



Justice Committee

Oral evidence: The work of the Youth Justice Board, Tuesday 8 April 2014

Ordered by the House of Commons to be published on Tuesday 8 April 2014

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Members present: **Sir Alan Beith (Chair)**; **Jeremy Corbyn**; **Mr Elfyn Llwyd**; **Andy McDonald**; and **Yasmin Qureshi**

Questions 1 – 45

Witnesses: **Lord McNally**, Chair; and **Lin Hinnigan**, Chief Executive, Youth Justice Board, gave evidence.

Q1 Chair: Good morning. Welcome back, Lord McNally, in your different role, and welcome to Lin Hinnigan from the Youth Justice Board. Lord McNally, by way of introduction, could you tell us what your concept of the role of the Youth Justice Board in the system is? After all, it was nearly abolished. What is it there for?

Lord McNally: What it is now for and what I hope it has always been for is to co-ordinate and promote best practice in the criminal justice system as it applies to young offenders under the age of 18. What I have quickly discovered is that, like the pope, I do not have many battalions at my command—I have very few statutory powers. The powers that the YJB has are the powers of persuasion, producing best practice through analysis and study, and promoting the concept of an holistic and multi-agency approach to youth offending.

Q2 Chair: You decide what to commission, don't you?

Lord McNally: We decide what to commission. Of course, a very important and large part of the money that we are granted is spent on commissioning. There again, though, it is a matter of commissioning. We do not run young offender institutions or the other bodies where we send young people—we commission from those. That puts a responsibility on us to make sure that they are run well, constructively and in the way we want to promote good outcomes in terms of young people not reoffending after that experience.

Q3 Chair: Talking of money, what has the Ministry of Justice told you about the resources that will be available to you?

Lord McNally: This year, I think it is a grant of £265 million.

Lin Hinnigan: It is just under £250 million.¹

Lord McNally: There has been a considerable drop in resources, but that is partly a reflection of the success in bringing down the number of young people in custody. That has enabled us to make considerable savings, because we have been able to decommission a number of young offender institutions and secure training centres, and to reduce the number of beds that we purchase in secure children's homes. Part of the cut has been as a result of the success of the YJB over recent years in having fewer people coming into offending and fewer people going into custody.

As in other parts of government—national and local—we have also had to try to find ways of doing more for less. We have made our contribution to greater efficiency in doing what we do. Again, that has contributed to substantial savings—in total, something like £450 million over the spending review period. We have run a tight ship. We have benefited from some of the successes that we have brought to the system and have also contributed by making ourselves and those whom we commission more efficient.

Q4 Chair: I have a question you may well have been asked at your interview—I do not whether you were; it is just a guess. Do you think that because you were a Minister—indeed, in a Government who, at one stage, wanted to abolish the board—you are viewed differently than anybody else who had got the job might have been?

Lord McNally: I think it had its advantages and its disadvantages. It had its advantages because I had worked in the Department for three and a half years and had got a feel for the kind of climate in which the chair of the YJB would have to operate. However, the Department was extremely punctilious—the moment that I informed the permanent under-secretary that I intended to apply for the job, the shutter went down on my being involved in any meetings or receiving any papers concerning the YJB. It helps, I hope, that I am a Lord and in Parliament, and that I have an existing network of contacts. At the moment, there are three peers who are each chairing studies into various aspects of justice that will have an impact on the YJB. I did not hide the fact that I thought that being an experienced politician and experienced in the MOJ, and having a good network of contacts, were assets when applying for the job.

Chair: That leads me naturally to Mr Llwyd.

Q5 Mr Llwyd: Good morning, Lord McNally and Ms Hinnigan. You have already referred to the lack of statutory guidance. The legislation is rather silent on the role of the chair. Not surprisingly, perhaps, the triennial review of the YJB found that there was a lack of clarity on the role and responsibilities that sit with you as chair. What plans do you have for implementing the recommendations of the last review in respect of the role of the chair and the board's members?

Lord McNally: At the moment, the chief executive is preparing some guidelines on governance that reflect the advice of the triennial review. Let me say what the role of the chair and of the board is not: they are not micromanagers of the Youth Justice Board. We have a perfectly capable chief executive who takes responsibility for running the machine and ensuring that that side of things is well. I see my role, first, as providing oversight of that machine, financial and administrative, to make sure that it is delivering in good working order. I have wanted any organisation I have ever been associated with to be a

¹ *Not from witness:* The actual budget is £255 million.

tightly run ship that looks after such money as it has and is transparently accountable for that money. That will be the way I want to run it.

I have an extremely talented board with the range of the skills that have been accumulated there. I do not think there is an area of the work where there is not someone on the board who has direct experience that covers it. I want the board to act both as a sounding board for the chief executive and a guide to her on the work that we do, and as ambassadors for youth justice and the concept of it that we are trying to promote. I see myself very much in that role as well. Only a small proportion of the money that is spent on youth justice comes through the YJB; the rest comes from other parts of Whitehall and from local government. A lot of my work will be in promoting and explaining the work of the YJB to other major stakeholders—police and crime commissioners, directors of children’s services in local authorities, and the Departments in Whitehall that have a big influence on child care, education, health, social services and local government. There is a lot of that work for the chair to do to agree a programme—at the moment, we have a programme of work before Ministers for clearance—and to go out, promote and sell that programme to those who will be providing both the funding and, in many cases, the bodies to carry it through.

Q6 Mr Llwyd: Are you satisfied that the board reflects the breadth of society in terms of age, experience, ethnicity and so on? To be honest, I ask this out of ignorance more than anything else; it is not meant to be a slanted question.

Lord McNally: Those are always the most dangerous questions. Have I found any weaknesses on the board? No. I will tell you where I think I have got to. Although one member of the board is from the black community, I do not see her as “the representative” of the black community. Anybody taking a look at us would say that most of us were into middle age—

Chair: Some more than others.

Lord McNally: As you know, in the House of Lords middle age is classified differently than in other parts of the building. There are two things I want to do, whether by board membership or by other activity. One is to work at getting better lines of communication so that we can listen to, and get the opinions of, young people. We already do that to a certain extent, but we could do more. The difficulty there is that, if you set up a young people’s panel, you often get the very young people who will never come into contact with the criminal justice system. I want to look at and take advice on how best we can get into dialogue with some of the young people who do.

The same is true of the black, Asian and other ethnic minorities. It is very easy to set up a token consultative body, but then you find that that consultative body has the same problems with the community that you have. I therefore want to make sure that I get to those communities and listen to the issues that they raise. One of my colleagues in the Lords, Baroness Young, is doing a study of black, Asian and minority ethnic groups in the prison population. Not surprisingly, one of her initial findings was that the problems for that group were not essentially the problems of race, but the problems of health, poverty, access to education, access to work and poor housing. It is sometimes dangerous suddenly to say, “These are racial problems,” when in fact they are not—they are problems that are shared by all people who are in that part of our society.

Q7 Mr Llwyd: That is encouraging. The review also recommended that consideration should be given to moving sponsorship of the board from the youth justice team to the MOJ's arm's length governance division. What were your observations of the governance arrangements while at the MOJ?

Lord McNally: I will tell you what I was worried about. This might be unfair, but it worried me that a group of civil servants who were themselves perhaps under the threat of redundancy, because of the cuts that were going on in the Department, were deciding on the fate of the Youth Justice Board. It did not seem to me to be a healthy way of going about things that people who themselves were uncertain about their jobs were deciding on the future of an organisation. The Chair referred to the fact that the YJB was in the bonfire of quangos. It would not take a lot of investigation to find that I was not totally in agreement with that, but that is what happens in government sometimes. I was very pleased that the wisdom of Parliament prevailed as far as the YJB is concerned.

The triennial review's recommendation was probably a healthy one. It is better if our sponsoring body does not have such vested interests in what we are doing. We should be working with the youth justice part of the Ministry of Justice, but it is better that the sponsorship work is done by another part of the Department. That is now under way, is it not?

Lin Hinnigan: It is. Those arrangements took effect from 1 April. We are now sponsored by the arm's length body governance unit. We have very strong policy links with the youth justice policy part, where policy sponsorship still sits, but there is a separation between governance and policy links in the Department.

Lord McNally: I am determined that the links with the MOJ should be constructive and collegiate. The MOJ is not the enemy; I want the MOJ to be clear that we are not the enemy. We are working together and share a lot of the same objectives. The reason why we were made an arm's length body is still valid in terms of our ability to take an overview of a very particular part of the criminal justice system that could become swamped or distorted if it were simply subsumed into a larger oversight.

Q8 Mr Llwyd: Finally, I have a quick but important question. On the issue of cost-effectiveness, the review suggested that the board should be made more cost-effective by the removal of some functions, such as the procurement of secure accommodation and management of contracts, and by scaling down some activities such as research, policy development and conferences. What has been the YJB's response to these suggestions?

Lord McNally: At the moment, we have before Ministers a three-year plan that pretty well covers my term of office. I will share that with the Committee as soon as it comes out of its ministerial ponder. This is purely a personal view—I invite Lin to comment on the issue—but I would be reluctant to give up the commissioning role. I mentioned the lack of powers, but that is one where we can insist on standards and outcomes. I would be worried about that being lost.

On conferences and research, we have to get cleverer about research. We are not going to get whacking great research budgets to spend, but we have a brand and a name that will enable us to associate ourselves with the kind of research that we want—either with academic institutions or with foundations—to get more value from what we can do and to

co-operate with external bodies in the work that we are doing. We have two pieces of research under way.

Lin Hinnigan: There are some pieces of research around restraint. As part of setting up the new *Minimising and Managing Physical Restraint*, we have put in some research to evaluate that. Those are quite specific.

Lord McNally: We are also embarking on a programme of gathering information around the black and ethnic minorities. The fact is that in that respect we will have to cut our cloth according to the circumstances we are in. It is an area where there is a lot of information around and a lot of research going on. One of the things that we can do is to strike up partnerships that enable us to get the kind of analysis that we want, of a quality that we want, to make up for any budgetary constraints.

The same is true of conferences. There is always a great difficulty that they become talking shops, jamborees and so on. I will certainly keep that under review. Nevertheless, the networking that goes on and the exchange of best practices are useful. Why has the YJB's influence worked? It is because it has encouraged organisations and disciplines that tended to work in silos to talk to one another. It would be a big loss if we no longer had that ability to get cross-discipline co-operation and exchange.

Mr Llwyd: Thank you.

Q9 Yasmin Qureshi: Good morning, Ms Hinnigan and Lord McNally. I want to explore some issues regarding intervention in the early years. I know that one of everyone's key objectives is to prevent young people from getting into the criminal justice system. In your corporate plan for 2013 to 2016, you mention that the declining numbers of first-time entrants in the youth justice system is due to the use of early intervention and diversion strategies by the youth offending teams. What are your observations regarding the impact on the availability of early intervention and diversion schemes of the transfer of Prevent funding from the YOTs to the police and crime commissioners?

Lord McNally: It is too early to know, but that is a fait accompli—it is going to happen. That is why I said earlier that one of my jobs will be to get to see police and crime commissioners and to emphasise to them that early intervention money is money well spent. Yesterday I met Tony Lloyd, an old colleague of many of you, who is now the police and crime commissioner for Greater Manchester.

Chair: We took evidence from him recently.

Lord McNally: He has also become the chair of the body made up of the police and crime commissioners. One of the things that I said to him was that I would like to have an early opportunity to talk to the police and crime commissioners as a group because they will have to make decisions about allocation of budgets. It would be a great pity if early intervention was lost because of the change in source of financing, but that will apply in a number of areas.

The good news about early intervention is that now, across Whitehall, there is buy-in to the fact that money spent up front to prevent young people from getting into the criminal justice system at all is money well spent in terms of diversion. In the past, we have funded pilot projects on that that have shown some success. We have the work that Louise Casey is doing on troubled families. I very much want to talk to her about the indications that are

coming out of that. My impression from what I have seen—Lin may be able to talk from direct experience—is that the police themselves now understand that a strategy that heads young people off from the criminal justice system and into restorative justice and measures to address identifiable issues is money well spent.

Another early meeting I want to have is with my colleague Norman Lamb from the Department of Health. I think the Department of Health has stepped up to the plate and been willing to provide resources for early intervention to identify mental health issues that may be a factor in offending. Again, the earlier they can be identified and responded to, the more likely we are to have success with reoffending.

The pattern of funding is changing and we will have to look at how best to use it differently. It is more local, there is less of it and there is more competition for those sparse resources. That will be a change of emphasis for the YJB. We will also be looking at, and talking to, the youth offending teams to make sure that they are working smart and can access the funding they need from local authorities, Government Departments and the police and crime commissioners to do the work they want to do.

Q10 Yasmin Qureshi: Ms Hinnigan, you say you are going to do all these things, but how do you hope to achieve them on a practical level, especially given what Lord McNally has said?

Lin Hinnigan: Specifically around the police and crime commissioners, the funding that used to go directly from the Home Office to youth offending teams now goes to the police and crime commissioners. That came in last year. At that time, we supported youth offending teams by giving them a whole package of stuff to help them to make the argument and to pitch, as it were, when making their bids to the police and crime commissioners for protecting funding for preventive work.

In most cases across the country, PCCs just passported the money for the first year—not least, I guess, because it was their first year and it was easy to start from where you were. It will be more challenging this year, because they have worked out their plans more and are very clear about where they want to focus their funding. In most areas, YOTs have really good relationships with the PCCs’ offices and have been able to make that case and to demonstrate the sorts of interventions they are making that are being effective preventively and therefore having an impact on crime levels locally. I am optimistic that they will be able to continue to do that.

Q11 Yasmin Qureshi: Bearing in mind that YOTs used to get the money directly but it is now going to the police commissioners, meaning that they have to get it from them, has another layer of bureaucracy been added to the system? Are time and money being spent on YOTs having to put together a bid to get money from the PCCs—who, I assume, are under no obligation to give it to YOTs? Does that not, in effect, divert money away from YOTs?

Lin Hinnigan: You might well argue that. Certainly, there is an additional overhead for the bidding process. However, there is also an advantage to that because of the building of relationships with the PCC and their office, and the ability to join up with other things going on in crime prevention across the piece to get best value. For instance, a little while ago, I was in Greater Manchester hearing about the sorts of bids that PCCs were getting

from some local third-sector organisations. There was a real opportunity for the YOT to join up with them to get some benefit from that as well, so there are pros and cons.

Q12 Yasmin Qureshi: Do we know how much money is being spent on all of the commissioning and consultancy that is going on everywhere?

Lin Hinnigan: I guess that after a year or so, the police and crime commissioners will be able to tell you how much they have spent—

Q13 Yasmin Qureshi: If there is £100,000 and you spend £20,000 of it on consultants, experts and putting a bid together, only £80,000 is left for the actual purpose. Do you have any idea how much is being spent?

Lin Hinnigan: I do not, but I guess there will be something. The third sector, in particular, would appreciate your points and would be able to identify the amount of time and effort that small organisations, in particular, put into bidding in general. I guess they may have some information on that.

Q14 Yasmin Qureshi: Finally, are you looking at any other early intervention and diversion strategies? I know you touched on a couple of them, Lord McNally, but are there any other practical things that the board is doing?

Lin Hinnigan: There are a number of things. Lord McNally mentioned the Department of Health liaison and diversion schemes. It has funded 37 pilot schemes. Those are all age, but some of them are built on some of the earlier youth ones that were in place. That is about having health workers in place at the point of arrest in police custody suites so that they can divert young people. We are very much engaged with that.

Triage and the bureau approach in Wales, which is similar, often involve a YOT worker—sometimes a third-sector worker commissioned by the YOT—working with the police to divert young people away. Those are growing as well, so we have a number of fronts. There is the out-of-court disposal regime as well, which was brought in—

Chair: We are going to come to that.

Q15 Andy McDonald: Moving on from prevention and diversion, could I ask you to turn your attention specifically to the issue of restorative justice? I invite you to share your views on its effectiveness as a form of early intervention.

Lord McNally: The short answer is that all the indications are that restorative justice, if properly prepared, with proper training for those taking part in it, is extremely effective—effective in influencing the offender and effective in giving some closure to those who have had the trauma of a crime committed against them. When I was a Minister, I was very supportive of the concept of restorative justice, which seems to be something that works effectively with younger age groups, where it can be used to avoid bringing a young person into the full force of the criminal justice system.

The only counter-argument I have heard was from a magistrate who said, “Never underestimate the benefit for a young offender of an early appearance before a magistrate. It may be the shock that stops them offending again.” That seems to work for only a small

number; others get inured to appearing before magistrates. All the studies and analysis that have been done indicate that restorative justice works. We want to make sure that it is well prepared and done in a skilled way to have most chance of success.

Q16 Andy McDonald: If it is viewed favourably, what steps are you taking to ensure that it is used more widely across England and Wales? Are you doing anything to encourage its deployment?

Lord McNally: We have had some pilots on it.

Lin Hinnigan: A significant amount of funding has gone into training work. As Lord McNally said, it is important to get people properly trained to do it effectively and well. At the end of last year, we got another £2.15 million from the Ministry of Justice. It is using the victim surcharge to fund restorative justice across the whole system but, of that, £2.15 million came through to us to be distributed to YOTs and to be used before the end of March 2015. That is about training YOT staff themselves and volunteers who sit on referral panels. We have put a great deal of support into them and have developed a lot of training materials ourselves, which are available to YOTs and volunteers to make sure that they are delivering properly.

Q17 Andy McDonald: We heard from one witness from the Magistrates Association that its effectiveness across different parts of the country tended to be something of a postcode lottery and depended largely on the opinions of the local youth offending team and police command. If you think that is right, what should and could we be doing to address the deficiency, if it exists?

Lin Hinnigan: The training that we are doing is an important part of that, but we are also following up. There is a requirement for everybody who is a volunteer on a referral panel to have had the training in order to sit on a panel. We are ensuring that that approach is embedded with everybody. This is one place where the YJB is playing a national role in ensuring consistency and standards. We will be following up on the use of the money that is being distributed to ensure that everybody has been trained to deliver.

Lord McNally: You are quite right. The very nature of having a localised system is that you will have a different response. Where we can come into play is if, as is increasingly becoming clear, restorative justice can have a favourable outcome, we can produce the facts and figures and the experiences that, hopefully, will persuade others to take up restorative justice. However, it does depend on the amount of commitment to it that there is. I went to Thames Valley to look at its restorative justice programme. There you have enthusiastic commitment from police, the magistracy and all involved, and they are very pleased with the outcomes. If we can collate some of the good outcomes and spread the news, that will encourage others to take it forward.

Q18 Andy McDonald: You have encouraged the establishment of oversight panels for these out-of-court disposals to strengthen learning and share experiences. What has the experience been following the establishment of those panels? What is the feedback from that, or is it too early to say?

Lord McNally: I think it is too early; I do not know whether Lin wishes to comment. You say you have had evidence from the Magistrates' Association. I know that there is

nervousness among the magistracy that taking justice away from the structure of criminal justice is not always sensible. We have to keep a little bit of oversight of how it is working and what is happening. Nevertheless, based on the YJB's experience over the last 14 years and the encouragement of early intervention that we were talking about, it seems to me that well-run, well-prepared restorative justice and, quite frankly, just the application of some common sense to the decision of whether to bring a young person into the criminal justice system, which then tends to clank and grind away and leaves a residue in terms of that young person's future opportunities, are probably the best way.

It is an interesting question. One of my first impressions is that in many areas we are still in the foothills of dealing with these issues in a sensible way—of getting the police off targetry and on to practical responses when dealing with young offenders. The other factor is that we now have fewer than 1,300 young people in custody, but they are prolific offenders.

Chair: We are going to turn to the offending—

Lord McNally: It does mean that we may have to look at those kinds of offenders in a different way from those who are on the cusp of offending, but can be diverted by specific interventions. Of course, with all this, you have to carry the public with you, so you are also recognising the trauma to victims and the disruption to communities that can be caused by youth offending. If it all looks too soft, vague and airy-fairy, the public will not be enthusiastic about it. What we have to do is to carry forward programmes where we can then demonstrate clearly that they work. That is how we hold public opinion.

Q19 Andy McDonald: Could I ask you briefly to turn your attention to children who are looked after? We heard evidence that there were occasions when children were brought into the criminal justice system in circumstances where, in an ordinary household, those events would not have led to the involvement of the police. What work are you undertaking so that we can avoid the early criminalisation of children who are looked after?

Lord McNally: You have put your finger on something that has troubled me throughout my political career—the statistics for children who have been in our care who have ended up in youth custody, in prison. The statistics are still deplorably high. One of the problems is the issue in secure children's homes of the police being called for incidents that, had they taken place in a family setting, would have been dealt with in a family way. We are not the managers of secure children's homes—in fact, we take only a small number of beds in them—but this is something that needs to be looked at. We were talking about building alliances. Interestingly enough, I had a meeting with Juliet Lyon of the Prison Reform Trust, who said that it was considering doing a study of the number of young people from children's homes who end up in the criminal justice system.

Q20 Chair: We made a recommendation: we said in our report that the board should give some attention to this problem, not just in secure children's homes but for children in care generally. There is a factual question that it may be fairer to put to Ms Hinnigan than to Lord McNally: did the board do anything in response to what we said?

Lin Hinnigan: Yes. One thing that has been done is that we have been supporting work with ACPO—the Association of Chief Police Officers—around guidance for police on responding to incidents in children's homes, in order that they should be dealt with in a

way that does not necessarily propel the children into the justice system, where that is inappropriate. We have been supporting them in that and have been supporting the DFE—because children’s homes are its responsibility—to seek Home Office approval for that, to make it national guidance. Some forces have adopted it anyway, but we would like it to be national. We have been in ongoing dialogue with the Home Office around that. The Home Office has some concerns around potentially reducing transparency and so on, so we have been having, and continue to have, an ongoing dialogue with it.

The other point is that we have been working with the DFE around the qualifications framework for staff in children’s homes. One of the issues is that staff in children’s homes dealing with young people with very challenging behaviour are not necessarily very well equipped to do that and to minimise difficulties and de-escalate challenging behaviour. Some work is going on with the DFE around that. The statistics show that the rate of offending for children and young people in foster care is 3.6%, compared with 21.4% for those in residential care. To some extent, that reflects a slightly different population, but it does demonstrate the degree of challenge for those staff, who are often not qualified and need a great deal of support. Similarly, there is some work going on to roll out restorative justice training in children’s homes to help them to do that.

Q21 Chair: We also recommended that.

Lord McNally: I am very much at the stage of hunches and things that strike me. I do think we need better-trained staff and better and more intelligent police responses to problems, but the figures are way beyond those issues. We have to think about this a lot more. Unfortunately, I suspect that all the solutions will have price tags to them, but some of the work that is going on to make sure that young people are given much more support, and longer-term support, when they leave children’s homes, and—

Chair: I am sorry, but we need to move on.

Q22 Andy McDonald: My question is connected and related to that. Can we turn our attention to assessing the needs of children when they enter the criminal justice system? We reported that all children should be properly assessed for their impairments and vulnerabilities. We made specific mention of the need for neuropsychological assessments on entry to the system. We identified that the assessment tools that were available were not consistent across the piece. We now have the AssetPlus assessment tool. Do you think there are any gaps in the provision for assessing needs, as identified by the AssetPlus framework? If there are, what are your priorities for filling them?

Lin Hinnigan: AssetPlus has not yet been rolled out, but you are right to say that it has been developed as a tool very much to take these needs into account. The previous national framework, Asset, was 12 years old; things have moved on and we have a great deal more research. It definitely taps into speech and language difficulties, emotional and mental issues, and health issues generally much more.

We have developed the CHAT—the comprehensive health assessment tool—which is in place in both YOTs and the secure estate, so that is being used. AssetPlus is the total framework, which includes a much greater focus on resilience and desistance factors—identifying the things that will help young people to avoid offending, not just focusing on their deficits. That is not yet rolled out. We got the final agreement for funding, because it

is a significant spend, only last year, but it is in process and has been trialled. In the places where it has been trialled, the feedback is very positive. I am hopeful that it will take us forward.

That probably does not go to your question, which is about whether we have the resources to do the right things. That is where we are working very closely with NHS England, in particular, to make sure that we have the right sort of health provision.

Q23 Andy McDonald: The point was that a lot of young people who are presenting will have a functional cognitive deficit, which may be the very cause of their entering the criminal justice system in the first place. If that is identified but not treated, it will go on to exacerbate their situation. It is about addressing the fundamental, organic problem that these young people have.

Lord McNally: As I said, one of my first impressions is that we are very much in the foothills of this. We are beginning to produce the ways of assembling relevant information. That is one of the things that struck me right across Government, but here is a very practical example. We need to get better and smarter at cross-referencing information about young people so that, as they move through the system, each and every person who deals with them has a full and comprehensive picture of what their needs, problems and deficiencies are. It is only just beginning to happen.

You mentioned cognitive skills. Last Saturday, I was at a conference in Reading where a young lady from Feltham explained to us just how limited the vocabulary of some of the young people who go into court is and how that vocabulary can handicap them. She gave the example of one young man who was asked whether he had any remorse and said no. When his solicitor asked, “Why did you say no?” he said, “What does ‘remorse’ mean?” She put up on the board a number of terms and words regularly used by barristers or magistrates that may not be understood by young people in front of them.

Q24 Jeremy Corbyn: It sounds like the public’s perception of Parliament.

Thank you very much for coming. When this Committee did a report on youth justice, we made four particular recommendations: first, there should be a statutory threshold, along the Canadian model, relating to the inappropriate use of custody; secondly, there should be an MOJ strategy to reduce the number of black men in custody; thirdly, there should be devolution of the custody budget to local authorities; and, fourthly—and very importantly—there should be feedback to sentencers on the outcome of community sentences. Earlier, you mentioned that there are a relatively small number of young people in custody. Do you see that number being reduced further going forward? Are you concerned about the obvious enormous inequality in the ethnic make-up of the custodial population?

Lord McNally: It would be dangerous to say that a fall in the number of young people in custody is inevitable. I hope that a number of the things we have been talking about this morning to do with early intervention and addressing key issues that are common among young offenders will have that benign effect, but I am conscious of that fact that for my whole term of office, probably, we will be operating against a background of austerity. We will have to work hard to make sure that that does not have an impact on our ability to deal with offending. On the other hand, I have optimism, because a number of the things that

we are doing are relatively recent in their introduction and could have a further good effect. Let us wait and see on that.

I see the over-representation of black, Asian and other ethnic minorities as very worrying. As numbers have dropped, has the proportion of black and ethnic minorities gone up because there is some racism in our system that causes that, or is it because black and ethnic minorities are more highly represented in the smaller group that is now showing up in the criminal justice system? Do they suffer from mental health issues, poor housing, no job prospects, poor educational attainment and the other indicators more than the population at large? I suspect it may be a mixture of both. One of the things that we have done is to embark on a study of this issue. We will not flinch from bringing forward the facts as we know them. We will certainly engage with those communities to get their experience as well.

Q25 Jeremy Corbyn: Could you say a bit more about the study you are undertaking?

Lin Hinnigan: What we have is a plan to address this on a long-term basis. One of the things to recognise is that it is a long-term issue, not something that will be solved overnight. We have brought together representatives of community and voluntary groups, particularly groups that work with ethnic minority communities, and the statutory partners to look at the end-to-end process. As you rightly say, at every point, black men in particular are disadvantaged. The evidence is there around their being over-represented and disadvantaged at every point through the criminal justice system. What we have done is to pull together a plan with that wide group of stakeholders, because it is not something that we as the YJB can do. It is very much around our trying to influence partners, not just in terms of the performance of the statutory services. If we are trying to engage directly with those young people, we also need to go through the community groups and so on that can engage with them.

Q26 Jeremy Corbyn: Will you also be looking at police attitudes towards young black people, which may be one of the contributory factors, and the education system's attitude towards young black people in some parts of the country, which tends possibly to lead to a higher degree of criminalisation among that cohort?

Lin Hinnigan: We have certainly engaged with the police on that. They are very keen to engage in dialogue with us and to look at how they can impact on the experience of young people. For instance, there has been research around stop-and-search. We have been working with the police and the Home Office to try to make sure that we identify the needs of young people, particularly black young people, so that they are not disadvantaged. The police are engaged with us on that discussion. It is about trying to influence behaviour in every single force. I know there are some good examples of practice where, for instance, they have engaged young people as part of the initial training for police officers to make them aware of the issues that young black men in particular face. There are some really good examples of that going on locally, but it is also about our trying to work at a national level to get some consistency on that.

Q27 Jeremy Corbyn: This is my last point. When Seema Malhotra and I visited Feltham, we spent a very long time with a group of young offenders without any staff present—it was just them and ourselves talking. All of them were there for pretty serious

offences, I reckon, because they all had quite long sentences. None of them felt that they had any chance of going to college or university or of working when they came out; all felt a sense of despair about their lives. What struck me more than anything was the lack of hope among them. There are issues about the writing off of offences among young people, more than anything else in order to turn them round. Do you spend time visiting young offenders?

Lord McNally: Yes. I was at Feltham the Friday before last and will continue to visit; I am going down to Medway and am going to Parc. I will make two points. It is over 30 years since I asked a question in the House of Commons about the recruitment of what were then mainly black people into the police force. I still think that it is extraordinary how low that is. If we had the same percentage of black, Asian and ethnic minorities in our police as we have in our prisons, we might be going some way towards addressing these problems, because I do not think some of them will be solved by white people, no matter how well intentioned, talking to young black people. We have to engage those communities and to challenge them to come forward. There are successful Asian entrepreneurs and successful black people at all levels of our society.

My other point concerns the commitment of the Secretary of State, Chris Grayling, to extending education provision in the youth system, which I supported when I was a Minister and will certainly support in the YJB.

Chair: We will come to that as well.

Lord McNally: Like Jeremy Corbyn, when I went to Feltham, I talked to a young guy there; I suspect he was of Somali origin. It was very difficult to communicate with him—he was not with it at all. I also talked to a young Afro-Caribbean who was learning to read and write and had ambitions to be a painter and decorator. Those were two different cases. If the young lad who has ambitions to be a painter and decorator hits a brick wall when he comes out, it is likely that he will be another reoffender, so we have to work on the pathways out of custody as well as, obviously, education and training. The question of language, communication and cognitive skills will also need a lot more work, because some of these kids operate in a patois that in itself almost cuts them off from employment. We have to work a lot more at these things.

Q28 Chair: The Youth Justice Board is doing a three-year study of the drivers of reoffending. Has it told us anything so far that we did not know?

Lin Hinnigan: We have completed the first year and will publish that this summer, I think. It shows us that the cohort is down by 49%, so it is a much smaller cohort. It is becoming older and more prolific. More serious crimes are being committed, and the first crimes are more serious. In a sense, maybe it has not told us anything terribly surprising at a national level. Because we have diverted more young people away, they keep out for longer and it is a more serious offence by the time they come in. Those young people then have characteristics that are associated statistically with higher levels of reoffending—they are liable to be more prolific. We have a smaller group of more persistent and prolific offenders.

We have done that at a national level. We have also piloted a reoffending toolkit with YOTs, which has enabled them to analyse their local data. It is really interesting that there are some very odd, atypical patterns in different places. For instance, although the cohort is getting older and now tends to be 16 and 17-year-olds nationally, one London borough was

telling me the other day that its peak was 14-year-olds. That prompts them to look at that to understand what it is about. Others have a particular sort of crime that seems to be particularly prevalent, so what is that about? It is proving really useful in terms of that local analysis.

Q29 Chair: Do you think that the courts know enough about the relative effectiveness of different forms of sentence in reducing reoffending? Is enough information fed to them about that?

Lin Hinnigan: To some extent, the reductions in the number of young people in custody reflect a higher use of community sentences, which reflects a higher confidence in the courts that community sentences will be effective. It is very hard to do really clear research that demonstrates that there is a silver bullet and that a particular sort of programme works, but there is enough clear evidence around things like ISSP, intensive fostering and some of the more intensive programmes which have worked; for intensive fostering, there is considerable evidence. We have tried to feed that information to the courts. We work closely with magistrates groups and so on to demonstrate to them the value and usefulness of these sorts of community sentences so they can have confidence in them as alternatives to custody.

Lord McNally: One of the earlier discussions I have had is with the magistracy. One thing that has come out of that is a desire by the magistracy to be more involved, both upstream and downstream, in treatment of young offenders. They would like to be more involved in discussions about diversion and to have some role after a sentence is completed, to see what kinds of provisions are there. The magistracy is an amazing resource that could and should be used in those ways. I would like to explore that. Again, not all of it is in our power, but that would be a good direction of travel.

Q30 Chair: It is a chance to use the network skills you referred to earlier to get the Ministry of Justice interested in doing that. I have one separate point that the Committee raised previously. There are young offenders who were very young when they committed offences, which resulted either in out-of-court disposals or convictions. The presence of those offences or that offence on the record directly hampers any resettlement and rehabilitation because it stops them from getting a job. Could we do more to erase from the record the convictions of these very early minor offenders?

Lord McNally: Mr Corbyn referred to that as well. My instincts are to say yes. One of the things I am most proud of in my term of office is that we updated the Rehabilitation of Offenders Act to enable offences to be spent and excluded from the record when it was safe to do so. That is something I would like to take forward. It seems to me that people are now looking more consciously at how you take a young person who comes into the criminal justice system safely and constructively out of it. Job prospects will be one of the keys to that. When the public can be safely reassured that there is no downside to it, it is a very sensible thing to do.

Chair: Mr Llwyd.

Q31 Mr Llwyd: Sorry—I was listening intently; I was far away. The *Transforming Youth Custody* White Paper states that in the future the YJB will manage the delivery of

education in public sector young offender institutions on behalf of the MOJ. What impact will that work have on the Youth Justice Board?

Lord McNally: I hope that we will give our commitment to what is the intention of the programme: to deliver effective education to a group of young people who somehow seem to have missed our education system altogether. The last time I gave evidence, I may have told you about the first time I went to a young offender institution as a Minister. Walking across the yard, I saw eight or nine young guys standing there, all black. The guy walking with me looked across at them and said, “The trouble with those lads is that they have had”—I remember his phrase—“but a passing contact with our education system all their lives. None of them can read or write. We don’t have them long enough to do much with them.” That is a problem.

If we can intensify the educational offer while they are within custody and, perhaps, offer better through-the-gate mentoring, we can at least address that issue, which comes up time and time again. I referred to the Somali lad I was talking to. The class he was in was a literacy class, so I asked, “Are you finding learning to read and write easier here than you did when you were at school?” He just said, “Never went to school.” Those were about the only coherent words I got out of him. If, with the new programme, we try to give priority to education and at least give those kids some of the tools to function in society at large, I believe it will have a big impact on reoffending.

Q32 Mr Llwyd: I do not think that anybody disagrees with you there. Surely the problem we have is that, on average, these youngsters are in custody for only about 79 days. How do you make a great difference with them? Does the secure college concept bring hope that something will be able to be done positively with them?

Lord McNally: Yes. It is a pathfinder. In parallel with it, we will be doubling the number of hours spent in education. I believe that the secure college is a bold attempt to address a real problem—

Chair: It is very courageous, then.

Lord McNally: I know the line: “You are being very brave, Minister.” If the secure college is going to be serried ranks, sitting like good Victorian schoolchildren, learning their three Rs, I am not sure that it will work, but if it is going to be part of the offer that allows flexibility for tailor-made interventions for the young people coming through it, it could have a quite remarkable impact. It is out to tender at the moment; I understand that about half a dozen organisations are willing to tender for operation. Interestingly enough, the tender has been relatively open-ended. It says, “If you were running a secure college with this kind of group, what are the kinds of services and structure that you would offer?” We may find some very imaginative approaches to this. To my mind, it shows at least a willingness to face up to the fact that, at the moment, an appallingly large number of those who come into youth custody suffer from illiteracy, innumeracy and other communication problems. Let us use another word—it is a bold attempt to address a very real problem.

Lin Hinnigan: At the moment, we are out to tender for the contracts in YOIs—the education contracts. That was what you initially asked about. We are engaging with a lot of different providers that have experience, for example, of providing in alternative provision—pupil referral units and so on. We are hoping that we will get a much more inventive and creative approach, as well as increasing the hours. The secure college is not

yet at that stage. We are tendering just for the building of it—the regime will come later. As Lord McNally said, that will be a very open attempt to get new ideas for how you might run such a college.

Q33 Chair: We need new ideas. What you have is not a whole lot of pupils who come along at the beginning of term for 10 weeks or whatever, but people arriving at any point in the year who will be in the institution for different numbers of days.

Lord McNally: One class I went into on a visit had two people in it. I was told that the list of reasons you can give to cut classes is far too long. If you are going to put education at the heart of it, you have to make sure that it is applied.

Q34 Mr Llwyd: Given that these young people have never had an opportunity to engage in the education system, for various reasons—no family support and all the rest of it—and given that the average stay in custody is 79 days, isn't it crucial that in the contracting documents you say that the provider should be able to provide flawlessly outside, otherwise it will not work? In other words, if you add another 79 days outside, you can really get something done with the young person. Is that part of your thinking?

Lin Hinnigan: As far as I am concerned, the resettlement aspect is almost the most important element of the *Transforming Youth Custody* programme. That is looking at end-to-end sentence planning—planning for the young person's release from the day they go in, so that you are looking at managing what you quite rightly say is a very short time. That needs to be planned seamlessly across the whole of the sentence, including the period out on licence and beyond.

There will be something in the education contracts around needing to work with case management across that barrier, to make the links with community providers. For instance, we are looking at how we can share work electronically so that portfolios of work that young people start on can be brought in and taken out so that they can carry on with a course of study. One of the things that is often very successful, even in the quite short time that the young people are in custody, is that the staff are able to engage them. You can get them in one place and meet some of their other needs so that they are able to settle and get their head around starting to engage with education. We need to be able to build on that to make sure that we can carry that across. Yes, that is part of the consideration.

Q35 Mr Llwyd: Given that this cohort are—if I can put it this way—high maintenance, they are not going to leave custody and suddenly put on their iPad and start learning. They will need somebody with them for the duration, at least for a while after coming out, won't they? Is that being foreseen?

Lin Hinnigan: At the conference last November, the Minister announced that this summer we are launching some resettlement consortia in four high-custody areas across the country. That is very much around engaging people locally to ensure that all those pathways—education, health, accommodation and so on—are addressed, as I said, from day 1 of going into custody, so that you start that planning, all of that provision is in place and they have support as they come through the gate. Some work is going on with the youth contract from the DFE that is being provided to support young people. We are

providing some funding to make sure that that seamless support is there for young people in the pilot areas.

Lord McNally: I have a kind of gut instinct that an expansion of mentoring would be helpful, particularly with these groups. If we can get mentors who are willing to stay with them through the gate, that would be extremely helpful. The other thing I would like to see happen, which has been happening in the adult estate, is to get employers willing to take the risk of taking on a young offender. The regional meetings that Lin and I are going to will try to encourage employers on a regional basis to come forward and take up that challenge.

Q36 Mr Llwyd: Before we hear from my colleague, who is chomping at the bit to get in, may I ask you one final question? I am encouraged by what you have just said, but is there a danger that focusing on education could divert attention from meeting other complex needs such as mental health, and drug and alcohol dependency?

Lord McNally: I do not think so. The one experience I have in government is that if you do anything, somebody will always say, “Is that going to be at the expense of something else?” It is important to make sure that that is not the case. As I said, one thing that encourages me is that there is now wider understanding that this is complex and multifaceted, and that health, certainly, is a key factor. Who knows? A young person who gets the education bug may also start living a healthier lifestyle—the two things can be mutually beneficial. Given the fact that literacy and communication skills are so clearly deficient in people from this age group who come into the criminal justice system, it is right to give the issue priority, while being aware that these other problems exist as well.

Chair: Before turning to Yasmin Qureshi, I ask Jeremy Corbyn to make a supplementary point.

Q37 Jeremy Corbyn: I am pleased that you are emphasising the need for better joined-up thinking on education. We visited the Danish system, where they spend probably more money than we do on young offenders. It is very heavily educationally based and is followed through in the community in a very coherent way; the aim is always to ensure that young people leave much better educated and qualified than when they come. Isn’t one of the problems with short sentences and lack of co-operation by local education authorities, schools and colleges that, unless they have a very persistent mentor, probation officer or something like that, a lot of young offenders simply fall through the hole in the net and back into reoffending?

Lord McNally: That is absolutely true. That is why I am rather interested in mentoring as a facet of this. Again, it is a matter of getting buy-in. In one local authority area I visited—I will not identify it geographically—I was told that one of the problems was that school heads were reluctant to take help because they did not want their school to be stigmatised as needing help, and that it was sometimes easier to lose a troublemaker than to identify and work on him.

Jeremy Corbyn: Correct.

Lord McNally: This is cross-departmental. I hope—and have every confidence—that I have access to Ministers in other Departments. I will not be slow to point out where there are deficiencies in their contribution that have to be addressed to make this work.

Yes, they are in for a short time, but if you proposed a solution and said that everybody was going to be supervised for two years afterwards, I am quite sure that at least one organisation would condemn you for keeping them in the system for too long. It is about finding out what works, getting as much co-operation in that as possible and getting as many buy-ins as possible. That is certainly how I will push this forward.

Q38 Yasmin Qureshi: You know that the Government are thinking of introducing secure colleges for young people. Some time ago, this Committee looked into that and made a recommendation that they should be small units that are well staffed. Recently, the Criminal Justice and Courts Bill has been going through Parliament; I was involved at Committee stage. We heard a number of experts come and give evidence about secure colleges. The point they reiterated was similar to the Committee's thought that those should be smaller units. What is the Youth Justice Board's view on secure colleges? What representation and input have you made to the piece of legislation that is going through Parliament?

Lord McNally: We are in close contact and discussions on this. Obviously, it would be extremely effective if one could set up a whole range of small units that would deal intensively with the problems that we have been discussing, but there is not a snowball's chance in hell of getting the funding for that kind of solution. When I was a Minister, we faced the same problem with the Corston units. Quite rightly, Baroness Corston said that you would treat women offenders much better in small units with intensive provision, high staff ratios and the rest of it. What the Secretary of State has committed himself to—which I support—is to build a new unit in Leicestershire and to commit more funding to education.

What we will continue to do is to operate as candid friends. Yes, we know what the experts say. Yes, we know that it is highly unlikely that there will be the funding for that kind of small, intensive unit. Sometimes, particularly when you are dealing with a smaller group of young offenders—as I said, down below 1,300—it may be possible to accommodate a goodly proportion of them in a modern, purpose-built, well-designed facility that has the flexibility to deliver a range of education and other treatments to these young people.

“Ah,” they say, “but shouldn't young people be close to their home?” It is true that a lot of people say that you need to have access to keep the family contact going, but it is a trade-off. If what is offered in the secure academy is so much better than what could be delivered elsewhere, we may have to find other ways, such as better transport grants for families for visits, to get the economies of scale that will allow a secure college to operate in a bold, transformational, innovative way. A lot will depend on the good ideas that come forward from those who want to run the college. A lot will come from the input that experts—including, I hope, the Youth Justice Board—will make into its structure and set-up, and the way it will carry forward education. As I said, they are not going to sit in serried ranks, learning by rote—it will have to be a quite sophisticated educational institution, dealing with a range of issues.

Q39 Yasmin Qureshi: So you have no real fears about the fact that this secure college could accommodate all types of young people, whether they are in young offender

institutes, secure training centres or secure children's homes. You do not really foresee a big problem with their being locked in one—

Lord McNally: No. Do I have fears? Do I have doubts? Do I have questions? Yes, yes, yes. One of the things I have thought about in politics over a very long time is that, if you are going to do anything, you have to do something. When you do something, you take risks. When people ask for absolute guarantees, if you are trying something innovative, you cannot give them absolute guarantees.

Yasmin Qureshi: I agree.

Lord McNally: It might be the most transformational innovation in youth justice in half a century, but it has to be worked on. I hope that, as it develops, the experience and expertise of the Youth Justice Board and others will be fed into its structure and mandate. It is no use—it is not realpolitik—to say, “Ah well, the answer is this,” when we all know that the alternative that is being put forward is not deliverable for budgetary reasons. I hope we will end up with a very useful piece of kit in the east midlands. It will have to be national in its scope to a certain extent, but I hope it will be structured in a way that will enable it to do things innovatively and effectively.

Q40 Yasmin Qureshi: At the moment, as I understand it, the secure college will be designed in a way that means that young females will be in the same place as young males. They do not seem to have thought about the fact that that itself could cause a lot of problems and issues. What input has the Youth Justice Board had into that?

Lord McNally: We are still at the drawing board stage. Let me give you a personal view. I would want to advise the Secretary of State to think very hard about whether young females should be there; my chief executive does not know my opinion on this, so she may now be going ashen-faced beside me. At Peterborough, there are women in close proximity. Of course, co-education has its attractions, but I would not want the scheme to fail because of difficulties in trying to accommodate mixed groups—that has to be looked at. However, that is a personal view; we are at a drawing board stage.

Q41 Yasmin Qureshi: The issue I am really raising is: what has the Youth Justice Board done in terms of making representations? Or is it the case that it will be making representations shortly? That is what I really want to know—not so much whether the Ministers agree with or accept them, but the kind of recommendations you have either made or are going to make.

Lin Hinnigan: We are inputting very greatly to the *Transforming Youth Custody* programme and the secure colleges concept. We are continually putting forward our advice around what the evidence shows about the best way of meeting young people's needs. If you are talking about a greater range of young people's needs being met in one establishment, there is no doubt that it is about the regime and how it is organised. You can have small living units, for instance. Some young people undoubtedly need small units; others can be managed in larger units. It is about getting that right and getting the regime right so that you can meet the needs of all those young people. Although the programme is owned by the Ministry of Justice, we are very much part of it and are making our input on those grounds.

Q42 Yasmin Qureshi: I come on to the issue of young people leaving and becoming adults—the transition from youth to adult. There are obviously issues regarding that. What has the board been doing to ensure that the transition from youth to adult provision is a smooth one, particularly in light of the implementation of the transforming rehabilitation reforms for adult offenders?

Lin Hinnigan: We have been working very much on the transitions issues for some time, because clearly it is a time of very high risk for young people as they move. For instance, we have created a new portal where information is shared so that all the information that is known in a youth offending team or a youth secure establishment is passed across and you have the best possible information going across. We have a member of NOMS working specifically on managing that transition and a protocol on how you do that. We are doing an awful lot of work to help young people across that divide because we recognise that they are going to a very different environment, whether in the community, supervised by probation, or in an adult secure establishment. It is a big risk and an area where we have put in a lot of effort over some time.

Lord McNally: Again, it is an example of where improving and targeting better the information that is passed through is crucial. One thing that has struck me is the need for better exchanges of information by the various bodies that take responsibility for young people as they pass through the criminal justice system, particularly through custody. If, at each stage, the body responsible for them has the fullest possible picture of their needs, problems and dangers, they will be handled better in the new environment.

Q43 Yasmin Qureshi: The board recently published a lessons learned report on deaths in custody. What further actions are you taking to ensure that the secure estate provides a safe environment for young offenders?

Lord McNally: First, it is very important to accept that, although every death is a tragedy and one death is one death too many, the record over the last 14 years in young offender institutions has been remarkably good. There have been 14 deaths—

Lin Hinnigan: Sixteen.

Lord McNally: Sixteen. We need to get that in proportion, bearing in mind the number of young people who have gone through. However, as the document that we published recently demonstrates, we have looked at each and every one and tried to draw the right lessons from those experiences. One of the things that comes out and has to be worked on is that, at each stage where a body deals with a young person, we have to work much harder to make sure that there is a complete, full picture of their problems, needs and dangers, so that that is fully understood when decisions are made about them.

The other point—this may anticipate another of your questions—is that the Secretary of State has asked Lord Harris—Toby Harris—to look at deaths in custody in the 18-to-25 range of offenders.

Q44 Yasmin Qureshi: In fact, that was going to be my next question. I was going to ask about the self-inflicted deaths.

Lord McNally: The review will look at the 18-to-25 range, so why not young offenders? It is partly because one of the points of the 1998 Act was to take young offenders out of the prison system—the prison culture. It would muddy the waters to look at the situation for

young offenders at the same time as looking at those who are in full prison conditions. That does not mean that we are not willing to co-operate fully with Toby Harris and his committee to give them the benefit of the study that we have already published and to put forward the information that we have.

There is a problem, in that one inquest has only just finished and another does not start until November. That is a problem in itself. One of the things that I would like to know—we have certainly asked to see the chief coroner about it—is why the inquests for young people who died in 2012 do not take place until 2014, which seems extraordinary to me. There is something wrong in the process there.

The issue of deaths in custody is a very high priority for the board. From the board meetings that I have attended, and from looking back at previous meetings, I know that it is something we are extremely concerned about and we are extremely eager to learn lessons that can be learned. One thing that is essential is to improve the information flow between the various bodies dealing with young people so that, when they are in custody, those responsible for them have the fullest picture of their vulnerabilities and needs, which may avoid—

Chair: We are very short of time. The final question is from Ms Qureshi.

Q45 Yasmin Qureshi: It is precisely on the point about understanding young people's needs. The Criminal Justice and Courts Bill will make provision for the use of reasonable force for good order and discipline in secure colleges. What is your view of that provision? Do you think it is necessary?

Lord McNally: I do. I answered these questions when I was a Minister and said that it was necessary. As a Minister, I was responsible for the safety of the young person, the safety of the other young people in the institution and the safety of the staff—there was a duty of care to all three. I do not think you can totally rule it out.

I would not be at all surprised if, when the Bill comes to the House of Lords, there were an attempt to change the wording, because the wording in the Bill sounds a bit too militarist in terms of what it wants to do. The intention of the Bill is to ensure security and safety, and to achieve security and safety there may well be a need to employ restraint. I also know, because I was responsible for it for a while I was a Minister, that an enormous amount of effort, study and training has gone into making sure that staff are trained not only in restraint techniques, but in managing down confrontations to avoid even the necessity of restraint. We are in the process of rolling that out as a training programme to staff. I know that there are those who feel that what is expressed in the Bill implies a use of restraint beyond what is required for security and safety. As so often, we will wait for the wisdom of the House of Lords and see what it sends back to you.

Chair: Thank you very much.