, so if you've been subjected to violence and abuse not entirely surprising if you have only that to give. If you received love, care, support and encouragement then you are in a better position to give that back to society. And at a very basic level that is the fundamental problem. At the same time society is going to say: "I accept all of that but look at the consequences of the behaviour. I want to be protected from that while recognising the background that person came from.". Recognising the argument that you make, that if we get support in the ways I've been trying to talk about this evening, and if you can show that that's going to lead to a better chance that they're not going to do it again, then we've got people engaged. But of course we need to have a much better debate because the argument about crime reflects the real concern that we have. It is in too narrow a sense if it is just about more police officers, which we do need, and to catch more people who are committing crimes, which we also need. If we don't think then of how we can make a difference in the long term with still a relatively small number of people who contribute a vast proportion of the crime, if we don't consider that as part of the debate then we're not going to be dealing with the problem in the round. I'm wholly in favour of that, a better informed public, a better debate, more people involved. We're all here because we're interested and involved in the task in one form or another. What would be really interesting of course is to go out to community groups and voluntary organisations and have precisely this discussion, because I think you can win the argument. I believe that very, very strongly but you've got to do it in the ways that I've tried to outline.

Denise Campbell Surrey Youth Offending Team – I agree wholeheartedly with you about the need for alternatives to custody and in Youth Offending Teams we work very hard at developing those programmes. However, there is a tension between that area of work and the early intervention work which is untargeted. I'm not talking about early interventions as a whole. I am talking about the very specific cases which I am sure you are aware of around referral orders, and I apologise to the rest of the Conference here if they have heard me say this once, but the situation is that for very minor, low risk offences such as defective brake light, the young person who is 18 minus one day has to go to court, has to go to panel, has to have an Asset, has to have an assessment by the YOT, has to have a contract, has to have progress meetings and so on and so on. At 18 plus one day gets you four penalty points and your fine. And there's a huge amount of resources go in to that, not just financial, well it is essentially financial, but the amount of time and energy into that system is huge and I believe it's at the cost of the very creative work that can take place at the top end of the system to keep young people out of custody.

Hilary Benn – how many cases involving defective brake lights – I'm interested, if you don't mind me.

Denise Campbell – We have had in Surrey since April around 120 referral orders, and round about 40 of them have been offences which we regard as there being minimal risk of reoffending or risk to the public.

Hilary Benn – You mentioned defective brake lights. Can you just give me some other examples?

Denise Campbell – I can give loads of driving ones. No licence, no insurance, the driving ones specifically, and of course they don't get a final warning for that. It can be the first time you are arrested and you are in court, and you go to a Youth Offending Panel.

Hilary Benn – When you say driving without a licence, did you say low risk of reoffending?

Denise Campbell – Yes. Defective brake lights, you can be driving along.

Hilary Benn – Yes, I've got that argument, but somebody driving around with a licence, they might well drive without a licence again. I'm just exploring.

Denise Campbell - Yes. But if we then assess them and that assessment says that they are very low risk, but they still have to go through that whole procedure, its not only time consuming but its deeply

disproportionate.

Hilary Benn – So that's a plea for flexibility, is it?

Denise Campbell – It's a plea to look at that piece of legislation, that's what practitioners nationally have asked for, to look at that piece of legislation and look at how inappropriate it is for it to be a blanket decision.

Hilary Benn – Would you be so kind as to drop me a line about it and say: "As you asked me to do when we met, I am writing to" and if you can set that out I'll look at it. OK?

Denise Campbell – I certainly will. Thank you.

Thea Henley – Human Rights I would just like to go back to the point that was mentioned earlier about the situation with regard to young persistent offenders being remanded into custody and the fact that that causes other offenders, who are already serving their sentences in secure units, to be moved on. I have already had personal experience of four young people in a secure centre who were about to take their GCSEs, who were moved on to a Young Offender Institution where they couldn't take them. Now they were there on long sentences, there had been a huge therapeutic and educational investment, they were completely let down by the move. The chances of them reoffending in really serious offences was not very high and this was to make room for persistent offenders. I cannot see how the economics of this adds up. The argument that you put forward about your constituents, you know constituents all over the country have been calling for many years for the return of capital punishment but Parliament turns that down, so government is there to represent us but they are not there necessarily to be at the beck and call of what is a public outcry. We are there to prevent lynch mobs, not do their work for them.

Hilary Benn – I am glad you asked that question because I would reject very strongly the analogy between the return of capital punishment and the impact that crime has on people's lives. Because after all we still treat murder just as seriously and we incarcerate murderers, so frankly I don't think the analogy holds for one second and I don't think that saying that we are aiming to take the impact that crime has on people's lives seriously, its not something that we have started doing that didn't happen in the past. But I think acknowledging that is a really important starting point because honestly if we don't do that then the danger of other people coming along with a lot more extreme "solutions" to the problems that we face are much, much higher if communities feel that society doesn't take an

interest, so I don't accept the analogy for one second. I do accept completely the example that you have given and the detrimental impact that has had on the individual young people in question, because clearly that is completely undesirable. Having to the point of being allowed to take an exam and then having to be moved on, that is clearly crazy for that to happen. But I feel this very, very strongly that it's not about bowing to a mob mentality, it isn't, in the end it's about demonstrating to people that we do take an interest but that we all have a responsibility for providing a solution and that there isn't the simple solution: "Lock 'em up and throw away the key". That's the mob mentality reaction to juvenile and other offending. Well, we know that

won't work and that isn't right in human rights terms and all the other things, and if we acknowledge where people come from then we've got a chance, I think a better chance, of getting agreement on what was sensible things to do. If we don't acknowledge where people come from then I tell you somebody else will come along, long after I've gone, and they will have a much simpler solution and a much more abhorrent solution to dealing with the problem than the one that we've been discussing here this evening. So acknowledge, take action, take people with you, and find ways of dealing with it that in the end is going to work. And I believe that very strongly because, believe you me, the alternative is a lot, lot worse.

Managing Juveniles - The Prison Service Experience

David Waplington, Head of Juvenile Operational Management, Prison Service

Mr Waplington talked about the Prison Service's care of young offenders who invariably have multiple welfare needs, but referred to the very unequal provision for juveniles in different custodial settings. He commented on the lack of appropriate training for prison staff and managers, and the absence of successful models to draw upon. There have been successes in changing regimes, with an emphasis upon "normalisation" within establishments. He discussed the difficulties faced by staff and of organising for stability, but was able to point out a number of successes in education and activities. He stressed the prison Service's duty to keep prisoners safe and to promote their health, and though there are considerable obstacles to providing regimes promoting the well being of young prisoners, he was able to exemplify a number of areas of progress.

I want to be open and state clearly my objective today. It is to show that the Prison Service is committed to providing caring, flexible and responsive regimes for juveniles who need to be kept in secure custody. My talk is therefore relatively straightforward. I aim to provide an overview and examples of the ways in which the Prison Service is doing this. I am aware that many people believe that prison is not an appropriate place for children and it is unlikely that anything I can say will make any difference to their assessment. Nevertheless, the Prison Service finds itself looking after more than 3,000 juveniles, so the debate about whether they should be in prison or not is, as far as my job is concerned, irrelevant. I have them, and I have them in large numbers. The challenge is how to look after them properly.

The Needs of Young Offenders

As you will be aware, juveniles in prison represent a group with massive needs. Much has been written about the education deficits, but we are also uncovering massive health needs. No one here will be surprised at this. Many of these children are the product of neglect. Many will have suffered from harsh or inconsistent discipline, poor parenting, abandonment and trauma. People in this audience will have read many of the numerous reports which have identified these serious needs. However, for my part, I never cease to be surprised at just how severe these problems are. For instance, when I visited Wetherby recently I found out that in April of this year 37 out of 84 prisoners received during the month tested positive (8%+) for dyslexia. It prompted me to examine results at Wetherby for

preceding months. The high rate for dyslexia as well as a low level of educational attainment was very normal. In fact, there were months when a higher percentage tested positive for dyslexia. Although we do not routinely screen for hearing problems one study suggests we would find a similarly high rate of problems. These sorts of indicators have prompted us to try and get a Health MOT screening as part of every sentence.

Inequality of Provision

The second point I wish to make and which again will be well known to most of this audience, is that there is a very unequal provision in custodial settings for juveniles. The Director General of the Prison Service has many times drawn attention to the disparity in education funding between Secure Training Centres (STCs), Local Authority Secure Homes (LASUs) and prisons. It is worth repeating the latest figures. They are £50k for prison service estate and £164k for LASUs. However, what few people outside the Prison Service perhaps realise is that there is very unequal provision within our establishments. We do have some small purpose-built settings such as our two Units for Section 90/91 prisoners, that is those serving long sentences. We also have two establishments each holding less than two hundred juveniles (Warren Hill and Werrington). Our other establishments are much larger. These differences of size have serious implications for governors who manage them, staff working in them, and the young people they hold. It means that running an establishment such as Stoke Heath, which currently holds more than 600 young people (not all juveniles), is much more difficult than managing Werrington where there are only 134. Four staff supervising associations of 60 boys is common in many of our larger establishments. It is important to bear this in mind. The design of buildings and facilities available also has an impact on management. Unequal provision and the suitability of various settings affect what can be achieved and we should recognise this.

The additional funds provided to the Prison Service from the Youth Justice Board (YJB) for improving the quality of regimes in juvenile establishments has undoubtedly enabled us to improve the quality of regime provision everywhere. However, the introduction of the new arrangements was not trouble free. It meant large concentrations of juveniles in establishments who had not previously catered for this population. There weren't any

blueprints for our larger Young Offender Institutions (YOIs), they and many of our smaller institutions initially experienced de-stabilisation. This was exacerbated in some cases as establishments started to receive juveniles directly from court and, in numerous cases, large groups of juvenile trainees transferred between establishments. Warren Hill for instance, traditionally a very stable establishment in Suffolk, experienced a riot following the transfer of large numbers of juveniles from Feltham. Huntercombe, traditionally one of our most praised establishments and a very stable setting, found itself unprepared to deal with the large numbers of juveniles received daily from court. They had not previously received prisoners directly from court. The lads they had received previously were all selected and had been inducted elsewhere.

Staff Training

Staff generally had not been trained in handling juveniles. A workbook had been issued and the YJB introduced joint training with YOT workers. However, our staff were not sufficiently well prepared for the impact of handling very large numbers of juveniles. An officer at Huntercombe expressing his shock at the experience of managing juveniles instead of his former charges said "These lads will abuse you without any regard to age, gender, or whatever". Initial difficulties were compounded by the loss of a traditional sanction, which staff relied upon. The new Detention and Training Order (DTO) does not allow us to add days to the sentence as we had always done in the past. There was no time to develop new and better systems. This has only come with experience and smart management.

Management was, and still is, another problem area. When I took over this job I asked the Youth Justice Board to point me to the STCs and LASUs, which could offer the best example of the sort of provision they were seeking. The general consensus of managers at the YJB seemed to be that there were only two. I visited them both. Rainsbrook in Northamptonshire I found to be everything its admirers claimed. Although it was smaller and better resourced than anything that our Governors had to manage. The other establishment I visited was not impressive.

We have come to the conclusion that there are no similar models for us to draw on. So far as I am aware, no one anywhere is managing establishments as large as ours and attempting to provide a regime

to meet the demanding reformatory requirement, which the YJB and our Government rightly requires of us. We support this intention with our whole effort. However, it is a difficult task. Mostly we are learning how to do it through hard won experience. I stress there are, so far as I am aware, few successful models of how to do it and no whole system model similar anywhere.

Against this backcloth some exciting and innovative practice is emerging and we are learning fast.

Innovative Practice

We have four key objectives for our institutions. They must be secure, reformatory, health promoting (that includes mental health and well being) and safe. They must also be places where we recognise the need to promote positive growth and development. All our practices need to reflect it. We intend developing training specific to staff who will be handling juveniles in custody. The first set of study notes provided for all new staff is a paper called "Growing Up in Prison" and which was written by Juliet Lyon when she was Associate Director of the Trust for the Study of Adolescents. This has also been circulated to all establishments and is a small signal of the sort of regimes we intend and that we want to be a learning organisation.

A few staff like myself worked in the former Borstal system and were aware as Alexander Patterson said, that the regime must be "as little as like those of prison as is compatible with compulsory detention". This principle has not been evaluated in relation to the nature of regimes in juvenile establishments; however, all our Governors believe that it has much relevance for us. We are considering whether and how we should change many existing systems. For instance, the prison system of formal application and requests is not appropriate for juveniles. It is designed to limit, control and structure communications. Juveniles require informal contacts, ideally easy to access and available at any time. I would like to see an extension of the use of volunteers. I would also like to see family contact arrangements everywhere. We have made a start on these. Several of our establishments have networks of Youth Clubs. Perhaps the most successful is that operated by the YMCA at Wetherby. Here they have also introduced a series of Youth Achievement Awards, which offers lads the prospect of interesting projects such as preparing for their wedding, doing some research about their local football club, even

organising a snooker tournament. The Youth Achievement Awards at Wetherby regularly engage more than 50 lads in what looks to me very much like homework in their cells. Clearly this does not appear to be perceived as homework by them, but as very relevant and interesting things to do.

The YMCA in its work at Wetherby and elsewhere applies some important principles of youth work, which must have relevance for us. For instance: Acceptance, Informality and Equality "Escape to Normality" as one of our drop-in youth clubs used to advertise itself.

Feltham has its own Voluntary Sector Organiser funded by the Paul Hamlyn Trust. As a result, a network of volunteers has been recruited to come and work inside the prison on a variety of projects. Some of these volunteers are from organisations, which routinely work with juveniles, but the system also caters for individuals such as a retired horticultural expert who teaches the lads to look after the gardens outside one of the Houseblocks.

We now have four establishments where we have someone responsible for helping lads maintain contact with their families. This is a very necessary provision given the age of our population and sadly some of them are a long way from their home areas. It is clear from the way in which juveniles have used these services and their obvious benefit that this kind of provision is appropriate everywhere. We are talking to the YJB in order to extend this sort of provision and the Director General of the Prison Service is determined that we do so.

I use these as examples to show that we recognise that we have to learn quickly and create a culture of moving towards better provision. As I said, there is no blueprint but we are open to learning and I think we are learning very fast. Perhaps not fast enough to satisfy all of our critics, but I would assure them that we can and will get better.

Staff Selection and Foundation Training

Crucial to all of this is staff training and selection. We recognise the need to improve Foundation Training for staff at every level. In a learning organisation, which depends upon the contribution of all its staff, it is critical that staff are managed effectively. There is therefore great need to also provide practical high quality training for supervisors and managers.

Our staff have to be treated as caring, self motivated, problem solvers. Their contribution is vital if we are to develop an appropriate culture, improve quickly, and influence youngsters. Excellence in personnel management is our only option. No ifs, buts, or ambiguities. Staff expect nothing less and considering the difficult task we ask them to do – control, support, influence, train and reform young people nothing less will do. We know how to do it.

YOT Regimes

This brings me onto what our regimes should look like and what they should provide. The YJB's intention to improve the educational attainment of young offenders provides us with clear direction in terms of training provision and programmes for reform. We have been asked to try and develop "Secure Colleges". At some of our establishments, this concept is already being fleshed out. For instance, at Huntercombe they have an exam culture, which is proving so successful they have already exceeded important education targets. At Werrington they have an integrated training programme involving Education, Vocational Training Workshops and Activity Providers. It runs almost as a college setting. This establishment even runs regular morning assemblies. At other establishments this sort of thing is much more difficult. A morning assembly of 130 trainees is viable in an establishment which is well controlled. But when we start to get above 200 young people there is a need for greater caution.

In our communities there needs to be regular events which young people can look forward to. Keeping their noses to the grindstone without providing events which are different and interesting leads to problems. We have found that we need to hold concerts, theatre events, sports days and a variety of innovative fun activities to alleviate routine monotony. This is another reason why we need to extend our links with the community and develop relationships which will enable us to access community services for young people. In many cases, however, we are beginning to inform and develop this market through learning from one another. Recently, a highly successful event held at one of our establishments looked at violence and racism in soccer. It was organised by a local theatre group. The strategy was to hold some workshops with two or three small groups of prisoners. They then prepared a performance for the whole establishment. The prisoner audience consisted of

some prisoners who had considered the issues in detail, but the vast majority were simply drawn into the drama to experience the emotion and learning which resulted. Not surprisingly some very good lessons emerged.

The Governor's favourite example was of a stop frame situation when a small young Asian footballer was being held aloft prior to being punched by a burly white member of the opposing side. "What do we need to do?" shouted one of the actors at which one animated trainee in the audience shouted, "That bully needs educating!". Naturally this sort of event is the kind that all Governors are seeking to include in their regimes.

Problems and Priorities

The problem of community management can however be extremely difficult in larger settings. A high rate of turnover of prisoners is potentially destabilising and the design of many of our buildings can also present obstacles to progress. The establishments which are most difficult to run tend to have large population, high turnover, poor design and inadequate facilities. Most of them do extremely well given the difficulties they face.

Making every institution safe is the obvious priority. Here we have a great deal of success to share. Our recommended anti-bullying measures are highly effective. They involve the whole community and represent a "Whole Prison approach". In fact, it's surprising what can and has been achieved. Especially considering the large numbers of young people involved, the violent records of a minority, and the exceptional vulnerability of others. This is an area where we see improved practices continuing to develop. For instance, at a recent seminar on good practice in preventing bullying, we identified ways to provide better support for victims. Mediation schemes were recommended by several establishments. Another provided extra support to trainees when it was known that someone who had bullied them would probably be encountered again. Strategies for helping the victim included circulating information sheets with photographs to ensure that staff in Education, Workshops and Residential Units knew of the presence of both parties and could monitor and offer early intervention.

Promoting health and well being is another important issue for management. I have talked earlier about the health needs of young prisoners, but we also have to manage and mitigate the negative impact

of the institution. We have to promote individual well being. We want to help and encourage youngsters towards healthy development. Managing YOIs as healthy settings is not only practical, it is essential as a means of combating anxiety, depression and emotions which might lead to suicide. It also prevents infectious diseases and keeps institutional hazards like scabies at bay. Keeping youngsters safe and promoting their well being is also an essential precondition if we are to motivate them towards reform.

On the question of motivation the YJB has recently piloted a Cognitive Skills Course aimed at motivating young people. The Prison Service is also developing an Enhanced Thinking Skills Course aimed at juveniles. We have nothing like enough of these at present, and rely mainly upon the quality of relationships and the skill of teachers, instructors and other staff to encourage and motivate trainees. If you consider this it surely makes our achievements more impressive. Nowhere is this more true than the example of our teachers.

The YJB has, this year, made the enhancement and improvement of education for juveniles their main priority. We have been provided with additional funds to tackle the problem. Every juvenile establishment will soon have a properly qualified Learning and Skills Manager, as well as Special Needs support and Learning Support Assistants in many classrooms. Early results are impressive and we are likely to exceed our targets for Level 1 and Level 2 achievements by a considerable margin. Considering the facilities that education staff have and the very high number of prisoners who attend, the results achieved are, in my view, remarkable. No one else works in such large settings with such a challenging group, and the best possible comparison is teachers who work with groups of excluded pupils.

Recipes for Success

From my observations, it appears that success is due to:

- Good management
- Good teamworking
- Investment in Induction and Training of Education staff
- Positive culture which stresses “success breeds success”
- Sharing strategies – learning from one another
- Recognition

Mutual support

Egalitarian relationships, which reduce the risk of internal jealousies and distractions

Clear targets

High standards

Clear boundaries and discipline

Integrated work practices

A sense of fun positively fostered

I have seen many examples, which has enabled me to develop the above list. For instance, at Wetherby both the Head of Education and her secretary who work in adjoining offices act as “Mums” to individual lads who are having problems with relationships in Education.

One of the teachers at Wetherby said she was able to admit to her colleagues that she had just had a very unsuccessful lesson. She said that the boys in her group appeared to be really buoyed up and “bouncing off the walls”. She described her experience that morning as mere crowd control and said she was exhausted at the end of the lesson and very disappointed that no learning appeared to have taken place. Sometimes boys in prison do get excited. It doesn't take much. An increase in the number of youngsters from another area, an overcrowding draft from the north to the south, tensions between groups, which the prisoners know about before staff find out. Young Offender Institutions after all are fairly boring places and a bit of excitement has always, and always will be, attractive to young people. Institutions, especially large ones, with relatively few staff resources, frequently “bubble up”. In my job I see much exceptional work taking place, which doesn't receive the recognition and appreciation it deserves, because few people understand the difficulties involved. It also should go some way to explain how some current measures applied indicate erratic performance when the situation is understandable and frequently very normal.

We have many successful establishments. None more so than the Carlford Unit at Hollesley Bay and the Oswald unit at Castington. In these units set apart within larger establishments, good facilities and increased ratio of staff and fewer prisoners (both hold about 30) have led to the development of controlled, positive and much praised regimes. These units hold boys serving long sentences. The community is therefore very stable as there is a low turnover of young people. Staff have a

manageable job, which allows them to spend more time doing things with the boys in their charge. Staff share their hobbies with the boys. One breeds butterflies, another leads an aero-modelling class, another teaches ceramics, yet another teaches how to tie flies for fishing. They have been able to confront and resolve community problems by sitting down and talking together. In the early days at Carlford, lads who were disruptive were made to attend the staff meetings and discuss their behaviour. It was a short step towards an eventual community meeting. Oswald has a time-out room. It can only be used for a maximum of two hours at a time. Time-out is supervised by a member of staff who will try and talk to the lad. Its use is recorded. One particular difficult lad has been in the time-out room more than ten times, but he's not been in the Segregation unit at all and he has continued to live and work among the rest of the community despite his problem behaviour.

Oswald and Carlford have populations similar in size to STCs and resemble them in many respects, including the outcomes. The exception is cost. They are much cheaper to run. However, their main value to the Prison Service and to juvenile Governors in particular is that they provide us with models from which we can transfer good practice to larger settings. Of course, this is the sort of provision which the Director General and I would like to see everywhere, but most of our institutions are far larger than these. Huntercombe and Wetherby both hold more than 300 juveniles, Hindley, Stoke Heath and Onley all hold mixed population of more than 500 young prisoners and juveniles, whereas Feltham holds a mixed population of almost 700.

Lancaster Farms, however, deserves our special attention. Here is an establishment which holds more than 500 young people under the age of 21. 200 of them are juveniles. It receives directly from court and has a turnover of almost 10% each week. It receives and treats prisoners requiring 24 hours health care including those with mental illness or requiring detoxification. It costs £18,800 per prisoner place. On each wing, 60 lads or more will be on every Association supervised by no more than four Officers. The levels

of control and order within this institution are remarkable. In May I wrote as follows to the Youth Justice Board:

“April 2002 returns indicate a small reduction in assaults across the entire juvenile estate (results exclude Ashfield). They also show a further

increase in Purposeful Activity. This is now appearing as a consistent trend but the number of assaults and fights still fluctuate in individual establishments. Among this data the results of Lancaster Farms stand out. In April they not only had no cell damage, amazingly they had no fights whatsoever. These results, coupled with their absence of minor reports and low rate of adjudications, amount to an incredible performance. I doubt if a boys' school of a similar size anywhere could match this low level of indiscipline. Given Lancaster Farms' population and high turnover it is astonishing”.

Conclusion

The point of this final example is not to boast. Prison is a difficult and frequently inflexible setting for the work of education and reform. Locking up young people as this audience well knows should be a last resort because it immediately presents us with additional problems affecting the young person's well-being and future prospects. The point of this example is to identify that at Lancaster Farms we have a model for all other Young Offender Institutions. The Prison Service is attempting to develop purposeful, controlled and caring regimes everywhere. It is very difficult but not impossible. We will strive to address every legitimate concern about how this should be done. It is right and proper that we should be closely and carefully scrutinised. We would not wish it to be any other way. We do not control the numbers of juveniles committed to Prison Service custody, but we do recognise their needs and the problems these young people face. Some of our institutions, albeit far too few, provide us with examples of effective practice that have no peer. We intend using their achievement as our benchmark and, what's more, all our standard bearers know it and are committed to continuous improvement. We will get better, much better

Responses from Departmental Panel and Plenary Discussion

Richard White, Chairman, Solicitor and a Sieff Foundation Trustee

David Waplington, Prison Service

Caroline Rowe, Home Office

Bob Ashford, Head of Prevention for the Youth Justice Board

Jenny Gray, Social Services Inspectorate, Department of Health

Richard White: What I'm going to do now is move on to the Response Session from our four people. I'm going to ask each of our panel: David Waplington (Prison Service), Caroline Rowe (Home Office), Bob Ashford (Head of Prevention for the Youth Justice Board), Jenny Gray (Social Services Inspectorate) to just make a few observations on the themes that we have been developing.

Bob Ashford: My area of expertise is not around the secure estate, but having been here for the last three days I think I'm even more convinced now about the need for early intervention and prevention. It almost feels as if we are talking about how to shut the stable door after the horse has bolted. It appears to me that the most fundamental question is how do we reduce the numbers of young people within the secure estate. We've heard from David and we've heard from Lord Warner about some of the reforms that are taking place in the secure estate and they are brilliant, but again how can we make sure that they are actually effective when we have a situation when young people are placed at great distance from where they are living, where we see young people in LASUs who are vulnerable and are moved out of LASUs because of the needs of more vulnerable young people who are coming on stream. We can't begin to actually make these reforms extremely effective unless we can fundamentally reduce the number of young people within the secure estate. We've heard over the last few days some of the ways that that could happen through more robust community sentences, but my particular area is around prevention and I am more and more convinced that we need to intervene in young people's lives as early as possible, as soon as we know that these young people possibly are going to go on to become offenders. We need to intervene in their lives and come up with effective

programmes which will actually divert them. We also know that once the young person reaches the secure estate that job of actually preventing offending, which is the primary aim of the Youth Justice system, becomes extremely difficult once they are actually within the secure estate. It's easier at the beginning. That will take, if you like, a sort of fundamental shift both in terms of people's values and in terms of resources as well. What I am pleased about is that I've seen, particularly through the creation of my role and my unit within the Youth Justice Board, but also in the spending review this year, the Chancellor's statement for instance that 25% of Children Fund money must now be spent on preventing offending by 8 to 13 year olds, a really positive shift of direction. It also will reduce some of the concerns which have been around over the last few days about lack of resources. We are talking about a significant resource there, going in to preventing offending by young people, and among the earlier age group. I could go on at great length about the programme support actually following already and our prevention strategy, which we have, I am also very pleased that there's going to be this autumn, we are looking at a Prevention Green Paper so if you like the agenda continues and the emphasis continues on the prevention side.

Richard White: You've seen the sorts of recommendations that we've had in the papers. Where would you be suggesting we should be targeting our thinking?

Bob Ashford: I guess the group I'm a part of - prevention. I think the earlier that we can actually start preventing young people offending and come up with effective programmes and resources at that stage, the more we are going to produce a knock-on effect throughout the whole system. I think

frankly that is the only way we are going to have an effective secure estate, and there is a need for a secure estate but with a much smaller population.

Richard White: So you would recommend that we adopt the proposals of Group 5?

Bob Ashford: Indeed.

Caroline Rowe. In many ways there's quite a lot of consensus between what you are saying and what the government is saying as well. We do need to reduce numbers and that is recognised, though there may be different views about the extent to which those numbers can be reduced. But there's a lot of work going on, on the prevention and on alternatives to custody, and hopefully we will get the numbers down below what they are now. Having said that, we are going to continue to have significant numbers of under 18s held in one form or another of custody in the foreseeable future. Whatever those significant numbers are they are going to be there and we need to deal with them, and what we need to do is to ensure that the experience is as constructive as it can be and that it goes as far as it can to overcome the deficits which arise as a result of putting them into custody in the first place. We've got a lot of policies in place, a lot of people are saying we should do this and we should do that. The policies are already there. The real challenge in a lot of this is making them happen in practice on the ground. There is a recognition that a lot of what you are saying is right and it should be happening, Youth Offending Teams should be seeing offenders right through the system, they should be putting these things in place for them when they come out. It is not always happening. Now that is not a criticism of Youth Offending Teams only, there are a lot of complicated issues which are stopping that happening. There's a lot for us to take away and think about, but I would certainly encourage you as much as possible to give us your views. The more specific the feedback we can get in terms of what the problems are and how we can actually go about addressing them, the more welcome that is. It's an open door because we want to get this sorted as well. And if I can just say something very briefly, because I don't know a lot about it, about the issues about the interface or the lack of interface between the civil and the criminal systems, there is a recognition that we need to do more on that and some colleagues in the Home Office, as you know from the White Paper, are already starting to look at that area. Its early days and I don't know where that is going to take us, but hopefully we will make

some progress on improving things between the two systems.

David Waplington – The thing that struck me most is a really simple one but perhaps never quite on the level that you may be here, because many people here are obviously involved in policy making at a very high level. It was about the gap between the formal Criminal Justice system and the families and people getting into them. That seems to me to be something that really ought to be addressed. How you do it I don't know. I'll just give you an example from my own experience. One of the things I've always been concerned to do as you might imagine is to have good visits facilities and to make sure the kids who come up on visits have got decent play areas and things like that; to see families, you get to see them quite closely. One or two times we've experimented with trying to put advice there, offering some free screening. Again we became very aware that everything I was saying about young offenders, actually there was a group there that weren't offenders, that were the families of people in prison, and they manifest things like one of my officers said: "Have you noticed how many of them squint, Mr Waplington". It is there and I can't see why, when we know we've got a high risk group, we've always got a deprived set who are likely to be suffering all sorts of problems, why we can't target some money there and link that with the prevention work. So that's an example from my personal experience. It links to the second point I want to make, which is only a small one. Which is that we are not very good at tapping all the contributions that are out there. Its almost as if there seems to be a system that doesn't speak the same language as others and is no good at bringing everything together, and that's why quite often there appears to be such uncertainty, you know, on the one hand and on the other hand; but actually it is about our inability to bring people together, to find out what is happening.

Jenny Gray. From my point of view, I think one of the interesting issues that has come out is around effective interventions and I think its very important that perhaps some of the recommendations which are about areas of work, looking at what does make a difference, perhaps get fed in because it is important for us as policy makers and researchers to be made aware, or to be reminded of, areas in which we do need to be commissioning work about what is effective. And I guess also to think what is effective at different levels. I was in the group that

was looking at a strategy for raising public awareness and addressing how we might help young people who have been in the criminal system really get integrated into education and work, a place to live, having been in an institution. I think it is important to try and look at what we need to think of providing as a universal service for all children. That obviously starts really from conception onwards, and again links with initiatives such as SURE START, how you can intervene early in children's lives, but also looking at it from point of entry into the health system during pregnancy onwards. So there's a lot of work that needs to be done very early in a child's life before they become on the margins of offending. Where we can look at effective intervention is to help parents support their children better, such that they are not into concerns about the quality of parenting, and there's a lot of work going on in that area. We also need to draw on the best of research about what is effective during the first five years of a child's life, because we know that really is very important for future outcomes for our children. And of course then the other issues about when children do begin to get into difficulties, about what is effective in terms of keeping them out of the legal system, and then if they are in custody about what's effective for them during that time. So there are many different areas where we need to be thinking about targeting our research and understanding what is effective, recognising we need to be intervening at different levels in the system. I'm very mindful of David's talk about how important it is to be informing all of us about what is effective and to be bringing together the best of people's experiences from different walks of life. I guess fundamentally also there is the need to remember that children are children and taking a child developmental approach to all our work with children, no matter what discipline we are in, and about looking at how we can help people who are working with children. Families have a better understanding of what it is that enables children to grow up successfully and that's one of the areas I've been involved in commissioning some training materials, which we hope to be able to publish early next year. Training materials for teaching professionals about child development; what is normal, what may be straying from normality, recognising of course all children have different developmental paths and particularly those children with a learning disability. For example, one can't have the same expectations, but it's an area we are

very conscious of from a health perspective, of the importance of finding early where there are health issues, both physical and mental issues, and intervening at a very early stage. Linking on from that and discussion about how children do come into custody with undiagnosed hearing problems, for example, we also know from our research into the care system that children come into care with undiagnosed health problems, issues around the fact that they can't hear or that they may be malnourished. Two examples of where there are things that can be done much earlier on to make a difference. It's a bit sobering that you get to adolescence before someone has picked up that a child isn't able to hear. And one of the other developments that we are bringing forward in the Department is that we are about to publish for consultation a document around a system we've called the Children's Integrated System. This is a system for taking a child developmental model and using the assessment framework domain and dimensions for all assessment planning, intervention and review across children's social services, such that we are using the same model irrespective of whether children are living with their families at home, whether they are in the care system, whether they are children leaving care or whether they are children being placed for adoption. And we are want to give coherence to being able to identify children's needs and put in place appropriate and effective interventions, and then to review the effectiveness of those. So from the point of view of children who come to the notice of Social Services, we need to be very clear that we think about what are the effective interventions at the first point of contact, but recognise that for other children who may go into the care system, and some of those children who may go on into the criminal justice system, we do need to be mindful of using what information and understanding we already have about children and their family context. In this way we should be able to be planning new interventions perhaps at different stages in children's lives and trying to have a more joined up approach, not only within Social Services but also across agencies in relation to some continuity in children's lives. Because we know some of these issues. Perhaps somebody has known about it at some point but may not have put all the information together, or importantly may not have done anything about it to make a difference. So that is just some of the work that we are wanting to undertake from a Social Services point of view, which is to try and

help ensure the most effective services are put in place for those children who are identified as being in need.

Richard White This is an opportunity for questions to the Department. I've got one if I may. You've just talked about the integrated children's system, is there any reason why it should not include education, prison, to name but two, given that we are dealing with the same children.

Jenny Gray: Well we've had members of DFES and also the Youth Justice Board on our development group and they have been involved in the development of this piece of work.

Richard White: So there will be links, for example, with ASSET.

Jenny Gray: I think I would leave that for the YJB to respond to.

Bob Ashford: The simple answer is, Yes. There has to be, and I'm conscious of the number of assessment tools which exist within different departments, and I think part of the challenge for all of us is actually trying to ensure that the assessments are actually as joined up as possible. One of the ideas that we have within our prevention strategy is the idea of early intervention panels. What they would do is target those young people who different agencies feel, looking at a range of the risk factors, protective factors, would be most likely to go on to offend. All those young people who are already, if you like, in the first stages of offending. Maybe 8, 9 year olds who have been arrested by the police but can't be charged because they are under the age of criminal responsibility. And what these panels will do is assess, it will be a multi agency assessment of that young person's needs, and then come up with an intervention that is actually tailored to meet that young person's needs. They are already running in some areas. We will be looking to pilot them this autumn. It's also something we are developing for the Children and Young Persons Unit and we'll be looking for funding from our local children's funds to actually implement. So there is lots of exciting work going on in that sort of cross cutting way.

Chris Stanley, NACRO. Where I'm disappointed is in respect of the way the Department of Health has withdrawn from work with offenders. This is not an accusation against civil servants really, I suppose it is from the top. Youth Offending Teams are still funded up to about 60% by Social Services

via the Department of Health and we have a Children and Young Persons Unit in the Home Office. You just heard Bob talk about work with under 10s from the Youth Justice Board, which I think is not a step which is a particularly good one because we are talking about children under the age of criminal responsibility. We are talking about a Youth Justice team being involved with that group, when Social Services should have responsibility for that. And it also concerns me that Youth Offending Teams have a large number of Youth Justice workers that were previously from Social Services, but increasingly the link with Social Services is no longer there. So we have a multi agency team with police, probation, health, but no Children and Family social organisations. There are no links there, and Social Services when the child or young person offends completely wash their hands of that child, and say it's the Youth Offending Team's job, we are funding them to do that. So it's about the care/crime split, not just within the court system, which is getting wider and wider, right through government, down to the work on the ground. Until we start joining these things up much better we will continue to have that split and we won't be nearly as effective in reducing their offending.

Richard White: Do you want to comment on that? It does seem to be a general point that is emerging because that is consistent with the discussion that we were having before the break, isn't it, about the local authority having a continuity of responsibility. It's only partly to do with the JR. There is a much broader issue and it does seem to run a theme of our discussions. Does anybody want to comment further on that, because I can see a recommendation emerging in my mind, that might emerge from this Conference.

Bob Ashford: Chris and I have already had discussions about this and Chris's view is not a lone voice in terms of either aspect. Taking the younger people being involved with Youth Offending Teams, what is absolutely clear already is that despite any policy statement from the Board there are many Youth Offending Teams out there already which are beginning to work with a younger age group, but not in isolation. They are actually working, as YOTs should do, with other agencies, with that younger age group. And the reason they are doing that is because they can see those young people, they have identified those young people as have other agencies within a particular area who believe they have a need for intervention, who aren't

currently receiving a service. The Board did a very quick and dirty piece of research around the number of young people under the age of criminal responsibility that are coming to the attention of police, and we figure there's around four thousand young people a year who are actually arrested but not actually charged because they are under the age. What happens to them now? Well, the answer is very little, if anything. They don't usually meet the threshold for Social Services intervention, despite – and this is where we come down to labels again – despite them possibly having a label as a child in need. Very little actually happens with them. What YOTs are doing, they are acting as a catalyst if you like, they are already in a good local partnership with different agencies, and they are in a position of bringing together other agencies and intervening at an earlier age. And I don't have a problem with that. If it actually prevents young people from going on to become offenders, if it prevents them – as we've been talking about for the last three days – from ending up in custody, then as far as I'm concerned that's a very positive move. It does seem, following the implementation of the Crime and Disorder Act, that YOTs at that stage tended to inherit criminal justice workers, not social workers, people who had been involved in the criminal justice system for a long time. Some YOTs actually went out of their way as the teams built up to try to include within the Youth Offending Teams child care social workers. The perspective that they bring to Youth Offending Teams is very different from a Youth Justice worker. And I think it's a perspective that YOTs need. I think it is something the Board does need to look at, how we can encourage local area Youth Offending Teams, Social Service departments, Department of Health, to actually ensure that YOTs do - as they should do – include child care social workers who do have a very different perspective.

David Spicer, Legal Services Nottingham County Council. We've heard about the good practice of YOTs, but talking to people who've attended the Conference there doesn't seem to be that experience of good practice in the local areas that people are drawn from. So there is some dislocation and lack of consistency, it seems, around that. But some of our recommendations actually require changes in legislation or changes in policy or quite dramatic differences. I wondered whether we could spend a bit of time thinking about what we might recommend in terms of current

arrangements which might be improved, and particularly this issue of engaging Section 17, Children in Need functions on behalf of these children. Now as things stand at the moment Social Services Departments do not go looking for children in need, nor do they go looking for children who need protection. They wait for somebody to refer, they are obsessed with referrals in fact. If a referral doesn't come, then nothing flows from it, but there's no reason why YOTs shouldn't refer, formally refer, children for assessment as children in need. I was struck by David's comment in relation to the 14 year old on the train that the discharge arrangements from custody were appalling. Now it is the case that vulnerable people in hospital, particularly those who are detained in hospital, should not be discharged from hospital without a discharge plan and a meeting of those needs following discharge from hospital. Why can't there be some process whereby these youngsters are not discharged from custody without a referral to Social Services on the basis of: "This person will be coming to live in your area, you need to take responsibility for him under Section 17 as a child in need." and some co-ordination, and some plan before the discharge, about meeting the needs which you are clearly identifying within even the current arrangements within custody.

Richard White: Is there any reason why that shouldn't be done?

Bob Ashford: Well its actually there in legislation that it should be done. With Detention and Training Orders there should be a review plan which actually sets out the discharge plans for that young person; so it should happen. But you are absolutely right, there is varying practice in the secure estate, Youth Offending Teams, Social Services departments, and there are good ones that are OK and there are some that are clearly fatal.

Caroline Rowe: Part of the problem is you can't actually say no child should be released without X, Y and Z, because you've got to release them. And it is something which is coming to light with us recently, it has been really highlighted for us, by our new arrangements which some of you may be aware of for early release with some of the longer serving Detention and Training Orders. Because we've now got a presumption in favour of early release for juveniles serving longer Detention and Training Orders, on electronic tags. And there we do have discretion whether or not to release, but

we can't release them unless they've actually got a plan and somewhere to go for the tags. What we are finding is we are getting a lot of calls from the field saying this person is totally suitable for being released but we haven't managed to get the accommodation in place, what can we do? And that is happening all the time.

David Waplington: I mentioned I was in the Borstal system. When we had discharge arrangements for Borstal boys there was always a discharge plan. We used to also kit them out and give them a bag with equipment in, stuff that would be a bit of a survival kit, so each went away in a sense with a survival kit. We don't do anything these days. We now go to places where they still give them a plastic bag with HM Prison Service printed on it. I think there could be some early offending here because I watched some of the discharges from one of our places the other day and the juveniles, who don't normally come into contact with the older offenders, were discharged with the older offenders. There was nobody picking them all up, so they all decided they were all having a walk down into town together. It is asking for it, isn't it?

Barry Goldson, Liverpool University: I just want to pick up on the point of this pre age of criminal responsibility intervention. There is a fairly substantive volume of evidence which would suggest that intervention of that nature is entirely counter productive. Intervention with children who have yet to offend from a criminal justice agency is entirely counter productive. We used to call this labelling and I would be delighted to send Bob some of this data, some of that research.

Richard White: Just by way of clarification, I didn't understand the point that's being made to be intervention from the YOT. Val Howarth's original suggestion about early intervention, as I understood it, was about intervention from Social Services, not from YOT.

Barry Goldson: I was picking up on the point really that Chris Stanley had raised, about the YOTs intervening with four thousand children that had been identified by the quick and dirty research which Bob referred to. As I understood it, intervention by the Youth Offending services with children who have yet to offend. I understand that the Sheffield University research, which was commissioned in relation to the Youth Offending Teams, raised one or two concerns about the amount of time that was actually being spent with young people who had

offended and were above the age of 10, by youth offending services. I understand that that is less than the old youth justice teams which used to work from Social Services departments. If that is the case, shouldn't they be concentrating their efforts and working with children who are actually in the system rather than extending the scope to those who are not.

Michael Little, Dartington Social Research Unit & Sieff Trustee: I would like to echo that, and maybe there is a misunderstanding about who's going to provide what. Three points: one in four children each calendar year are identified by health, education, social services and police as having a social need. Now we may be dissatisfied with the interventions they receive but it seems to me inconceivable that the children you are talking about aren't already in contact with a social service of some kind, and that's where the locus should be. Second point, early intervention doesn't mean early in the child's life, early intervention means early in the development of the problem and peak age for offending is now 16 or 17 years of age. So early intervention in the context of anti social behaviour is very unlikely to be around 10 or 12, its more likely to be 13, 14 years of age when you want to make the intervention. And finally, to echo Barry's point, there is a substantial amount of evidence in terms of reducing anti social behaviour, the best intervention is to do nothing at all, and of course – we are talking about the Borstal system, when the Borstal system was in place there were around twenty thousand children in what we would now call the secure estate. We've got it down to three thousand, that's a huge advance, and most of that advance has taken place partly through the type of work that Chris, and no doubt others, were undertaking in the 80s to divert children out of these kind of systems because they can be as damaging as they can be recuperative.

Bob Ashford: There are obviously two very strong views there. I heard similar views at the introduction of the Crime and Disorder Act and the move away from repeat cautioning to reprimand, final warnings, those are very similar views to what I heard then. But what's been shown since is that final warning interventions work in terms of reducing offending. There's clear research that says that is the case. What I was talking about in terms of early intervention panels is a system which is facilitated by the Youth Offending Team. YOT Managers actually manage a local partnership. It is not

intervention by the Youth Offending Team; it could be an intervention by Social Services; it could be an intervention by Health; by Education or whatever. The aim is for YOTs to facilitate the bringing together of local agencies to provide a service to young people who currently don't receive a service from those agencies. And I've spent a lifetime in Social Services, turning young people and families away because they didn't meet our thresholds, and sending them to another door where I knew full well they would be turned away again. And I think if you ask families and parents of young people if they would prefer a service of the type I am referring to, or what is currently there, they would say they don't mind where they get it from or who delivers it, as long as they receive assistance. That is what we are talking about.

Tink Palmer, Barnardos: A plea for the education teaching profession, again as a means of diversion. When we look at the number of young people who get caught up in the criminal justice system, who have been excluded from school or have bunked off, you go back to the classroom both in primary and early secondary education, and find there are insufficient resources in staff, particularly SEN qualified staff, to engage these young people in an appropriate way. And when you have a teacher who has a class of 30 with, perhaps, one classroom assistant, no SEN support, is it any wonder that they are unable to engage these young people in that way? So the children become frustrated. We haven't identified the dyslexia, dyspraxia, the hearing, the vision problems they've got, linking basic to health, so they bunk off or run away, they go shoplifting and away they go. And if we could put more resources into education in the classroom, then I think diversion might also be assisted.

Denise Campbell, Surrey YOT – As a manager in a Youth Offending Team I feel that I need to respond to a few things that have been said, because what has come across very clearly in the last three days is that there is justifiable criticism of Youth Offending Teams primarily around the areas of through care and discharge. And I suppose what it has raised with me is that the standards we expect in our YOT, are that every young person does have that quality of care, and continuing care, and that arrangements are made for when they are discharged. But if that is not happening, what is the prison service or whoever, what are they doing about it. Because how come I, as a YOT Manager, was not aware that that problem was happening

nationally. So where is it going? Where are those complaints going? Is it vocal? Its also about communication, the fact that historically it has been very much a them and us situation between the prison service and the youth justice services. That is a bit simplistic, but it was there. We need to move right away from that and we need to have a really meaningful dialogue. I'd also like to echo what Bob Ashford and Michael said about early intervention. I don't actually disagree with early intervention as long as it is targeted. I think what we are expected to do in a YOT now is way beyond that, and it is untargeted and unnecessary intervention. I've said several times during this Conference it is often at the cost of the quality creative work at the top end, keeping young people out of custody.

David Waplington: Well, I can see what the prison service is doing. The prison service is trying to engage the YJB in that we've got a problem. That is something that we must deal with, because to some extent what we've done is put all our measures at the front end. Then we introduced this bringing together of YOT workers and prison service staff with a working together programme, but there is no continuing dialogue other than the fact that most of us have now got some YOT workers in individual establishments. It is not producing the change in service when we've identified a problem. So it is on the table with the Youth Justice Board that we have a problem, we want to address it. But they are the lead agency. They are the ones that look after the YOTs, and they are the ones that look after the custodial bit. They say what they want. They specify. We can do a lot to help them achieve it. That is part of the partnership. But this problem exists in part of the system at this moment in time, and they are managing the other part of the system.

Denise Campbell: What's the YJB doing about that?

Bob Ashford: Well, one thing we are doing is setting up a regional structure. I think that one difficulty over the past few years with the introduction of the Crime and Disorder Act, the new reforms, the reforms to the secure estate, the Youth Offending Teams, etc. has been the sheer amount of change that has happened in such a very short period. And I think it is the same with Youth Offending Teams, the secure estate and indeed the Youth Justice Board, that our structures quite frankly have not always kept pace with that change. What

we are doing is creating a regional structure with regional managers. The idea is that they will be the bridge locally between Youth Offending Teams and the secure estate, and it will be their responsibility to try as far as possible to iron out some of the difficulties that we have been hearing about.

Valerie Howarth, Sieff Foundation Trustee: I was very much with you, David, thinking about trying to manage that number of difficult youngsters, and I've run these places as Director of Social Services in the past, with 3 to 4 staff to levels which if we had within the Children Act with those staff ratios, we would close them down, if you were under my regime. And we would then have Quality Protects. That would mean that we wouldn't be able to move youngsters in the middle of their exams because one of the targets would be to get their exams, and we would have the assessment framework right the way through, wherever the child was in whatever establishment. I realise this is a wild dream, but I've always been a dreamer and you just keep going. But it does seem to me if we could get this continuity in the system, and that's what we should really be recommending, then the young people – which is where the focus should be – would get a better deal.

Richard White: I know there are a number of other questions but I'm going to call a halt there. We are running a few moments late and I think that is actually a very good point at which to stop. I'm sure this debate could go further. I was going to say in conclusion something very similar to what Val just said. Because one of the things that has come out in my mind most forcibly this morning is that fragmentation. I was going to put it in a

different way. I guess because I'm a lawyer I see it in slightly different terms. But if my child was unfortunate enough to be caught up in the system that we have been looking at, I would be moving heaven and earth to exercise responsibility for that child insofar as I could, and I would ensure that there was continuity of concern for that child through the system, so that it was all co-ordinated. With the greatest of respect, what I have heard this morning is all of you working hard to operate within your own systems, but I see a lack of co-ordination and a lack of overall responsibility for the individual child throughout the system. That covers education, health, welfare issues, contact with families, the whole gamut has to be focused into one organisation which has responsibility. Do any of you want a last word? I'm not pressing you on that.

Jenny Gray: I just wanted to say that there is another kind of key player at government level really, and that is the Children and Young Persons Unit. They have responsibility now for developing a strategy for all children and they have responsibility, overarching responsibility within government for bashing all our heads together and making us sing from the same hymn sheet. I think it is worthwhile thinking in relation to any recommendations you might be making of targeting something at the Children and Young Persons Unit. They have already consulted on the strategy document, but they are in the process of putting together the consultation responses and coming up with a strategy for all children. One of the key issues in that strategy is about how you ensure the well being of all children in the community, and all the issues that we talked about today, I think, are encompassed under children's well being.

Recommendations

Young Offenders in the Criminal Justice System

1. There should be further development of the ideas reflected in paragraphs 5.57 – 5.60 of the Government's policy proposals in "Justice for All" (children with disturbed behaviour), but these proposals should apply to young people up to the age of 16 and should not be restricted to 10/11 year olds; Youth Courts should have the power to require a local authority to investigate a child's circumstances (as can a family court by virtue of s.37 of the Children Act) and this should apply at all stages of the criminal process, including after conviction and before sentence, and after acquittal; and whenever a Youth Court makes such a referral the child should be placed on the Child Protection Register.
2. Solicitors and barristers should be required to have professional accreditation (with the necessary concomitant of training and experience) before being permitted to accept instructions from child defendants; Magistrates sitting in the Youth Courts should also be required to sit in the Family Proceedings Courts and receive the relevant training; and the Judicial Studies Board should ensure that judges who sit in the criminal jurisdiction have training in child welfare issues
3. Criminal tribunals should be encouraged to require reports from YOTS half way through a young offender's sentence and on completion of sentence (Action Plan Reviews would provide a good model) so that the sentencers may better understand the effectiveness of their sentencing practices - and young offenders should be assisted by YOTS to give personal feedback.
4. YOTs should be given greater autonomy in setting priorities and should not have to undertake the full range of duties in respect of offences carrying a standardised penalty (such as many motoring offences).

A Coherent Support System During and After Custodial Sentences

5. A new national strategy should be devised for young offenders, which is human rights compliant, respecting the right of the child to be consulted, to have a voice in decisions made about his/her life and to have access to independent advocacy services, to provide mentors to young offenders on their entry into the secure estate, during their sentences and on their release into the community, working on current positive initiatives, in order to manage better the transition between custody and community, with accommodation and support identified and put in place for each child or young person before they leave custody
6. Specialist induction units should be established in all custodial settings, to ensure a multi-disciplinary assessment, monitoring for vulnerability and poor mental health, as well as effective contact and involvement with YOTs and families.
7. There should be separate provision for remand, and specialist and separate custodial provision, for young women
8. A young person should be enabled to submit a claim for benefit before leaving custody; a child or young person in custody should be enabled to have a bank or savings account; and discharge grants should be increased to a more realistic level to enable a child or young person to maintain himself immediately on discharge, but should not be paid in one lump sum

Public Information

9. Ministers should put in place public education programmes at national and at local level in respect of –
 - The negative outcomes under the present sentencing arrangements for young offenders with their mainly punitive emphasis
 - The positive outcomes that can be achieved by adopting a child welfare centred approach, and of the positive impact on the rate of re-offending of providing stable training, employment and accommodation for young offenders
 - The typical backgrounds and characteristics of children who come before the criminal courts
 - The impact of crime reduction on the community
 - The economic savings to be gained by a shift away from custodial sentencing
 - Public open days at custodial institutions for young offenders
10. These programmes should target the public on three levels –
 - The general public at a national level via the media to provide positive information and address popular misconceptions about young offenders
 - Specific national groups, eg employers' organisations, professional groups, local government groups, housing associations
 - Local communities via local strategic partnerships, eg crime and disorder partnerships, local forums for employers and voluntary groups

A National Strategy Aimed at the Prevention of Re-offending

11. Ministers should build upon the national rehabilitation strategy, as outlined in the Social Exclusion Unit Report "Reducing re-offending by ex-prisoners", by establishing a national network for sharing information on good practice and evaluated outcomes; Chief Executives of local authorities should be responsible at a local level for the devising and implementing of such a strategy through, for example, setting up pilot schemes for placing young people with criminal record in stable jobs and accommodation; this could form part of the local authorities' economic regeneration activities; most importantly, young people, employers and housing providers should be involved together in demonstrating successful initiatives to local providers; and local partnerships should be expected to demonstrate innovative initiatives for community involvement in the rehabilitation of young people, eg family group conferences, kinship placements and volunteer support groups

Selection and Training for Prison Personnel and Others Involved with Young Offenders

12. Ministers should recognise and respond to the need to establish a modern, professional prison Service which provides and develops safety, security, care and rehabilitation for children and young people who offend; to be humane and effective this service must be underpinned by thoughtful recruitment and selection of managers and staff, as well as a sustained programme of professional development, training and supervision.

13. Recruitment and selection procedures must –

- Select people with proven ability or clear potential to work with troubled children and young people
- Require all prison staff to demonstrate some specific skill or knowledge, which need not relate to their post, that they can offer to young offenders
- Attract people from diverse cultural backgrounds with a range of experience and skills and a sound mix of conceptual and practical ability
- Above all select people who like children and understand their potential for change
- Include a discrete job specification for Prison Officers serving in YOIs

14. With regard to management and supervision of prison staff there must be –

- Stable and consistent leadership
- Specialist training for managers of services for children and young people
- An emphasis on apprenticeship and shared learning, including learning from the young people themselves

15. A nationally credible and accredited training programme should be developed that offers career opportunities for prison staff involved in all aspects of work with young offenders; essential training required for all those who work with young offenders (not only for Prison Service personnel but also with other professional groups who work with these children, particularly those in residential care settings) includes –

- Working with families, especially those with drug and alcohol problems
- Child development
- Understanding of “attachment”
- Pastoral roles
- Mentoring, especially young people as peer mentors
- Bereavement and family breakdown
- How language and attitude encourages bullying, both from staff and from children
- Practical programmes/exercises that can be used to prevent or bring an end to bullying
- Anti bullying strategies from agencies independent of the Prison Service and within a child protection context

16. Training of Prison Officers in YOIs must be–

- Multi-disciplinary (eg involving professionals from education, mental health, the law etc)
- Continuous as part of professional development
- Progressive, ranging from induction (perhaps 12 weeks) through to senior Governor grades
- Able to provide opportunities for Prison Officers to gain qualifications and transferable skills
- Able to offer opportunities for career development
- Equivalent in substance, status and quality to professional training for other groups in the public sector (eg nurses, police, teachers etc)
- Able to offer elements including child development, child and adolescent mental health, child protection, family work, work with young men and young women, effective practice and casework, resettlement, group work, boundary setting and elements of parenting training with an emphasis upon rehabilitation, responsibility and human rights

Research

17. Essential research required includes –

- A mapping exercise of different routes in and out of the secure estate, commissioning service routes and funding routes
- The causes of the gap between policy and practice
- What works with children with attachment disorders
- How to train parents in emotional parenting
- What works in preventing re-offending
- Investigating at new systems to help children overcome learning difficulties
- Adolescent substance misuse
- How the needs of “at risk” offending children can best be met by the education system
- Why young people offend and their attitudes to the response to offending
- The relationship to outcomes of the participation and involvement of young people in the criminal justice system
- The characteristics of resilience in children
- How to distinguish the roles of advocates, advisers, mentors, coaches and other adult roles, both in principle and in the eyes of children
- Literature review on bullying work which has been done, and evaluation of programmes –
 - Quantitative, ie recorded incidents of bullying (an increase is not necessarily bad)
 - Qualitative by on one-on-one interviews with children and staff
- the reasons why Social Service Departments –
 - fail to implement the s 47 amendments in the Crime and Disorder Act 1998
 - do not regard a child’s criminal activity and failure to attend school as causing “significant harm” to the child

DELEGATES

- Dr. Richard Alexander**, Chartered Psychologist, Senior Partner, Richard Alexander Partnership
- Ms. Ruth Allen**, Director of Policy, Youth Justice Board. Policy Advisor to Tony Blair and Jack Straw, 1992-98
- Dr. Elaine Arnold**, Nafsiyat Inter-Cultural Therapy Centre and Lecturer, Social Work, Sussex University.
- Mr. Bob Ashford**, Head of Prevention, Youth Justice Board.
- Mrs. Mary Asprey**, Co-Founder, Missing Persons Helpline
- Ms. Liz Atkins**, Head of Policy and Public Affairs, NSPCC
- Ms. Sally Averill**, Prosecution Policy, CPS. CPS Policy Advisor, Youth Justice Board
- Dr. Sue Bailey**, Consultant Child & Adolescent Forensic Psychiatrist, Salford Mental Health Services
- Mr. Hilary Benn MP**, Parliamentary Under-Secretary for Community & Custodial Provision, Home Office
- Mr. Mark Bother**, HM Inspector of Probation, Younger Students. Manager, Youth Offending Team
- Mr. Mark Bowring**, Senior Policy Advisor, Youth & Resorative Justice, CPS Policy Directorate
- Ms. Sheila Brotherston**, Head of Integrated Family Services, Lucy Faithfull Foundation
- Mr. John Brownlow**, Central Co-ordinator, Stop It Now! UK
- Dr. Sue Carvalho**, Head, Forensic Clinical Psychology, North London Forensic Service
- District Judge J. Coleman**, Specialises in Youth Justice at the West London Youth Court
- Mr. Paul Cook**, Director of Children's Services for Rainsbrook and Medway STC's
- Ms. Frances Crook**, Director, Howard League
- Mr. Gordon D'Silva**, Chief Executive, Training for Life
- Mr. Trevor de Tute**, Administrator, Michael Sieff Foundation
- Mrs. Mary de Tute**, The Michael Sieff Foundation
- Dr. Michele Elliot**, Child Psychologist and Director Kidscape
- Ms. Barbara Esam**, Lawyer, Protection Awareness and Public Advocacy NSPCC
- Mr. Richard Exell**, Senior Policy Officer, TUC
- Mr. Barry Goldson**, Senior Lecturer and Director, Youth Justice Research Unit, Liverpool University
- Ms. Jenny Gray**, Inspector, Social Services Inspectorate, Department of Health
- Dr. Ann Hagell**, Co-Director, Policy Research Bureau
- Mrs. Pat Haikin CBE**, Training for Life
- Mr. Peter Harris**, Trustee Michael Sieff Foundation, and formerly Official Solicitor to the Supreme Court
- Dr. Mary Harris**, Director, Lattice Foundation
- Ms. Di Hart**, Principal Officer, Children's Residential Care Unit, NCB
- Mr. Stephen Hart**, Social Services Inspectorate, Department of Health
- Lady Elizabeth Haslam**, Founder and Trustee, The Michael Sieff Foundation
- Baron Haslam of Bolton**, Chairman, Michael Sieff Foundation
- Ms. Thea Henley**, Director of Legal Services, NYAS
- Mrs. Pam Hibbert**, Principal Policy and Practice Officer, Barnardo's

DELEGATES

Baroness Valerie Howarth OBE, Trustee Michael Sieff Foundation and recently Chief Executive, ChildLine

Mr. Rupert Hughes CBE, Trustee, Michael Sieff Foundation

Mr. Lee Humphries, Director Caseworker, Outside Chance

Mr. Bruce Irvine, Professional Services Co-ordinator, Young Minds

Ms. Sue Jago, Head of Review, Rehabilitation of Offenders Act 1974

Mr. Terry Lee, Director, Priory Services for Young People

Dr. Michael Little, Trustee Michael Sieff Foundation, and Dartington Social Research. Unit

Ms. Louise Littledale, Assistant Solicitor Legal Services, Oxfordshire County Council

Ms. Juliet Lyon, Director, Prison Reform Trust

Mr. Daniel Machover, Solicitor, Hickman and Rose, Solicitors

Ms. Jaquie McCluskey, Policy Officer, NCH

Mr. Harry Mawdsley, Chairman of Council, The Magistrates Association.

Mr. Ben Minyama, Development Officer, Young Offender Policy Section, Prison Service

Ms. Sharon Moore, Manager, Youth Justice Programme, Children's Society

Ms. Janet Newman, Co-founder, Missing Persons Helpline

Ms. Anne Owers, HM Chief Inspector of Prisons

Ms. Tink Palmer, Principal Policy and Practice Officer (Sexual Exploitation), Barnardo's

Her Honour Judge Valerie Pearlman, Royal Courts of Justice

Mr. Colin Rees, Head of Development, RPS Rainer

Ms. Jenny Robson, Who Cares? Trust

Mr. Ian Ross, Outside Chance.

Caroline Rowe, Head of Section, Juvenile Custodial Policy, Home Office

Mr. Martin Ryan, Youth Specialist and Prosecution Team Leader, CPS

Mr. John Spedding, Principal Officer, HM YOI, Castington

Mr. David Spicer, Barrister, Assistant Head Legal Services, Nottingham County Council

Mr. Chris Stanley, Magistrate and Head of Youth Crime Section, NACRO

Dr. James Stevens-Turner, Executive Director, Bridging the Gap.

Mr. Bruce Tate, PE Governor, HMP Regime Services

Mrs. Judith Timms OBE, Hon. Research Fellow, Faculty of Law, Liverpool University

Dr. Eileen Vizard, Consultant Child and Adolescent Psychiatrist, Trustee Michael Sieff Foundation

Mr. David Waplington OBE, Head Juvenile Operational Management, Prison Service

Lord Warner, Chairman Youth Justice Board

Mr. Richard White, Solicitor Specialising in Child Law and Trustee, Michael Sieff Foundation

Ms. Caroline Whitehead, Visiting Advocate to Secure Units, Voice For The Child In Care

Ms. Julie Withecombe, Consultant Psychiatrist, Youth Offending Teams, Secure Training Centres

Mr. Norman Woodhouse, Public Relations Consultant

Mrs Sarah Rust, Solicitor, Public Defender Service, Birmingham